

SENATE BILL 724

A1, A2

6lr1406

By: **The President (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages Article**

3 FOR the purpose of adding a new article to the Annotated Code of Maryland, to be
4 designated and known as the “Alcoholic Beverages Article”, to revise, restate, and
5 recodify the laws of the State relating to the policy of the State regarding the
6 regulation and control of the manufacture, sale, distribution, transportation, and
7 storage of alcoholic beverages, the establishment of boards of license commissioners
8 in certain jurisdictions, and the establishment of liquor control boards and
9 departments of liquor control in certain jurisdictions; revising, restating, and
10 recodifying certain provisions relating to the authority of the Office of the
11 Comptroller to issue certain alcoholic beverages permits, manufacturer’s licenses,
12 wholesaler’s licenses, boat licenses, railroad licenses, and airplane licenses; revising,
13 restating, and recodifying certain provisions of law regarding beer regulation,
14 including the Beer Franchise Fair Dealing Act and certain provisions regarding
15 successor manufacturers; revising, restating, and recodifying certain provisions of
16 law relating to the authority of certain boards of license commissioners in certain
17 jurisdictions to issue certain beer licenses, beer and light wine licenses, beer and
18 wine licenses, and beer, wine, and liquor licenses, the issuance of certain alcoholic
19 beverages licenses for specific types of organizations and venues, and the authority
20 of certain boards of license commissioners to authorize certain additional license
21 privileges; revising, restating, and recodifying certain provisions relating to the
22 authority of the Comptroller and certain boards to issue certain caterer’s licenses
23 and the authority of certain boards to issue certain festival, sampling and tasting,
24 per diem, multiple day, and multiple event licenses; revising, restating, and
25 recodifying requirements for applying for certain licenses and requirements for the
26 issuance or denial of certain licenses; revising, restating, and recodifying provisions
27 relating to certain licensing conditions, multiple licensing plans, requirements for
28 the transfer of licenses, the substitution of names on licenses, and the renewal of
29 licenses; revising, restating, and recodifying certain provisions regarding the conduct
30 of license holders, the hours and days for the consumption and sale of alcoholic

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 beverages, the revocation and suspension of licenses, and the expiration of licenses;
2 revising, restating, and recodifying certain provisions of law relating to the death of
3 a license holder, judicial review of decisions by a board of license commissioners, and
4 unlicensed establishments; revising, restating, and recodifying certain provisions of
5 law relating to the enforcement of the Alcoholic Beverages Article, prohibited acts,
6 and penalties; defining certain terms; reestablishing certain provisions of law
7 relating to the Board of License Commissioners for Kent County, subject to a certain
8 contingency; repealing certain obsolete provisions; making certain conforming
9 changes; providing for the construction and application of this Act; providing for the
10 continuity of certain units and terms of certain officials; providing for the continuity
11 of the status of certain transactions, employees, rights, duties, titles, interest,
12 registrations, certifications, licenses, and permits; authorizing the publisher of the
13 Annotated Code to make certain corrections in a certain manner; and generally
14 relating to the laws of the State concerning alcoholic beverages.

15 BY repealing

16 Article 2B – Alcoholic Beverages
17 In its entirety
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2015 Supplement)

20 BY adding

21 New Article – Alcoholic Beverages
22 Section 1–101 through 33–2802 and the various titles
23 Annotated Code of Maryland

24 BY repealing and reenacting, with amendments,

25 Article – Alcoholic Beverages
26 Section 24–202 and 24–203
27 Annotated Code of Maryland
28 (As enacted by Section 2 of this Act)

29 BY repealing

30 Article – Alcoholic Beverages
31 Section 24–205
32 Annotated Code of Maryland
33 (As enacted by Section 2 of this Act)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
35 That Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be repealed in
36 its entirety.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
2 as follows:

3 **ARTICLE – ALCOHOLIC BEVERAGES**

4 **DIVISION I. GENERAL PROVISIONS AFFECTING MULTIPLE JURISDICTIONS.**

5 **TITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

6 **SUBTITLE 1. DEFINITIONS.**

7 **1–101. DEFINITIONS.**

8 **(A) IN GENERAL.**

9 **IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

10 REVISOR’S NOTE: This subsection formerly was Art. 2B, § 1–102(a)(1).

11 No changes are made.

12 **(B) ALCOHOLIC BEVERAGE.**

13 **(1) “ALCOHOLIC BEVERAGE” MEANS A SPIRITUOUS, VINOUS, MALT,**
14 **OR FERMENTED LIQUOR, LIQUID, OR COMPOUND THAT:**

15 **(I) CONTAINS AT LEAST ONE–HALF OF 1% OF ALCOHOL BY**
16 **VOLUME; AND**

17 **(II) IS SUITABLE FOR BEVERAGE PURPOSES.**

18 **(2) “ALCOHOLIC BEVERAGE” INCLUDES ALCOHOL, BRANDY,**
19 **WHISKEY, RUM, GIN, CORDIAL, BEER, AND WINE.**

20 **(3) “ALCOHOLIC BEVERAGE” DOES NOT INCLUDE A CONFECTIONERY**
21 **FOOD PRODUCT THAT CONTAINS UP TO 5% OF ALCOHOL BY VOLUME AND IS**
22 **REGULATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER §**
23 **21–209 OF THE HEALTH – GENERAL ARTICLE.**

24 REVISOR’S NOTE: This subsection is new language derived without substantive
25 change from former Art. 2B, § 1–102(a)(2).

1 In the introductory language of paragraph (1) of this subsection, the former
2 phrase “by whatever name called,” is deleted as surplusage.

3 In paragraph (2) of this subsection, the former references to “ale”, “porter”,
4 “stout”, and “cider” are deleted in light of the defined term “beer”.

5 Defined terms: “Beer” § 1–101
6 “Wine” § 1–101

7 **(C) BEER.**

8 **(1) “BEER” MEANS A BREWED ALCOHOLIC BEVERAGE.**

9 **(2) “BEER” INCLUDES:**

10 **(I) ALE;**

11 **(II) PORTER;**

12 **(III) STOUT;**

13 **(IV) HARD CIDER THAT:**

14 **1. IS DERIVED PRIMARILY FROM APPLES, APPLE**
15 **CONCENTRATE AND WATER, PEARS, OR PEAR CONCENTRATE AND WATER; AND**

16 **2. CONTAINS NO OTHER FRUIT PRODUCT BUT CONTAINS**
17 **AT LEAST ONE–HALF OF 1% AND LESS THAN 7% OF ALCOHOL BY VOLUME; AND**

18 **(V) AN ALCOHOLIC BEVERAGE THAT CONTAINS:**

19 **1. 6% OR LESS ALCOHOL BY VOLUME, DERIVED**
20 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 49% OF**
21 **THE ALCOHOLIC BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED**
22 **FROM FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING**
23 **ALCOHOL; OR**

24 **2. MORE THAN 6% ALCOHOL BY VOLUME, DERIVED**
25 **PRIMARILY FROM THE FERMENTATION OF GRAIN, WITH NOT MORE THAN 1.5% OF**
26 **THE ALCOHOLIC BEVERAGE’S OVERALL ALCOHOL CONTENT BY VOLUME OBTAINED**
27 **FROM FLAVORS AND OTHER ADDED NONBEVERAGE INGREDIENTS CONTAINING**
28 **ALCOHOL.**

1 REVISOR'S NOTE: This subsection is new language derived without substantive
2 change from former Art. 2B, § 1–102(a)(3) and (9–1).

3 The former reference that beer includes “beer” is deleted as surplusage.

4 Defined term: “Alcoholic beverage” § 1–101

5 **(D) CENTRAL REPOSITORY.**

6 **“CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION**
7 **SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND**
8 **CORRECTIONAL SERVICES.**

9 REVISOR'S NOTE: This subsection formerly was Art. 2B, § 10–103(a)(2).

10 The definition of “Central Repository”, which formerly applied only to one
11 section of former Art. 2B, is revised to apply throughout this article. No
12 substantive change is intended.

13 No other changes are made.

14 **(E) CLUB.**

15 **“CLUB” MEANS AN ASSOCIATION OR A CORPORATION THAT IS:**

16 **(1) ORGANIZED AND OPERATED EXCLUSIVELY FOR EDUCATIONAL,**
17 **SOCIAL, FRATERNAL, PATRIOTIC, POLITICAL, OR ATHLETIC PURPOSES; AND**

18 **(2) NOT-FOR-PROFIT.**

19 REVISOR'S NOTE: This subsection is new language derived without substantive
20 change from former Art. 2B, § 1–102(a)(4)(i).

21 **(F) COMPTROLLER.**

22 **(1) “COMPTROLLER” MEANS THE COMPTROLLER OF THE STATE.**

23 **(2) “COMPTROLLER” INCLUDES A DEPUTY, AN INSPECTOR, A CLERK,**
24 **OR ANY OTHER INDIVIDUAL AUTHORIZED TO ACT BY THE COMPTROLLER.**

25 REVISOR'S NOTE: Paragraph (1) of this subsection is new language derived without
26 substantive change from former Art. 2B, § 1–102(a)(5).

27 Paragraph (2) of this subsection is new language added to state expressly the
28 commonly understood idea that the Comptroller, in the context of alcoholic

1 beverages law, encompasses a deputy, an inspector, a clerk, or any other
2 individual authorized to act by the Comptroller.

3 In paragraph (1) of this subsection, the former reference to the Comptroller
4 “of the Treasury” of the State is deleted to conform to the terminology used in
5 § 4–101 of the State Government Article.

6 Defined term: “State” § 1–101

7 **(G) CONSUMER.**

8 **“CONSUMER” MEANS AN INDIVIDUAL AT LEAST 21 YEARS OLD OR A**
9 **CORPORATION NOT OTHERWISE PROHIBITED BY THIS ARTICLE OR ANY OTHER**
10 **STATE LAW, THAT BUYS, POSSESSES, KEEPS, OR TRANSPORTS ALCOHOLIC**
11 **BEVERAGES ON WHICH THE TAXES UNDER TITLE 5 OF THE TAX – GENERAL ARTICLE**
12 **HAVE BEEN PAID, FOR THE INDIVIDUAL’S OR CORPORATION’S OWN USE AND NOT**
13 **FOR SALE.**

14 REVISOR’S NOTE: This subsection is new language derived without substantive
15 change from former Art. 2B, § 1–102(a)(6).

16 The reference to “an individual” is substituted for the former reference to “any
17 natural person” to conform to the terminology used in this and other revised
18 articles of the Code.

19 The word “prohibited” is substituted for the former word “interdicted” for
20 clarity.

21 The reference to the “individual’s or corporation’s” own use is substituted for
22 the former reference to the “person’s” own use for consistency within this
23 subsection.

24 The former reference to “the tax provisions of” Title 5 of the Tax – General
25 Article is deleted as surplusage.

26 Defined terms: “Alcoholic beverage” § 1–101
27 “State” § 1–101

28 **(H) COUNTY.**

29 **“COUNTY” MEANS A COUNTY OF THE STATE OR BALTIMORE CITY.**

30 REVISOR’S NOTE: This subsection is new language added to indicate that a
31 reference in this article to a “county” includes Baltimore City unless the
32 reference specifically provides otherwise.

1 Defined term: “State” § 1–101

2 **(I) FAMILY BEER.**

3 **(1) “FAMILY BEER” MEANS HOMEMADE BEER PRODUCED FOR HOME**
4 **CONSUMPTION AND NOT FOR SALE.**

5 **(2) “FAMILY BEER” INCLUDES BEER PRODUCED AT A FAMILY BEER**
6 **AND WINE FACILITY THAT HAS BEEN GRANTED A PERMIT UNDER § 2–138 OF THIS**
7 **ARTICLE.**

8 REVISOR’S NOTE: This subsection is new language derived without substantive
9 change from former Art. 2B, § 1–102(a)(8).

10 In paragraph (2) of this subsection, the reference to a family beer and wine
11 facility “that has been granted a permit under § 2–138 of this article” is
12 substituted for the former reference to a “licensed” family beer and wine
13 facility for accuracy and clarity.

14 Defined terms: “Beer” § 1–101
15 “Wine” § 1–101

16 **(J) FAMILY WINE.**

17 **(1) “FAMILY WINE” MEANS HOMEMADE WINE PRODUCED FOR HOME**
18 **CONSUMPTION AND NOT FOR SALE.**

19 **(2) “FAMILY WINE” INCLUDES WINE PRODUCED AT A FAMILY BEER**
20 **AND WINE FACILITY THAT HAS BEEN GRANTED A PERMIT UNDER § 2–138 OF THIS**
21 **ARTICLE.**

22 REVISOR’S NOTE: This subsection is new language derived without substantive
23 change from former Art. 2B, § 1–102(a)(9).

24 In paragraph (2) of this subsection, the reference to a family beer and wine
25 facility “that has been granted a permit under § 2–138 of this article” is
26 substituted for the former reference to a “licensed” family beer and wine
27 facility for accuracy and clarity.

28 Defined terms: “Beer” § 1–101
29 “Wine” § 1–101

30 **(K) HOTEL.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, “HOTEL”**
 2 **MEANS AN ESTABLISHMENT THAT:**

3 **(I) ACCOMMODATES THE PUBLIC;**

4 **(II) IS EQUIPPED WITH AT LEAST 10 BEDROOMS AND A DINING**
 5 **ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; AND**

6 **(III) HAS AVERAGE DAILY RECEIPTS FROM THE RENTAL OF**
 7 **ROOMS AND SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE**
 8 **SALE OF ALCOHOLIC BEVERAGES.**

9 **(2) BY REGULATION, A LOCAL LICENSING BOARD MAY SET A**
 10 **DIFFERENT STANDARD AS TO WHAT CONSTITUTES A HOTEL.**

11 REVISOR’S NOTE: This subsection is new language derived without substantive
 12 change from former Art. 2B, § 1–102(a)(10)(i) and (ii).

13 In paragraph (2) of this subsection, the defined term “local licensing board” is
 14 substituted for the former reference to the “board of license commissioners in
 15 any county or in Baltimore City, and the Mayor, Counselor and Aldermen of
 16 the City of Annapolis” for brevity and consistency within this article.

17 Defined terms: “Alcoholic beverage” § 1–101
 18 “Local licensing board” § 1–101

19 **(L) ILLICIT ALCOHOLIC BEVERAGE.**

20 **“ILLICIT ALCOHOLIC BEVERAGE” MEANS AN ALCOHOLIC BEVERAGE THAT HAS**
 21 **BEEN MANUFACTURED, BOTTLED, OR RECTIFIED:**

22 **(1) IN THE STATE AT A LOCATION NOT LICENSED UNDER THIS**
 23 **ARTICLE; OR**

24 **(2) OUTSIDE THE STATE AT A LOCATION NOT LICENSED UNDER THE**
 25 **UNITED STATES INTERNAL REVENUE CODE OR THE LAWS OF A FOREIGN COUNTRY.**

26 REVISOR’S NOTE: This subsection is new language derived without substantive
 27 change from former Art. 2B, § 1–102(a)(11)(i).

28 In items (1) and (2) of this subsection, the references to a “location” are
 29 substituted for the former references to a “premises” to conform to the
 30 terminology used throughout this article.

31 Defined terms: “Alcoholic beverage” § 1–101

1 “State” § 1–101

2 **(M) JURISDICTION.**

3 **“JURISDICTION” MEANS A COUNTY OR THE CITY OF ANNAPOLIS.**

4 REVISOR’S NOTE: This subsection is new language added to provide a convenient
5 reference for the phrase “a county or the City of Annapolis”.

6 Defined term: “County” § 1–101

7 **(N) LICENSE.**

8 **“LICENSE” MEANS AN ALCOHOLIC BEVERAGES LICENSE ISSUED UNDER THIS**
9 **ARTICLE.**

10 REVISOR’S NOTE: This subsection is new language added to provide a convenient
11 reference to any type of license issued under this article.

12 Defined term: “Alcoholic beverage” § 1–101

13 **(O) LICENSE HOLDER.**

14 **(1) “LICENSE HOLDER” MEANS THE HOLDER OF A LICENSE ISSUED**
15 **OR A PERMIT GRANTED UNDER THIS ARTICLE.**

16 **(2) “LICENSE HOLDER” INCLUDES:**

17 **(i) A COUNTY LIQUOR CONTROL BOARD AND A COUNTY**
18 **DISPENSARY; AND**

19 **(ii) FOR THE DELIVERY AND BILLING PURPOSES OF TITLE 2,**
20 **SUBTITLE 3 AND §§ 2–213 AND 2–314 OF THIS ARTICLE, A CORPORATION ON BEHALF**
21 **OF WHICH AN INDIVIDUAL HAS OBTAINED A LICENSE.**

22 REVISOR’S NOTE: This subsection is new language derived without substantive
23 change from former Art. 2B, § 1–102(a)(15).

24 In this subsection, the former alternative defined term “licensee” is deleted to
25 avoid any confusion that might result from using two different defined terms
26 with the same meaning.

27 In paragraph (1) of this subsection, the reference to a permit “granted” under
28 this article is substituted for the former reference to a permit “issued” under
29 this article to conform to the terminology used throughout this article.

1 Also in paragraph (1) of this subsection, the former reference to a license
 2 issued or a permit granted under “any other law of this State” is deleted as
 3 unnecessary since there are no other State laws under which licenses or
 4 permits of the type governed by this article are issued or granted.

5 In paragraph (2) of this subsection, the former reference to “individuals” is
 6 deleted in light of the reference to an “individual” and § 1–202 of the General
 7 Provisions Article, which provides that the singular generally includes the
 8 plural.

9 The Alcoholic Beverages Article Review Committee notes, for consideration by
 10 the General Assembly, that the inclusion of a “county liquor control board”
 11 and a “county dispensary” in the defined term “license holder” may be
 12 problematical because, while these entities do act as a license holder in some
 13 ways, they do not in all. For example, neither a county liquor control board
 14 nor a county dispensary is required to hold a license.

15 Defined terms: “County” § 1–101
 16 “License” § 1–101

17 **(P) LOCAL COLLECTING AGENT.**

18 **(1) “LOCAL COLLECTING AGENT” MEANS:**

19 **(i) IN THE CITY OF ANNAPOLIS, THE CITY CLERK;**

20 **(ii) IN ALLEGANY COUNTY, BALTIMORE COUNTY, HOWARD**
 21 **COUNTY, PRINCE GEORGE’S COUNTY, OR WICOMICO COUNTY, THE DIRECTOR OF**
 22 **FINANCE;**

23 **(iii) IN CALVERT COUNTY, DORCHESTER COUNTY, ST. MARY’S**
 24 **COUNTY, OR SOMERSET COUNTY, THE TREASURER OF THE COUNTY; OR**

25 **(iv) IN EACH OTHER COUNTY, THE BOARD OF LICENSE**
 26 **COMMISSIONERS UNLESS ANOTHER GOVERNMENTAL UNIT IS EXPRESSLY**
 27 **AUTHORIZED TO COLLECT FEES UNDER THIS ARTICLE.**

28 **(2) “LOCAL COLLECTING AGENT” DOES NOT INCLUDE A CLERK OF A**
 29 **CIRCUIT COURT.**

30 REVISOR’S NOTE: This subsection is new language derived without substantive
 31 change from former Art. 2B, § 1–102(a)(18).

1 In paragraph (1)(iv) of this subsection, the reference to a “governmental unit”
2 is substituted for the former reference to a “local agency” to conform to the
3 terminology used throughout this article.

4 Also in paragraph (1)(iv) of this subsection, the phrase “unless another
5 governmental unit is expressly authorized” is substituted for the former
6 phrase “or other local agency expressly authorized” for clarity.

7 Also in paragraph (1)(iv) of this subsection, the former reference to a
8 governmental unit expressly authorized “by this article” is deleted as included
9 in the reference to the governmental unit being expressly authorized to collect
10 fees “under this article”.

11 Former Art. 2B, § 15–111(c)(2), which stated that in Wicomico County the
12 director of finance shall collect the license fees for which provision is made in
13 this article, is deleted as redundant of paragraph (1)(ii) of this subsection.

14 Defined term: “County” § 1–101

15 **(Q) LOCAL LICENSING BOARD.**

16 **“LOCAL LICENSING BOARD” MEANS A BOARD OF LICENSE COMMISSIONERS OR**
17 **OTHER GOVERNMENTAL UNIT OF A JURISDICTION THAT ISSUES LICENSES.**

18 REVISOR’S NOTE: This subsection is new language derived without substantive
19 change from former Art. 2B, § 1–102(a)(19).

20 The reference to “other governmental unit of a jurisdiction that issues
21 licenses” is substituted for the former reference to “a county or the Mayor and
22 Aldermen of the City of Annapolis” to broaden the scope of the defined term
23 “local licensing board” to include all governmental units of jurisdictions that
24 issue licenses under this article. In so doing, the defined term “local licensing
25 board” captures all license–issuing governmental units – even those that do
26 not refer to themselves as a board of license commissioners. For example, in
27 Howard County, the County Council constitutes ex officio the Board of License
28 Commissioners, but it is the Appointed Alcoholic Beverage Hearing Board
29 that issues licenses. No substantive change is intended.

30 Defined terms: “Jurisdiction” § 1–101
31 “License” § 1–101

32 **(R) MANUFACTURER’S LICENSE.**

33 **“MANUFACTURER’S LICENSE” MEANS A LICENSE ISSUED UNDER TITLE 2,**
34 **SUBTITLE 2 OF THIS ARTICLE THAT IS:**

- 1 **(1) A CLASS 1 DISTILLERY LICENSE;**
- 2 **(2) A CLASS 2 RECTIFYING LICENSE;**
- 3 **(3) A CLASS 3 WINERY LICENSE;**
- 4 **(4) A CLASS 4 LIMITED WINERY LICENSE;**
- 5 **(5) A CLASS 5 BREWERY LICENSE;**
- 6 **(6) A CLASS 6 PUB-BREWERY LICENSE;**
- 7 **(7) A CLASS 7 MICRO-BREWERY LICENSE;**
- 8 **(8) A CLASS 8 FARM BREWERY LICENSE; OR**
- 9 **(9) A CLASS 9 LIMITED DISTILLERY LICENSE.**

10 REVISOR'S NOTE: This subsection is new language added to provide a convenient
11 reference to any class of manufacturer's license.

12 **(S) OFF-SALE.**

13 **"OFF-SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE**
14 **CONSUMED OFF THE LICENSED PREMISES.**

15 REVISOR'S NOTE: This subsection is new language derived without substantive
16 change from former Art. 2B, § 9-108(b)(4).

17 The definition of "off-sale", which formerly applied only to one section of
18 former Art. 2B, is revised to apply throughout this article. No substantive
19 change is intended.

20 Defined term: "Alcoholic beverage" § 1-101

21 **(T) ON-SALE.**

22 **"ON-SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE**
23 **CONSUMED ON THE LICENSED PREMISES.**

24 REVISOR'S NOTE: This subsection is new language derived without substantive
25 change from former Art. 2B, § 9-108(b)(5).

26 The former reference to consumption "only" on the licensed premises is deleted
27 as surplusage.

1 The definition of “on-sale”, which formerly applied only to one section of
2 former Art. 2B, is revised to apply throughout this article. No substantive
3 change is intended.

4 Defined term: “Alcoholic beverage” § 1-101

5 **(U) PERSON.**

6 **“PERSON” MEANS:**

7 **(1) AN INDIVIDUAL;**

8 **(2) AN ASSOCIATION, A PARTNERSHIP, A CORPORATION, A TRUST, OR**
9 **ANY OTHER ENTITY, AND THE OFFICERS, DIRECTORS, AND OTHER INDIVIDUALS IN**
10 **ACTIVE CONTROL OF THE ACTIVITIES OF THE ASSOCIATION, PARTNERSHIP,**
11 **CORPORATION, TRUST, OR OTHER ENTITY; OR**

12 **(3) (I) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, OR**
13 **A UNIT OR AN INSTRUMENTALITY OF THE STATE OR A POLITICAL SUBDIVISION OF**
14 **THE STATE; OR**

15 **(II) ANOTHER STATE OR A POLITICAL SUBDIVISION OF THAT**
16 **STATE.**

17 REVISOR’S NOTE: This subsection is new language derived without substantive
18 change from former Art. 2B, §§ 1-102(a)(21) and 17-101(b)(6).

19 In item (1) of this subsection, the reference to “an individual” is substituted
20 for the former reference to “a natural person” to conform to the terminology
21 used in this and other revised articles of the Code.

22 In item (2) of this subsection, the reference to other “individuals” is substituted
23 for the former reference to other “persons” for consistency with the references
24 to “officers” and “directors”.

25 Also in item (2) of this subsection, the former reference to “individual” officers
26 and directors is deleted as surplusage.

27 In item (3) of this subsection, the former references to a “municipality” are
28 deleted as included in the references to a “political subdivision”.

29 Defined term: “State” § 1-101

30 **(V) POMACE BRANDY.**

1 **“POMACE BRANDY” MEANS BRANDY THAT IS DISTILLED FROM THE PULPY**
 2 **RESIDUE OF WINE PRESSING, INCLUDING THE SKINS, PIPS, AND STALKS OF GRAPES.**

3 REVISOR’S NOTE: This subsection is new language derived without substantive
 4 change from former Art. 2B, §§ 2–205(a) and 12–107(b)(1).

5 The definition of “pomace brandy”, which formerly applied only to two sections
 6 of former Art. 2B, is revised to apply throughout this article. No substantive
 7 change is intended.

8 Defined term: “Wine” § 1–101

9 **(W) RESTAURANT.**

10 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
 11 **“RESTAURANT” MEANS AN ESTABLISHMENT THAT:**

12 **(I) ACCOMMODATES THE PUBLIC;**

13 **(II) IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR**
 14 **PREPARING AND SERVING REGULAR MEALS; AND**

15 **(III) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD**
 16 **THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
 17 **BEVERAGES.**

18 **(2) BY REGULATION, A LOCAL LICENSING BOARD MAY SET A**
 19 **DIFFERENT STANDARD AS TO WHAT CONSTITUTES A RESTAURANT.**

20 REVISOR’S NOTE: This subsection is new language derived without substantive
 21 change from former Art. 2B, § 1–102(a)(22)(i)1 and 2.

22 In paragraph (2) of this subsection, the defined term “local licensing board” is
 23 substituted for the former reference to the “board of license commissioners in
 24 any county” to conform to the terminology used throughout this article.

25 Defined terms: “Alcoholic beverage” § 1–101

26 “Local licensing board” § 1–101

27 **(X) RETAIL DEALER.**

28 **(1) “RETAIL DEALER” MEANS A PERSON THAT SELLS AN ALCOHOLIC**
 29 **BEVERAGE TO ANY PERSON OTHER THAN A LICENSE HOLDER.**

1 **(2) “RETAIL DEALER” INCLUDES A COUNTY DISPENSARY.**

2 REVISOR’S NOTE: This subsection is new language derived without substantive
3 change from former Art. 2B, § 1–102(a)(23).

4 In paragraph (1) of this subsection, the former phrase “deals in” is deleted as
5 surplusage.

6 The Alcoholic Beverages Article Review Committee notes, for consideration by
7 the General Assembly, that the inclusion of a “county dispensary” in the
8 defined term “retail dealer” may be problematical because, while this entity
9 does act as a retail dealer in some ways, it does not in all.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “County” § 1–101

12 “License holder” § 1–101

13 “Person” § 1–101

14 **(Y) 7–DAY LICENSE.**

15 **“7–DAY LICENSE” MEANS A LICENSE THAT IS IN EFFECT EVERY DAY OF THE**
16 **WEEK.**

17 REVISOR’S NOTE: This subsection is new language added to provide a convenient
18 reference to a license that is in effect every day of the week.

19 Defined term: “License” § 1–101

20 **(Z) 6–DAY LICENSE.**

21 **“6–DAY LICENSE” MEANS A LICENSE THAT IS IN EFFECT MONDAY THROUGH**
22 **SATURDAY.**

23 REVISOR’S NOTE: This subsection is new language added to provide a convenient
24 reference to a license that is in effect Monday through Saturday.

25 Defined term: “License” § 1–101

26 **(AA) STATE.**

27 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
28 **“STATE” MEANS:**

29 **(I) A STATE, POSSESSION, TERRITORY, OR COMMONWEALTH OF**
30 **THE UNITED STATES; OR**

1 (II) THE DISTRICT OF COLUMBIA.

2 (2) WHEN CAPITALIZED, "STATE" MEANS MARYLAND.

3 REVISOR'S NOTE: This subsection is new language added to provide an express
4 definition of the terms "state" and "State". This definition conforms to the
5 definition used in other recently revised articles of the Code.

6 (BB) WHOLESALER.

7 (1) "WHOLESALER" MEANS:

8 (I) A PERSON THAT PURCHASES OR IMPORTS AN ALCOHOLIC
9 BEVERAGE FOR SALE TO WHOLESALE DEALERS OR RETAIL DEALERS ONLY; OR

10 (II) A LIMITED WINERY THAT SELLS WINE TO RETAIL DEALERS.

11 (2) "WHOLESALER" INCLUDES:

12 (I) A COUNTY LIQUOR CONTROL BOARD; AND

13 (II) A COUNTY WHOLESALE DISPENSARY.

14 REVISOR'S NOTE: This subsection is new language derived without substantive
15 change from former Art. 2B, § 1-102(a)(27).

16 The Alcoholic Beverages Article Review Committee notes, for consideration by
17 the General Assembly, that the inclusion of a "county liquor control board"
18 and a "county wholesale dispensary" in the defined term "wholesaler" may be
19 problematical because, while these entities do act as a wholesaler in some
20 ways, they do not in all.

21 Defined terms: "Alcoholic beverage" § 1-101

22 "County" § 1-101

23 "Person" § 1-101

24 "Retail dealer" § 1-101

25 "Wine" § 1-101

26 (CC) WHOLESALER'S LICENSE.

27 "WHOLESALER'S LICENSE" MEANS A LICENSE ISSUED UNDER TITLE 2,
28 SUBTITLE 3 OF THIS ARTICLE THAT IS:

29 (1) A CLASS 1 BEER, WINE, AND LIQUOR LICENSE;

1 **(2) A CLASS 2 WINE AND LIQUOR LICENSE;**

2 **(3) A CLASS 3 BEER AND WINE LICENSE;**

3 **(4) A CLASS 4 BEER LICENSE;**

4 **(5) A CLASS 5 WINE LICENSE;**

5 **(6) A CLASS 6 LIMITED WINE LICENSE; OR**

6 **(7) A CLASS 7 LIMITED BEER LICENSE.**

7 REVISOR’S NOTE: This subsection is new language added to provide a convenient
8 reference to any class of wholesaler’s license.

9 Defined terms: “Beer” § 1–101

10 “Wine” § 1–101

11 **(DD) WINE.**

12 **(1) “WINE” MEANS A FERMENTED BEVERAGE.**

13 **(2) “WINE” INCLUDES:**

14 **(I) LIGHT WINE;**

15 **(II) SPARKLING WINE THAT IS NATURALLY OR ARTIFICIALLY**
16 **CARBONATED; AND**

17 **(III) FORTIFIED WINE TO WHICH ALCOHOL, SPIRITS, OR OTHER**
18 **INGREDIENTS ARE ADDED.**

19 REVISOR’S NOTE: This subsection is new language derived without substantive
20 change from former Art. 2B, § 1–102(a)(24) and (28).

21 In paragraph (2)(ii) of this subsection, the reference to “naturally” carbonated
22 sparkling wine is substituted for the former overly narrow reference to
23 “champagne”.

24 REVISOR’S NOTE TO SECTION

25 Former Art. 2B, § 1–102(a)(7), which defined “court” to mean “the circuit court of a
26 county or any judge of a circuit court”, is deleted as unnecessary because the context
27 of the word when used in this revised article makes the meaning clear.

1 Former Art. 2B, § 1–102(a)(12), which defined “import” to mean “to transport or ship,
2 or to order or arrange for the transportation or shipment of, alcoholic beverages into
3 this State from any other state, district, territory or country”, is deleted as
4 unnecessary because the definition in the context of this article did not add to the
5 meaning of the word “import” as it is commonly understood. Similarly, former Art.
6 2B, § 1–102(a)(13), which defined “importer” to mean “a person importing any
7 alcoholic beverage”, is deleted.

8 Former Art. 2B, § 1–102(a)(14), which defined “in this State” and “within this State”
9 to mean “in or within the territorial limits of this State” is deleted as surplusage.

10 Former Art. 2B, § 1–102(a)(16), which defined “license issuing authority” to mean
11 “[f]or a State license issued under this article, the State Comptroller” and “[f]or a
12 local license issued under this article, the board of license commissioners or other
13 local agency expressly authorized by this article to issue the license” and excluded “a
14 clerk of a circuit court”, is deleted to avoid any confusion that might result from using
15 both this term and the similar defined term “local licensing board”. Instead, the
16 latter defined term, together with a reference to “the Comptroller” when appropriate,
17 is used in this revision.

18 Former Art. 2B, § 1–102(a)(20), which defined “manufacturer” to mean “a person
19 operating a plant within this State for distilling, rectifying, blending, brewing,
20 fermenting or bottling any alcoholic beverage”, is deleted as unnecessary in light of
21 Title 2, Subtitle 2 of this article (“Manufacturer’s Licenses”), which specifies all the
22 types of manufacturers eligible to be licensed in the State.

23 Former Art. 2B, § 1–102(a)(25), which defined “[t]his article” to include “provisions
24 in the Tax – General Article derived from this article”, is deleted to avoid confusion.
25 All references in the Alcoholic Beverages Article to the Tax – General Article are
26 stated expressly.

27 **SUBTITLE 2. STATEMENT OF POLICY; CONSTRUCTION OF ARTICLE.**

28 **1–201. STATEMENT OF POLICY.**

29 **(A) REGULATION AND CONTROL OF ALCOHOLIC BEVERAGES.**

30 **(1) (I) TO OBTAIN RESPECT AND OBEDIENCE TO LAW AND TO**
31 **FOSTER AND PROMOTE TEMPERANCE, IT IS THE POLICY OF THE STATE TO**
32 **REGULATE AND CONTROL:**

33 **1. THE MANUFACTURE, SALE, DISTRIBUTION,**
34 **TRANSPORTATION, AND STORAGE OF ALCOHOLIC BEVERAGES IN THE STATE; AND**

1 **2. THE TRANSPORTATION AND DISTRIBUTION OF**
2 **ALCOHOLIC BEVERAGES INTO AND OUT OF THE STATE.**

3 **(II) TO CARRY OUT THIS POLICY IN THE BEST PUBLIC INTEREST,**
4 **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMPTROLLER, LOCAL**
5 **LICENSING BOARDS, LIQUOR CONTROL BOARDS, ENFORCEMENT OFFICERS, AND**
6 **JUDGES OF THE COURTS OF THE STATE BE EMPOWERED TO ADMINISTER AND**
7 **ENFORCE THIS ARTICLE.**

8 **(2) IT IS ALSO THE POLICY OF THE STATE TO:**

9 **(I) TAX ALCOHOLIC BEVERAGES AS PROVIDED IN THE TAX –**
10 **GENERAL ARTICLE; AND**

11 **(II) DENY TO A POLITICAL SUBDIVISION IN THE STATE, BY**
12 **PUBLIC GENERAL OR PUBLIC LOCAL LAW, THE POWER TO IMPOSE A TAX ON**
13 **DISTILLED SPIRITS, BEER, WINE, AND ALL OTHER ALCOHOLIC BEVERAGES.**

14 **(3) THE RESTRICTIONS, REGULATIONS, PROVISIONS, AND PENALTIES**
15 **CONTAINED IN THIS ARTICLE ARE FOR THE PROTECTION, HEALTH, WELFARE, AND**
16 **SAFETY OF THE PEOPLE OF THE STATE.**

17 **(B) SALES AND DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

18 **(1) IT CONTINUES TO BE THE POLICY OF THE STATE TO AUTHORIZE**
19 **THE EXERCISE OF THE POWERS PROVIDED BY THIS ARTICLE TO DISPLACE OR LIMIT**
20 **ECONOMIC COMPETITION BY REGULATING AND ENGAGING IN THE SALE OR**
21 **DISTRIBUTION OF ALCOHOLIC BEVERAGES TO:**

22 **(I) OBTAIN RESPECT AND OBEDIENCE TO LAW;**

23 **(II) FOSTER AND PROMOTE TEMPERANCE;**

24 **(III) PREVENT DECEPTIVE, DESTRUCTIVE, AND UNETHICAL**
25 **BUSINESS PRACTICES; AND**

26 **(IV) PROMOTE THE GENERAL WELFARE OF ITS RESIDENTS BY**
27 **CONTROLLING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

28 **(2) THE OFFICIALS AND UNITS GRANTED POWERS BY THIS ARTICLE**
29 **TO REGULATE AND ENGAGE IN THE ALCOHOLIC BEVERAGES INDUSTRY MAY:**

1 **(I) DISPLACE OR LIMIT ECONOMIC COMPETITION BY**
 2 **REGULATING AND ENGAGING IN THE SALE OR DISTRIBUTION OF ALCOHOLIC**
 3 **BEVERAGES ON AN EXCLUSIVE BASIS AS PROVIDED IN THIS ARTICLE; AND**

4 **(II) ADOPT AND ENFORCE REGULATIONS AUTHORIZED BY THIS**
 5 **ARTICLE NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT.**

6 **(3) THE POWERS GRANTED TO AN OFFICIAL OR A UNIT IN**
 7 **ACCORDANCE WITH THIS SUBSECTION DO NOT:**

8 **(I) GRANT TO THE OFFICIAL OR UNIT POWERS IN ANY**
 9 **SUBSTANTIVE AREA NOT OTHERWISE GRANTED TO THE OFFICIAL OR UNIT BY OTHER**
 10 **PUBLIC GENERAL OR PUBLIC LOCAL LAW;**

11 **(II) RESTRICT THE OFFICIAL OR UNIT FROM EXERCISING ANY**
 12 **POWER GRANTED TO THE OFFICIAL OR UNIT BY OTHER PUBLIC GENERAL OR PUBLIC**
 13 **LOCAL LAW OR OTHERWISE;**

14 **(III) AUTHORIZE THE OFFICIAL OR UNIT OR OFFICERS OF THE**
 15 **UNIT TO ENGAGE IN ANY ACTIVITY THAT IS BEYOND THEIR POWER UNDER A PUBLIC**
 16 **GENERAL OR PUBLIC LOCAL LAW OR OTHERWISE; OR**

17 **(IV) PREEMPT OR SUPERSEDE THE REGULATORY AUTHORITY OF**
 18 **A STATE UNIT UNDER A PUBLIC GENERAL LAW.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 1–101.

21 In subsection (a)(1)(ii) of this section, the former phrase “with sufficient
 22 authority” is deleted as unnecessary.

23 In subsections (a)(2)(ii) and (b)(1) and (2) of this section, the former references
 24 to “authority” are deleted as included in the references to “power”.

25 In subsection (a)(2)(ii) of this section, the former reference to “on and after
 26 July 1, 1955” is deleted as unnecessary.

27 In subsection (b)(1) and (2)(i) of this section, the former references to the sale
 28 or distribution of alcoholic beverages “or both” is deleted as unnecessary.

29 In subsection (b)(1)(iv) of this section, the reference to “residents” is
 30 substituted for the former reference to “citizens” because the meaning of the
 31 term “citizens” in this context is unclear.

1 In subsection (b)(2) and (3) of this section, the references to “unit[s]” are
2 substituted for the former references to “agenc[ies]” for consistency with other
3 revised articles of the Code.

4 In subsection (b)(3)(iv) of this section, the reference to a State “unit” is
5 substituted for the former reference to a State “department or agency” for
6 brevity. The term “unit” is broad enough to include all these types of entities.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Beer” § 1–101

9 “Comptroller” § 1–101

10 “Local licensing board” § 1–101

11 “State” § 1–101

12 “Wine” § 1–101

13 **1–202. CONSTRUCTION OF ARTICLE.**

14 **(A) EXCEPTION OR QUALIFICATION PREVAILS OVER GENERAL RULE.**

15 **TO THE EXTENT THAT A STATEMENT OF A GENERAL RULE OF LAW CONFLICTS**
16 **OR IS INCONSISTENT WITH AN EXCEPTION OR A QUALIFICATION APPLICABLE TO A**
17 **SPECIAL AREA, PARTICULAR PERSON, OR SET OF CIRCUMSTANCES, THE EXCEPTION**
18 **OR QUALIFICATION PREVAILS.**

19 **(B) DIVISION II PROVISION PREVAILS OVER DIVISION I PROVISION.**

20 **A PROVISION IN DIVISION II OF THIS ARTICLE PREVAILS OVER A**
21 **CONFLICTING OR INCONSISTENT PROVISION IN DIVISION I OF THIS ARTICLE OR A**
22 **PROVISION IN THE TAX – GENERAL ARTICLE RELATING TO ALCOHOLIC BEVERAGES.**

23 REVISOR’S NOTE: Subsection (a) of this section is new language derived without
24 substantive change from former Art. 2B, § 1–103.

25 Subsection (b) of this section is new language added to clarify that in this
26 revised article, in which provisions applicable to only a particular jurisdiction
27 are placed in Division II, a provision applicable to a particular jurisdiction
28 prevails over a conflicting or inconsistent provision of general applicability.

29 In subsection (a) of this section, the former phrase “[i]n any part of this article”
30 is deleted as surplusage.

31 Defined term: “Alcoholic beverage” § 1–101

32 **1–203. ADDED FEES OR TAXES BY MUNICIPALITIES — PROHIBITED.**

1 **A MUNICIPALITY MAY NOT IMPOSE AN ADDITIONAL LICENSE FEE OR TAX**
 2 **OTHER THAN THE USUAL PROPERTY TAX ON ALCOHOLIC BEVERAGES OR THE**
 3 **EXERCISE OF A PRIVILEGE CONFERRED BY A LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 8–101(a).

6 The former phrase “except as hereinafter provided in this article” is deleted as
 7 unnecessary.

8 Defined terms: “Alcoholic beverage” § 1–101
 9 “License” § 1–101

10 **GENERAL REVISOR'S NOTE TO SUBTITLE**

11 Former Art. 2B, § 1–104, which provided for the severability of provisions of former
 12 Article 2B, is deleted in light of § 1–210 of the General Provisions Article, which
 13 provides that all legislation enacted after July 1, 1973, is presumed to be severable
 14 absent specific language to the contrary, and in light of the standard rule of judicial
 15 construction favoring severability even in the absence of a severability clause in the
 16 statute. *See, e.g., Turner v. State*, 299 Md. 565 (1984): “Perhaps the most important
 17 of these principles [of statutory construction] is the presumption, even in the absence
 18 of an express clause or declaration, that a legislative body generally intends its
 19 enactments to be severed if possible. Moreover, when the dominant purpose of an
 20 enactment may largely be carried out, notwithstanding the statute's partial
 21 invalidity, courts will generally hold the valid portions severable and enforce them.”
 22 299 Md. 565, 576.

23 **SUBTITLE 3. POWERS AND DUTIES OF COMPTROLLER.**

24 **1–301. “DIVISION DIRECTOR” DEFINED.**

25 **IN THIS SUBTITLE, “DIVISION DIRECTOR” MEANS THE DIRECTOR OF THE**
 26 **FIELD ENFORCEMENT DIVISION OF THE OFFICE OF THE COMPTROLLER.**

27 REVISOR'S NOTE: This section is new language added to provide a convenient
 28 reference to the director of the Field Enforcement Division of the Office of the
 29 Comptroller.

30 Defined term: “Comptroller” § 1–101

31 **1–302. REGULATIONS BY COMPTROLLER.**

32 **(A) IN GENERAL.**

1 **THE COMPTROLLER SHALL ADOPT REGULATIONS TO DISCHARGE THE DUTIES**
2 **UNDER THIS ARTICLE.**

3 **(B) MATTERS FOR REGULATION.**

4 **THE COMPTROLLER MAY ADOPT REGULATIONS REGARDING:**

5 **(1) LABELING AND ADVERTISING SIMILAR TO THE REGULATIONS**
6 **ADOPTED BY THE ALCOHOL AND TOBACCO TAX AND TRADE BUREAU OF THE**
7 **UNITED STATES DEPARTMENT OF THE TREASURY;**

8 **(2) NATURE, FORM, AND CAPACITY OF CONTAINERS;**

9 **(3) CREDIT SALES;**

10 **(4) RECORDS TO BE KEPT BY LICENSE HOLDERS AND OTHERS**
11 **ENGAGED IN THE BUSINESS;**

12 **(5) THE AMOUNT OF DEPOSIT ON RETURNABLE BEER CONTAINERS**
13 **THAT MANUFACTURERS AND WHOLESALERS OF BEER CHARGE AND COLLECT; AND**

14 **(6) ANY OTHER SUBJECT THE COMPTROLLER CONSIDERS**
15 **NECESSARY FOR THE PROPER ADMINISTRATION OF THE DUTIES OF THE**
16 **COMPTROLLER UNDER THIS ARTICLE.**

17 **(C) REVOCATION OR SUSPENSION OF LICENSE; PENALTIES.**

18 **(1) ANY VIOLATION OF A REGULATION ADOPTED BY THE**
19 **COMPTROLLER UNDER THIS ARTICLE OR THE PROVISIONS OF THE TAX – GENERAL**
20 **ARTICLE RELATING TO THE ALCOHOLIC BEVERAGE TAX IS GROUNDS TO REVOKE OR**
21 **SUSPEND A LICENSE.**

22 **(2) THE VIOLATOR IS SUBJECT TO THE PENALTIES PROVIDED UNDER**
23 **§ 6-402(A) OF THIS ARTICLE.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, §§ 16-302, 16-303, and, as it related to the
26 authority of the Comptroller to adopt regulations, 16-301(a).

27 Throughout this section, the former references to "rule[s]" are deleted as
28 included in the references to "regulation[s]" and to conform to other similar
29 provisions of the Code.

1 In subsection (a) of this section, the former phrase “[i]n addition to the powers
2 otherwise provided by this article” is deleted as implicit in the grant of power.

3 Also in subsection (a) of this section, the former reference to “reasonable”
4 regulations is deleted as unnecessary.

5 Also in subsection (a) of this section, the former reference to adopting
6 regulations “as they may deem necessary to enable them effectively to
7 discharge the duties” is deleted as implicit in the requirement to adopt
8 regulations.

9 In the introductory language of subsection (b) of this section, the former
10 references to “amend[ing]”, “alter[ing]”, and “publish[ing]” regulations are
11 deleted as implicit in the references to “adopt[ing]” regulations and redundant
12 of the requirements of the Administrative Procedure Act.

13 In subsection (b)(1) of this section, the reference to the “Alcohol and Tobacco
14 Tax and Trade Bureau of the United States Department of the Treasury” is
15 substituted for the former obsolete reference to the “Federal Bureau of
16 Alcohol, Tobacco and Firearms”.

17 In subsection (c)(1) of this section, the reference to a regulation adopted “by
18 the Comptroller under this article” is substituted for the former reference to
19 regulations adopted “hereunder” for clarity.

20 Defined terms: “Alcoholic beverage” § 1–101

21 “Beer” § 1–101

22 “Comptroller” § 1–101

23 “License” § 1–101

24 “License holder” § 1–101

25 “Wholesaler” § 1–101

26 **1–303. FIELD ENFORCEMENT DIVISION.**

27 **(A) ESTABLISHED.**

28 **THERE IS A FIELD ENFORCEMENT DIVISION IN THE OFFICE OF THE**
29 **COMPTROLLER.**

30 **(B) OFFICERS AND EMPLOYEES.**

31 **(1) THE FIELD ENFORCEMENT DIVISION MAY EMPLOY OFFICERS**
32 **AND EMPLOYEES AS PROVIDED IN THE STATE BUDGET.**

33 **(2) THE OFFICERS AND EMPLOYEES OF THE FIELD ENFORCEMENT**
34 **DIVISION:**

1 **(I) SHALL BE SWORN POLICE OFFICERS;**

2 **(II) SHALL HAVE THE POWERS, DUTIES, AND RESPONSIBILITIES**
3 **OF PEACE OFFICERS TO ENFORCE THE PROVISIONS OF THIS ARTICLE RELATING TO:**

4 **1. THE UNLAWFUL IMPORTATION OF ALCOHOLIC**
5 **BEVERAGES INTO THE STATE;**

6 **2. THE UNLAWFUL MANUFACTURE OF ALCOHOLIC**
7 **BEVERAGES IN THE STATE;**

8 **3. THE TRANSPORTATION AND DISTRIBUTION**
9 **THROUGHOUT THE STATE OF ALCOHOLIC BEVERAGES THAT ARE MANUFACTURED**
10 **ILLEGALLY AND ON WHICH ANY ALCOHOLIC BEVERAGES TAXES IMPOSED BY THE**
11 **STATE ARE DUE AND UNPAID; AND**

12 **4. THE MANUFACTURE, SALE, BARTER,**
13 **TRANSPORTATION, DISTRIBUTION, OR OTHER FORM OF OWNING, HANDLING, OR**
14 **DISPERSING ALCOHOLIC BEVERAGES BY ANY PERSON NOT LICENSED OR**
15 **AUTHORIZED UNDER THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL**
16 **ARTICLE RELATING TO ALCOHOLIC BEVERAGES; AND**

17 **(III) MAY MAKE COOPERATIVE ARRANGEMENTS FOR AND WORK**
18 **AND COOPERATE WITH LOCAL STATE’S ATTORNEYS, SHERIFFS, BAILIFFS, POLICE,**
19 **AND OTHER PROSECUTING AND PEACE OFFICERS TO ENFORCE THIS ARTICLE.**

20 **(C) DUTIES.**

21 **THE FIELD ENFORCEMENT DIVISION:**

22 **(1) SHALL CONSULT WITH AND ADVISE THE LOCAL STATE’S**
23 **ATTORNEYS AND OTHER LAW ENFORCEMENT OFFICIALS AND POLICE OFFICERS**
24 **REGARDING ENFORCEMENT PROBLEMS IN THEIR RESPECTIVE JURISDICTIONS; AND**

25 **(2) MAY RECOMMEND CHANGES TO IMPROVE THE ADMINISTRATION**
26 **OF THIS ARTICLE AND PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO**
27 **ALCOHOLIC BEVERAGES.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 16–407.

30 Throughout this section, the references to “Field Enforcement Division” are
31 substituted for the former obsolete references to “Field Enforcement Bureau”.

1 In subsection (a) of this section, the reference to the Field Enforcement
2 Division being “in the Office of” the Comptroller is substituted for the former
3 reference to the Division being “under” the Comptroller for clarity.

4 In subsection (b)(1) and (2)(iii) of this section, the former phrase “from time to
5 time” is deleted as unnecessary.

6 In subsection (b)(2)(ii)3 of this section, the former reference to taxes that are
7 “illegally” unpaid is deleted as surplusage.

8 In subsections (b)(2)(ii)4 and (c)(2) of this section and throughout this subtitle,
9 the references to “provisions of the Tax – General Article relating to alcoholic
10 beverages” are added for clarity in light of the deletion of the former defined
11 term “this article”, which was defined to mean former Article 2B and
12 “provisions in the Tax – General Article derived from [Article 2B]”.

13 In subsection (b)(2)(ii)4 of this section, the former reference to “persons” is
14 deleted as included in the reference to “person” and in light of § 1–202 of the
15 General Provisions Article, which provides that the singular includes the
16 plural.

17 Also in subsection (b)(2)(ii)4 of this section, the former reference to
18 “associations or corporation” is deleted as included in the defined term
19 “person”.

20 In subsections (b)(2)(iii) and (c)(1) of this section, the references to “local”
21 State’s Attorneys and peace officers are substituted for the former references
22 to “various” and “several” State’s Attorneys and peace officers, respectively,
23 for clarity.

24 In subsection (b)(2)(iii) of this section, the former reference to peace officers
25 “of every sort” is deleted as surplusage.

26 Also in subsection (b)(2)(iii) of this section, the reference to “constables” is
27 deleted as included in the reference to “sheriffs”.

28 Also in subsection (b)(2)(iii) of this section, the former phrase “as provided in
29 this section” is deleted as included in the reference to “this article”.

30 In subsection (c)(2) of this section, the former reference to “suggestions” is
31 deleted as included in the reference to “recommend[ing]”.

32 Also in subsection (c)(2) of this section, the former reference to “execution” is
33 deleted as included in the reference to “administration”.

34 Defined terms: “Alcoholic beverage” § 1–101

1 “Comptroller” § 1-101
2 “Person” § 1-101
3 “State” § 1-101

4 **1-304. DELEGATION — LICENSES AND PERMITS.**

5 **THE COMPTROLLER MAY DELEGATE AUTHORITY UNDER THIS ARTICLE AND**
6 **PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO ALCOHOLIC**
7 **BEVERAGES TO THE DIVISION DIRECTOR TO ISSUE OR REFUSE TO ISSUE LICENSES**
8 **AND PERMITS.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 16-404(b).

11 The defined term “Division director” is substituted for the former obsolete
12 reference to the “director of the Alcohol and Tobacco Tax Bureau”.

13 Defined terms: “Alcoholic beverage” § 1-101
14 “Comptroller” § 1-101
15 “Division director” § 1-301
16 “License” § 1-101

17 **1-305. DELEGATION — HEARINGS.**

18 **(A) IN GENERAL.**

19 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
20 **COMPTROLLER MAY DELEGATE AUTHORITY TO CONDUCT HEARINGS ON**
21 **VIOLATIONS OF THIS ARTICLE OR OF ANY REGULATIONS ADOPTED UNDER THIS**
22 **ARTICLE OR THE PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO**
23 **ALCOHOLIC BEVERAGES TO THE DIVISION DIRECTOR OR ANY OTHER EMPLOYEE OF**
24 **THE COMPTROLLER’S OFFICE.**

25 **(B) LIMIT OF AUTHORITY.**

26 **THE DIVISION DIRECTOR OR ANY OTHER EMPLOYEE OF THE COMPTROLLER’S**
27 **OFFICE DELEGATED AUTHORITY TO CONDUCT HEARINGS UNDER SUBSECTION (A)**
28 **OF THIS SECTION:**

29 **(1) MAY NOT IMPOSE A PENALTY PROVIDED FOR UNDER THIS**
30 **ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE RELATING TO**
31 **ALCOHOLIC BEVERAGES; AND**

1 **(2) SHALL REPORT THE FINDINGS AND RECOMMENDATIONS TO THE**
 2 **COMPTROLLER TO TAKE THE ACTION THAT THE COMPTROLLER CONSIDERS**
 3 **APPROPRIATE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 16-404(c).

6 In this section, the defined term "Division director" is substituted for the
 7 former obsolete references to the "director of the Alcohol and Tobacco Tax
 8 Bureau".

9 In the introductory language of subsection (b) of this section, the reference to
 10 "delegated authority to conduct hearings under subsection (a) of this section"
 11 is substituted for the former reference to "delegated by the Comptroller" for
 12 clarity.

13 In subsection (b)(1) of this section, the reference to "impos[ing]" a penalty is
 14 substituted for the former reference to "hav[ing] the authority to invoke" a
 15 penalty for clarity and consistency with other similar provisions of the Code.

16 Defined terms: "Alcoholic beverage" § 1-101

17 "Comptroller" § 1-101

18 "Division director" § 1-301

19 **1-306. STATISTICAL INFORMATION INCLUDED IN REPORTS.**

20 **TO PROVIDE A BASIS FOR ANNUAL COMPARISON OF THE SCOPE OF THE**
 21 **ALCOHOLIC BEVERAGES INDUSTRY IN THE STATE AND THE CONSUMPTION HABITS**
 22 **OF RESIDENTS OF THE STATE, THE COMPTROLLER IN EACH ANNUAL REPORT SHALL**
 23 **INCLUDE STATISTICAL INFORMATION ON THE ALCOHOLIC BEVERAGES BUSINESS IN**
 24 **THE STATE THAT THE COMPTROLLER BELIEVES TO BE OF INTEREST TO THE PUBLIC**
 25 **AND THE INDUSTRY.**

26 REVISOR'S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 14-203.

28 The former phrase "it being the intent and purpose of this section" is deleted
 29 as surplusage.

30 As to the annual report that the Comptroller must submit to the Governor and
 31 the General Assembly concerning the fiscal operations of the State, *see* SF §
 32 2-102.

33 Defined terms: "Alcoholic beverage" § 1-101

34 "Comptroller" § 1-101

35 "State" § 1-101

1 **1-307. RECORDS OF LICENSES.**

2 **(A) CONTENT AND INSPECTION.**

3 **THE COMPTROLLER SHALL:**

4 **(1) MAINTAIN A RECORD OF:**

5 **(I) EACH LICENSE ISSUED OR APPROVED UNDER THIS ARTICLE;**

6 **AND**

7 **(II) ANY REVOCATION, SUSPENSION, OR CANCELLATION OF A**
8 **LICENSE AND ANY RESTRICTION IMPOSED ON A LICENSE WITH A BRIEF**
9 **EXPLANATION OF THE REASON FOR THE ACTION; AND**

10 **(2) ALLOW ANY PERSON TO INSPECT THE RECORDS AT THE OFFICE**
11 **OF THE COMPTROLLER DURING REGULAR BUSINESS HOURS.**

12 **(B) RETENTION PERIOD; DESTRUCTION.**

13 **THE RECORDS OF LICENSES REQUIRED UNDER SUBSECTION (A) OF THIS**
14 **SECTION AND ANY INDICES OR DOCKETS CREATED TO MAINTAIN THE RECORDS:**

15 **(1) SHALL BE RETAINED FOR THE LATER TO OCCUR OF:**

16 **(I) 3 YEARS AFTER THE DATE OF THE LAST RECORD ENTRY; OR**

17 **(II) THE DATE ON WHICH ALL AUDIT REQUIREMENTS HAVE**
18 **BEEN COMPLIED WITH; AND**

19 **(2) MAY BE DESTROYED AFTER:**

20 **(I) THE RETENTION PERIOD IN ITEM (1) OF THIS SUBSECTION**
21 **HAS EXPIRED; AND**

22 **(II) TITLE 10, SUBTITLE 6, PART III OF THE STATE**
23 **GOVERNMENT ARTICLE HAS BEEN COMPLIED WITH.**

24 **REVISOR'S NOTE:** This section is new language derived without substantive
25 change from former Art. 2B, § 14-204(b) and, as it related to the duties of the
26 Comptroller, (a).

1 In subsection (a)(1) of this section, the former reference to “accurate” records is
2 deleted as implicit in the requirement to maintain records.

3 In subsection (b)(1) of this section, the phrase “for the later to occur of” is
4 substituted for the former phrase “for a period of” for clarity.

5 Defined terms: “Comptroller” § 1–101
6 “License” § 1–101
7 “Person” § 1–101

8 **1–308. POWERS OF COMPTROLLER.**

9 **THE COMPTROLLER MAY:**

10 **(1) UNDER § 6–202 OF THIS ARTICLE, INSPECT AND SEARCH A**
11 **BUILDING, VEHICLE, OR PREMISES WHERE ALCOHOLIC BEVERAGES ARE**
12 **AUTHORIZED TO BE KEPT, TRANSPORTED, MANUFACTURED, OR SOLD;**

13 **(2) UNDER § 6–203 OF THIS ARTICLE, USE CERTAIN EQUIPMENT AND**
14 **OTHER MEANS TO MEASURE THE QUANTITY AND QUALITY OF ALCOHOLIC**
15 **BEVERAGES; AND**

16 **(3) UNDER § 6–204 OF THIS ARTICLE, ISSUE SUMMONSES FOR**
17 **WITNESSES FOR HEARINGS AND INQUIRIES.**

18 REVISOR’S NOTE: This section is new language added to provide convenient
19 references to specified powers of the Comptroller.

20 Defined terms: “Alcoholic beverage” § 1–101
21 “Comptroller” § 1–101

22 **1–309. ENFORCEMENT BY COMPTROLLER.**

23 **THE COMPTROLLER SHALL ENFORCE THE PROVISIONS OF THIS ARTICLE AND**
24 **PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO ALCOHOLIC**
25 **BEVERAGES APPLICABLE TO:**

26 **(1) THE PURCHASE OR IMPORTATION OF ALCOHOLIC BEVERAGES BY**
27 **A DEPARTMENT OF LIQUOR CONTROL OR A LIQUOR CONTROL BOARD; AND**

28 **(2) THE SALE OF ALCOHOLIC BEVERAGES TO A WHOLESALER OR**
29 **RETAIL DEALER BY A DEPARTMENT OF LIQUOR CONTROL OR A LIQUOR CONTROL**
30 **BOARD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16-407.1.

3 Defined terms: "Alcoholic beverage" § 1-101

4 "Comptroller" § 1-101

5 "Retail dealer" § 1-101

6 "Wholesaler" § 1-101

7 **1-310. INVESTIGATION OF INDUSTRIAL ALCOHOL UNFIT FOR BEVERAGE USE.**

8 **THE COMPTROLLER MAY:**

9 **(1) INVESTIGATE THE MANUFACTURE, SALE, PURCHASE, USE, AND**
10 **TRANSPORTATION OF INDUSTRIAL ALCOHOL UNFIT FOR BEVERAGE USE TO THE**
11 **EXTENT REASONABLY NECESSARY TO PREVENT CONVERSION INTO AN ALCOHOLIC**
12 **BEVERAGE FIT FOR CONSUMPTION; AND**

13 **(2) REQUEST INFORMATION AND ASSISTANCE FROM OTHER**
14 **ADMINISTRATIVE UNITS OF THE STATE, COUNTY, AND MUNICIPAL GOVERNMENTS,**
15 **COUNTY AND MUNICIPAL POLICE DEPARTMENTS, AND ALL PROSECUTING OFFICERS**
16 **AS CONSIDERED NECESSARY BY THE COMPTROLLER TO CARRY OUT THIS ARTICLE**
17 **AND PROVISIONS OF THE TAX - GENERAL ARTICLE RELATING TO ALCOHOLIC**
18 **BEVERAGES.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 16-404(a).

21 In item (2) of this section, the reference to "units" is substituted for the former
22 reference to "departments" for consistency with other revised articles of the
23 Code.

24 Defined terms: "Alcoholic beverage" § 1-101

25 "Comptroller" § 1-101

26 "County" § 1-101

27 "State" § 1-101

28 **SUBTITLE 4. GENERAL LICENSING REGULATION.**

29 **1-401. BUYING, SELLING, OR POSSESSING ALCOHOLIC BEVERAGES.**

30 **(A) PROHIBITED UNLESS AUTHORIZED.**

31 **UNLESS OTHERWISE PROVIDED FOR IN THIS ARTICLE OR THE TAX - GENERAL**
32 **ARTICLE, A PERSON MAY NOT:**

- 1 **(1) SELL ALCOHOLIC BEVERAGES;**
- 2 **(2) ALLOW ALCOHOLIC BEVERAGES TO BE SOLD;**
- 3 **(3) ACCEPT OR DELIVER ALCOHOLIC BEVERAGES; OR**
- 4 **(4) FOR THE PURPOSE OF SALE, TRANSPORT, BUY, POSSESS, OR KEEP**
5 **ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE TRANSPORTED,**
6 **BOUGHT, POSSESSED, OR KEPT:**
- 7 **(I) IN A VEHICLE, A WATER VESSEL, OR AN AIRCRAFT;**
- 8 **(II) ON ANY PREMISES; OR**
- 9 **(III) UNDER THE PERSON’S CHARGE OR CONTROL.**
- 10 **(B) ACTIVITIES RESTRICTED TO CONSUMERS, LICENSE HOLDERS, AND**
11 **CERTAIN INDIVIDUALS UNDER 21 YEARS OF AGE.**
- 12 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
13 **PERSON MAY NOT BUY, POSSESS, STORE, IMPORT, TRANSPORT, OR KEEP ALCOHOLIC**
14 **BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE BOUGHT, POSSESSED,**
15 **STORED, IMPORTED, TRANSPORTED, OR KEPT:**
- 16 **(I) IN A VEHICLE, A WATER VESSEL, OR AN AIRCRAFT;**
- 17 **(II) ON ANY PREMISES; OR**
- 18 **(III) UNDER THE PERSON’S CHARGE OR CONTROL.**
- 19 **(2) A PERSON MAY PERFORM AN ACTIVITY LISTED IN PARAGRAPH (1)**
20 **OF THIS SUBSECTION IF THE PERSON IS:**
- 21 **(I) A CONSUMER;**
- 22 **(II) SUBJECT TO THE REQUIREMENTS UNDER THIS ARTICLE, A**
23 **LICENSE HOLDER; OR**
- 24 **(III) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO**
25 **POSSESSES OR IS TRANSPORTING ALCOHOLIC BEVERAGES FOR A LAWFUL PURPOSE:**
- 26 **1. WITH THE KNOWLEDGE AND CONSENT OF THE**
27 **INDIVIDUAL’S PARENT OR GUARDIAN; OR**

1 **2. INCIDENT TO THE LAWFUL EMPLOYMENT OF THE**
2 **INDIVIDUAL UNDER THIS ARTICLE.**

3 **(C) PROHIBITIONS AGAINST INDIVIDUAL UNDER 21 YEARS OF AGE.**

4 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:**

5 **(1) BUY, CONSUME, POSSESS, STORE, IMPORT, TRANSPORT, OR KEEP**
6 **ALCOHOLIC BEVERAGES FOR THE INDIVIDUAL'S OWN USE; OR**

7 **(2) BUY, POSSESS, STORE, IMPORT, TRANSPORT, OR KEEP ALCOHOLIC**
8 **BEVERAGES FOR ANY PURPOSE IN A JURISDICTION WHERE PROHIBITED UNDER**
9 **STATE LAW.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, §§ 1-201(a)(1) and (2) and 2-101(n).

12 In subsection (c)(2) of this section, the defined term "jurisdiction" is
13 substituted for the former reference to "any county or Baltimore City" for
14 brevity and to include the City of Annapolis.

15 Also in subsection (c)(2) of this section, the phrase "under State law" is
16 substituted for the former phrase "by this article or any other law of this State"
17 for brevity.

18 Defined terms: "Alcoholic beverage" § 1-101

19 "Consumer" § 1-101

20 "Jurisdiction" § 1-101

21 "License holder" § 1-101

22 "Person" § 1-101

23 "State" § 1-101

24 **1-402. LICENSE OR PERMIT NOT REQUIRED FOR CERTAIN SALES.**

25 **(A) SALES BY OFFICIALS, SELLERS UNDER COURT ORDER, AND**
26 **LIENHOLDERS.**

27 **A LICENSE OR PERMIT IS NOT REQUIRED FOR:**

28 **(1) A COUNTY OFFICIAL WHO SELLS CERTAIN SEIZED ALCOHOLIC**
29 **BEVERAGES, AS SET OUT IN TITLE 6, SUBTITLE 1 OF THIS ARTICLE;**

1 **(2) A SHERIFF, A RECEIVER, AN AUCTIONEER, A TRUSTEE, AN**
2 **ATTORNEY, AN EXECUTOR, OR AN ADMINISTRATOR WHO SELLS ALCOHOLIC**
3 **BEVERAGES UNDER A COURT ORDER; OR**

4 **(3) A COMMON CARRIER, WAREHOUSEMAN, OR OTHER LIENHOLDER**
5 **WHO SELLS ALCOHOLIC BEVERAGES UNDER A LIEN.**

6 **(B) SALES ONLY TO LICENSE HOLDER.**

7 **SALES AUTHORIZED BY SUBSECTION (A) OF THIS SECTION MAY BE MADE ONLY**
8 **TO A LICENSE HOLDER.**

9 **(C) SELLER TO PAY TAXES BEFORE DELIVERY.**

10 **IF THE PURCHASER IN A SALE DESCRIBED IN SUBSECTION (A) OF THIS**
11 **SECTION IS A RETAIL DEALER, THE SELLER SHALL PAY THE TAXES IMPOSED BY §**
12 **5-102 OF THE TAX - GENERAL ARTICLE BEFORE DELIVERY.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 1-201(c).

15 In subsection (a)(1) and (3) of this section, the references to a person "who
16 sells" alcoholic beverages are substituted for the former references to a person
17 who "exercis[es]" the person's "right" to sell alcoholic beverages for brevity.

18 In subsection (a)(1) of this section, the reference to "seized" alcoholic beverages
19 is substituted for the former reference to "confiscated" alcoholic beverages to
20 conform to the terminology used throughout this article.

21 Also in subsection (a)(1) of this section, the reference to "Title 6, Subtitle 1 of
22 this article" is substituted for the former reference to "this section" to reflect
23 the location of forfeiture provisions in this revised article.

24 Also in subsection (a)(1) of this section, the former reference to "Baltimore
25 City" is deleted as included in the defined term "county".

26 Also in subsection (a)(1) of this section, the former reference to an "authorized"
27 county official is deleted as unnecessary.

28 In subsection (a)(2) of this section, the former reference to a "constable" is
29 deleted as included in the reference to a "sheriff".

30 In subsection (b) of this section, the reference to sales "authorized by
31 subsection (a) of this section" is added for clarity.

1 In subsection (c) of this section, the reference to a sale “described in subsection
2 (a) of this section” is added for clarity.

3 In subsection (c) of this section, the former reference to delivery being “made
4 to the purchaser” is deleted as surplusage.

5 Defined terms: “Alcoholic beverage” § 1–101
6 “County” § 1–101
7 “License” § 1–101
8 “License holder” § 1–101
9 “Retail dealer” § 1–101

10 **1–403. UNLAWFUL MANUFACTURING OF ALCOHOLIC BEVERAGES.**

11 **(A) PROHIBITED.**

12 **(1) UNLESS OTHERWISE PROVIDED FOR IN THIS ARTICLE, A PERSON**
13 **MAY NOT MANUFACTURE, BLEND, RECTIFY, BOTTLE, OR ALLOW TO BE**
14 **MANUFACTURED, BLENDED, RECTIFIED, OR BOTTLED ANY ALCOHOLIC BEVERAGES**
15 **EXCEPT ON PREMISES LICENSED UNDER THIS ARTICLE.**

16 **(2) A PERSON MAY NOT BUY, BARGAIN, SELL, BORROW, LOAN,**
17 **MANUFACTURE, POSSESS, TRANSPORT, OR ALLOW TO BE BOUGHT, BARGAINED,**
18 **SOLD, LOANED, MANUFACTURED, POSSESSED, OR TRANSPORTED ANY PERSONAL**
19 **PROPERTY DESIGNED, USED, OR INTENDED FOR USE DIRECTLY OR IMMEDIATELY IN**
20 **CONNECTION WITH THE UNLAWFUL MANUFACTURE OF ALCOHOLIC BEVERAGES.**

21 **(B) PENALTY.**

22 **IN ADDITION TO ANY OTHER FINE OR PENALTY UNDER THIS ARTICLE, A**
23 **PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**
24 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE**
25 **NOT EXCEEDING \$10,000 OR BOTH.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, §§ 16–505 and 1–201(a)(3) and the first sentence
28 of (4).

29 In subsection (a)(2) of this section, the former reference to any “apparatus,
30 materials, equipment, implements, [or] devices” is deleted as included in the
31 reference to any “personal property”.

32 In subsection (b) of this section, the reference to being “guilty of a
33 misdemeanor” is added to state expressly that which was only implied in the
34 former law. In this State, any crime that was not a felony at common law and

1 has not been declared a felony by statute is considered to be a misdemeanor.
 2 See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
 3 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
 4 123 Md. 373, 378 (1914).

5 Also in subsection (b) of this section, the reference to “violat[ing] this section”
 6 is substituted for the former reference to “the unlawful manufacture of
 7 alcoholic beverages or the unlawful possession of materials, equipment,
 8 implements, devices and other property used or intended for use directly and
 9 immediately in connection with the unlawful manufacture of alcoholic
 10 beverages within this State” for brevity and clarity.

11 Also in subsection (b) of this section, the former reference to both “fine and
 12 imprisonment, in the discretion of the court” is deleted as surplusage and to
 13 conform to standard language for imposition of a penalty for a criminal
 14 conviction.

15 Also in subsection (b) of this section, the former reference to a fine “of not less
 16 than \$500.00” is deleted as unenforceable in light of § 14–102 of the Criminal
 17 Law Article, which provides that if a law sets a minimum penalty, the court
 18 in lieu of the minimum penalty may impose a lesser penalty of the same
 19 character.

20 Defined terms: “Alcoholic beverage” § 1–101
 21 “Person” § 1–101

22 **1–404. COMPLIANCE WITH WORKERS’ COMPENSATION ACT.**

23 **BEFORE A LICENSE OR ALCOHOLIC BEVERAGES PERMIT MAY BE ISSUED TO AN**
 24 **EMPLOYER TO ENGAGE IN AN ACTIVITY IN WHICH THE EMPLOYER MAY EMPLOY A**
 25 **COVERED EMPLOYEE, AS DEFINED IN § 9–101 OF THE LABOR AND EMPLOYMENT**
 26 **ARTICLE, THE EMPLOYER SHALL FILE WITH THE COMPTROLLER OR LOCAL**
 27 **LICENSING BOARD:**

28 **(1) A CERTIFICATE OF COMPLIANCE WITH THE MARYLAND**
 29 **WORKERS’ COMPENSATION ACT; OR**

30 **(2) THE NUMBER OF A WORKERS’ COMPENSATION INSURANCE POLICY**
 31 **OR BINDER.**

32 REVISOR’S NOTE: This section is new language derived without substantive
 33 change from former Art. 2B, § 9–104.

34 In the introductory language of this section, the former phrase “as the case
 35 may be” is deleted as surplusage.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Comptroller” § 1–101

3 “License” § 1–101

4 “Local licensing board” § 1–101

5 **1–405. RESTRICTIONS ON LICENSING OF PREMISES.**

6 **(A) IN GENERAL.**

7 **A LICENSE MAY NOT BE ISSUED FOR A PREMISES UNLESS THE PREMISES**
8 **CONFORMS TO ALL REQUIREMENTS SET OUT IN THIS ARTICLE OR THE TAX –**
9 **GENERAL ARTICLE.**

10 **(B) ZONING RESTRICTIONS.**

11 **A LICENSE OR AN ALCOHOLIC BEVERAGES PERMIT MAY NOT BE ISSUED FOR A**
12 **PREMISES UNLESS THE PREMISES CONFORMS WITH ALL ZONING LAWS,**
13 **REGULATIONS, OR ORDINANCES PASSED IN ACCORDANCE WITH DIVISION I OF THE**
14 **LAND USE ARTICLE.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, §§ 9–103 and 9–105.

17 In subsection (a) of this section, the reference to “the Tax – General Article” is
18 added for clarity.

19 Also in subsection (a) of this section, the former reference to “specifications” is
20 deleted as included in the reference to “requirements”.

21 In subsection (b) of this section, the former reference to a rule or regulation
22 “as the same may from time to time exist” is deleted as surplusage.

23 Also in subsection (b) of this section, the reference to a permit not being issued
24 “for a premises unless the premises conforms with all” zoning laws,
25 regulations, and ordinances is substituted for the former reference to a permit
26 not being issued “in violation of” a zoning law, regulation, or ordinance for
27 clarity.

28 Also in subsection (b) of this section, the former reference to “Chapter 599 of
29 the Acts of the General Assembly of 1933” is deleted as obsolete.

30 Defined terms: “Alcoholic beverage” § 1–101

31 “License” § 1–101

32 **1–406. WAREHOUSE RECEIPTS COVERING ALCOHOLIC BEVERAGES.**

1 **(A) SALE OR PURCHASE OF RECEIPTS.**

2 **WAREHOUSE RECEIPTS COVERING ALCOHOLIC BEVERAGES STORED IN**
 3 **PUBLIC WAREHOUSES IN THE STATE, INCLUDING GOVERNMENT CONTROLLED**
 4 **WAREHOUSES, MAY BE PURCHASED OR SOLD WITHOUT A LICENSE OR PERMIT.**

5 **(B) WITHDRAWAL OR DELIVERY OF ALCOHOLIC BEVERAGES COVERED BY**
 6 **WAREHOUSE RECEIPT.**

7 **ALCOHOLIC BEVERAGES COVERED UNDER SUBSECTION (A) OF THIS SECTION**
 8 **MAY BE WITHDRAWN OR DELIVERED IN THE STATE ONLY TO A LICENSED**
 9 **MANUFACTURER OR LICENSED WHOLESALER.**

10 **(C) REGULATIONS.**

11 **THE COMPTROLLER MAY ADOPT REGULATIONS COVERING WAREHOUSE**
 12 **RECEIPT TRANSACTIONS.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 1-201(d).

15 Defined terms: "Alcoholic beverage" § 1-101
 16 "Comptroller" § 1-101
 17 "License" § 1-101
 18 "State" § 1-101
 19 "Wholesaler" § 1-101

20 **1-407. SALE AND DELIVERY TO FEDERAL RESERVATION.**

21 **(A) WINE AND LIQUOR SOLD AND DELIVERED TO FEDERAL RESERVATION —**
 22 **TAX EXEMPTION.**

23 **(1) THIS ARTICLE AND THE TAX – GENERAL ARTICLE DO NOT**
 24 **PROHIBIT A MANUFACTURER OR WHOLESALER FROM SELLING AND DELIVERING TO**
 25 **A FEDERALLY AUTHORIZED PURCHASER:**

26 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WINE**
 27 **AND LIQUOR WITHOUT PAYMENT OF TAXES, IF THE WINE AND LIQUOR ARE USED**
 28 **ONLY ON THE FEDERAL RESERVATION IN THE STATE WHERE THE PURCHASER IS**
 29 **ASSIGNED; AND**

30 **(II) BEER.**

1 **(2) THE COMPTROLLER MAY REQUIRE THAT EACH ORDER OF WINE**
 2 **OR LIQUOR BE APPROVED BEFORE PURCHASE OR DELIVERY.**

3 **(B) REFUND OF TAX ON BEER.**

4 **A TAX ON BEER THAT IS PAID WHEN THE BEER IS PURCHASED SHALL BE**
 5 **REFUNDED IF:**

6 **(1) A PROPER APPLICATION IS FILED WITH THE COMPTROLLER**
 7 **WITHIN 90 DAYS AFTER THE PURCHASE; AND**

8 **(2) THE COMPTROLLER APPROVES.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 10-507.

11 In the introductory language of subsection (a)(1) of this section, the phrase "do
 12 not prohibit" is substituted for the former phrase "shall not be construed to
 13 prevent" for brevity.

14 Also in the introductory language of subsection (a)(1) of this section, the
 15 reference to a "federally authorized purchaser" is substituted for the former
 16 reference to "persons permitted by proper authority or authorities of the
 17 United States to purchase alcoholic beverages" for brevity.

18 In subsection (a)(2) of this section, the reference to "liquor" is substituted for
 19 the former reference to "distilled spirits" to conform to the terminology used
 20 throughout this article.

21 Also in subsection (a)(2) of this section, the former reference to the purchase
 22 or delivery "of same" is deleted as surplusage.

23 Defined terms: "Beer" § 1-101

24 "Comptroller" § 1-101

25 "State" § 1-101

26 "Wholesaler" § 1-101

27 "Wine" § 1-101

28 **1-408. RECORDKEEPING AND REPORTING REQUIREMENTS.**

29 **(A) IN GENERAL.**

30 **A PERSON WHO MANUFACTURES, RECTIFIES, BLENDS, IMPORTS,**
 31 **DISTRIBUTES, TRANSPORTS, STORES, WAREHOUSES, SELLS, OR OFFERS FOR SALE**
 32 **ALCOHOLIC BEVERAGES OR WHO HOLDS A LICENSE TO DO THOSE ACTIVITIES SHALL:**

1 **(1) KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC**
2 **BEVERAGES PURCHASED, SOLD, MANUFACTURED, RECTIFIED, BLENDED,**
3 **IMPROVED, BREWED, FERMENTED, DISTILLED, PRODUCED, STORED, WAREHOUSED,**
4 **WITHDRAWN FROM STORAGE, IMPORTED, OR TRANSFERRED;**

5 **(2) ON WRITTEN REQUEST OF THE COMPTROLLER, REPORT ON THE**
6 **FORM THAT THE COMPTROLLER REQUIRES INFORMATION RELATING TO THE**
7 **ALCOHOLIC BEVERAGES THAT ARE THE SUBJECT OF THE RECORDS REQUIRED TO**
8 **BE KEPT; AND**

9 **(3) ON REQUEST OF THE COMPTROLLER, MAKE THE REPORT UNDER**
10 **OATH.**

11 **(B) RECORDS PRESERVATION.**

12 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
13 **EACH LICENSE HOLDER SHALL KEEP RECORDS AT THE LOCATION DESIGNATED IN**
14 **THE LICENSE.**

15 **(2) IF THE LICENSE HOLDER IS ALLOWED TO HAVE MORE THAN ONE**
16 **LOCATION, THE LICENSE HOLDER MAY KEEP THE RECORDS AT THE PRINCIPAL**
17 **LOCATION.**

18 **(3) THE RECORDS SHALL:**

19 **(I) MEET FORM AND CONTENT REQUIREMENTS OF THE**
20 **COMPTROLLER;**

21 **(II) BE PRESERVED FOR AT LEAST 2 YEARS IN A MANNER THAT**
22 **ENSURES PERMANENCY; AND**

23 **(III) BE MADE AVAILABLE FOR AUDIT OR INSPECTION DURING**
24 **REGULAR BUSINESS HOURS BY THE COMPTROLLER OR AN AUTHORIZED EMPLOYEE**
25 **OF THE COMPTROLLER.**

26 **(C) PENALTY FOR FAILURE TO COMPLY.**

27 **(1) THE COMPTROLLER MAY WITHOUT A HEARING IMMEDIATELY**
28 **SUSPEND FOR A MAXIMUM OF 30 DAYS THE LICENSE OF A LICENSE HOLDER WHO**
29 **FAILS TO COMPLY WITH THIS SECTION.**

1 **(2) A LICENSE SUSPENDED UNDER THIS SECTION IS SUBJECT TO AN**
2 **ADDITIONAL PERIOD OF SUSPENSION OR REVOCATION AFTER A HEARING.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 14–201.

5 In the introductory language of subsection (a) of this section, the former
6 reference to a person “within this State” is deleted as unnecessary in light of
7 the scope of this revised article.

8 In subsection (a)(2) of this section, the former phrase “at any time, and from
9 time to time” is deleted as surplusage.

10 In subsection (b)(1) of this section, the former reference to “maintain[ing]”
11 records is deleted as included in the reference to “keep[ing]” records.

12 In subsection (b)(3)(i) of this section, the reference to records that “meet form
13 and content requirements of the Comptroller” is substituted for the former
14 reference to records “be[ing] of a kind and in the form prescribed by the
15 Comptroller” for brevity.

16 In subsection (b)(3)(ii) of this section, the former reference to “safely”
17 preserving records is deleted as surplusage.

18 In subsection (b)(3)(iii) of this section, the former reference to a “duly”
19 authorized employee is deleted as surplusage.

20 Also in subsection (b)(3)(iii) of this section, the former reference to an
21 authorized “representative” is deleted as included in the reference to an
22 authorized “employee”.

23 In subsection (c) of this section, the former phrase “[i]n addition to the other
24 penalties provided by this article” is deleted as implicit and a general rule of
25 statutory construction.

26 In subsection (c)(2) of this section, the former reference to further suspension
27 or revocation after a hearing “as elsewhere in this article provided” is deleted
28 as surplusage.

29 Defined terms: “Alcoholic beverage” § 1–101
30 “Comptroller” § 1–101
31 “License” § 1–101
32 “License holder” § 1–101
33 “Person” § 1–101

34 **1–409. RECORDS OF LICENSES.**

1 **(A) IN GENERAL.**

2 **A LOCAL LICENSING BOARD SHALL:**

3 **(1) MAINTAIN A RECORD OF:**

4 **(I) EACH LICENSE THAT THE LOCAL LICENSING BOARD ISSUES;**

5 **AND**

6 **(II) ANY REVOCATION, SUSPENSION, OR CANCELLATION OF A**
7 **LICENSE AND ANY RESTRICTION IMPOSED ON A LICENSE WITH A BRIEF**
8 **EXPLANATION OF THE REASON FOR THE ACTION; AND**

9 **(2) SUBMIT THE RECORD TO THE COMPTROLLER; AND**

10 **(3) ALLOW ANY INDIVIDUAL TO INSPECT THE RECORDS AT THE**
11 **OFFICE OF THE LOCAL LICENSING BOARD DURING REGULAR BUSINESS HOURS.**

12 **(B) RETENTION PERIOD; DESTRUCTION.**

13 **THE RECORDS OF LICENSES REQUIRED UNDER SUBSECTION (A) OF THIS**
14 **SECTION AND ANY INDICES OR DOCKETS CREATED TO MAINTAIN THE RECORDS:**

15 **(1) SHALL BE RETAINED FOR THE LATER TO OCCUR OF:**

16 **(I) 3 YEARS AFTER THE DATE OF THE LAST RECORD ENTRY; OR**

17 **(II) THE DATE ON WHICH ALL AUDIT REQUIREMENTS HAVE**
18 **BEEN COMPLIED WITH; AND**

19 **(2) MAY BE DESTROYED AFTER:**

20 **(I) THE RETENTION PERIOD IN ITEM (1) OF THIS SUBSECTION**
21 **HAS EXPIRED; AND**

22 **(II) TITLE 10, SUBTITLE 6, PART III OF THE STATE**
23 **GOVERNMENT ARTICLE HAS BEEN COMPLIED WITH.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 14–204(b) and, as it related to the duties of local
26 licensing boards, (a).

27 In subsection (a) of this section, the former reference to “license issuing
28 authorit[y]” are deleted as included in the reference to “local licensing board”.

1 In subsection (a)(1) of this section, the former reference to “accurate” records
2 is deleted as implicit in the requirement to maintain records.

3 In subsection (a)(1)(i) of this section, the former reference to “approved” is
4 deleted as included in the reference to “issues”.

5 In subsection (b)(1) of this section, the phrase “for the later to occur of” is
6 substituted for the former phrase “for a period of” for clarity.

7 Defined terms: “Comptroller” § 1-101

8 “License” § 1-101

9 “Local licensing board” § 1-101

10 **1-410. REPORTING REQUIREMENTS FOR TRANSPORT OF ALCOHOLIC BEVERAGES.**

11 **(A) REPORTING OF CONSIGNMENTS AND DELIVERIES.**

12 **(1) ON WRITTEN REQUEST OF THE COMPTROLLER, EACH PERSON,**
13 **INCLUDING A COMMON CARRIER, THAT TRANSPORTS ALCOHOLIC BEVERAGES IN**
14 **THE STATE IN INTERSTATE OR INTRASTATE COMMERCE SHALL REPORT ALL**
15 **CONSIGNMENTS OR DELIVERIES OF ALCOHOLIC BEVERAGES FOR THE PERIOD THAT**
16 **THE COMPTROLLER SPECIFIES.**

17 **(2) THE REPORTS SHALL BE UNDER OATH AND ON THE FORM THAT**
18 **THE COMPTROLLER REQUIRES.**

19 **(B) REQUIRED INFORMATION.**

20 **IF REQUIRED BY THE COMPTROLLER, THE REPORTS SHALL STATE:**

21 **(1) THE NAME AND ADDRESS OF THE PERSON TO WHOM THE**
22 **DELIVERY HAS BEEN MADE;**

23 **(2) THE NAME AND ADDRESS OF THE ORIGINAL CONSIGNEE, IF**
24 **ALCOHOLIC BEVERAGES HAVE BEEN DELIVERED TO ANY PERSON OTHER THAN THE**
25 **ORIGINALLY NAMED CONSIGNEE;**

26 **(3) THE POINT OF ORIGIN;**

27 **(4) THE POINT OF DELIVERY;**

28 **(5) THE DATE OF DELIVERY;**

1 **(6) (I) THE NUMBER AND INITIALS OF EACH CAR, IF THE**
2 **ALCOHOLIC BEVERAGES ARE SHIPPED BY RAIL;**

3 **(II) THE NAME OF THE WATER VESSEL, IF THE ALCOHOLIC**
4 **BEVERAGES ARE SHIPPED BY WATER;**

5 **(III) THE LICENSE NUMBER OF EACH TRUCK, IF THE ALCOHOLIC**
6 **BEVERAGES ARE SHIPPED BY TRUCK; OR**

7 **(IV) THE MANNER IN WHICH THE DELIVERY WAS MADE, IF THE**
8 **DELIVERY IS BY OTHER MEANS;**

9 **(7) EACH KIND OF ALCOHOLIC BEVERAGES CONTAINED IN THE**
10 **SHIPMENT AND THE NUMBER OF GALLONS OF EACH KIND; AND**

11 **(8) ANY OTHER INFORMATION RELATIVE TO SHIPMENTS THAT THE**
12 **COMPTROLLER REQUIRES.**

13 **(C) CONSIGNMENT FROM OUTSIDE TO WITHIN STATE.**

14 **THIS SECTION DOES NOT AUTHORIZE:**

15 **(1) THE CONSIGNMENT OF ALCOHOLIC BEVERAGES FROM OUTSIDE**
16 **THE STATE TO A PERSON WITHIN THE STATE OTHER THAN:**

17 **(I) THE HOLDER OF A PERMIT, MANUFACTURER'S LICENSE, OR**
18 **WHOLESALE'S LICENSE; OR**

19 **(II) A CONSUMER UNDER TITLE 2, SUBTITLE 1, PART V OF THIS**
20 **ARTICLE; OR**

21 **(2) THE CONSIGNMENT OF ALCOHOLIC BEVERAGES FROM WITHIN**
22 **THE STATE TO A PERSON OUTSIDE THE STATE NOT AUTHORIZED TO RECEIVE THE**
23 **CONSIGNMENT UNDER THE LAW GOVERNING THE POINT OF DESTINATION.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 14–202.

26 In subsection (a)(1) of this section, the former phrase “by rail, air, water or
27 highway” is deleted as implicit in the reference to “a common carrier”.

28 Also in subsection (a)(1) of this section, the former phrase “at any time and
29 from time to time” is deleted as surplusage.

1 Also in subsection (a)(1) of this section, the former phrase “by any means” is
2 deleted as surplusage.

3 In subsection (b)(1) of this section, the reference to the person to whom “the
4 delivery has been made” is substituted for the former reference to the person
5 to whom “the deliveries of alcoholic beverages have actually and in fact been
6 made” for brevity.

7 In subsection (b)(6)(ii) of this section, the former references to a “boat” and
8 “barge” are deleted as included in the reference to a “water vessel”.

9 In subsection (c)(1)(i) of this section, the former reference to a manufacturer’s
10 or wholesaler’s license “duly issued under this article” is deleted as
11 surplusage.

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
13 the General Assembly, that in subsection (b)(6)(iii) of this section, the
14 reference to shipment by truck may be outdated. Shipments today are
15 generally made by container. The General Assembly may wish to add a
16 requirement to provide the container number, if the alcoholic beverages are
17 shipped by container.

18 Defined terms: “Alcoholic beverage” § 1–101
19 “Comptroller” § 1–101
20 “Manufacturer’s license” § 1–101
21 “Person” § 1–101
22 “State” § 1–101
23 “Wholesaler’s license” § 1–101

24 GENERAL REVISOR’S NOTE TO TITLE

25 Former Art. 2B, § 15–109(a), which stated that the salaries of the members of boards
26 of license commissioners are specified in former § 15–109, is deleted as unnecessary
27 and obsolete. In this revised article, the salaries of members of boards of license
28 commissioners are stated in Subtitle 2 of all titles in Division II. Additionally,
29 currently in the State only the Howard County board serves ex officio, and the last
30 amended version of former § 15–109 did not apply to that board.

31 TITLE 2. STATE–ISSUED PERMITS AND LICENSES.

32 SUBTITLE 1. STATE PERMITS.

33 PART I. PROCEDURES.

34 2–101. SCOPE OF PART.

1 **THIS PART APPLIES STATEWIDE AND TO EACH PERMIT ISSUED UNDER THIS**
2 **SUBTITLE.**

3 REVISOR'S NOTE: This section is new language added for clarity.

4 **2-102. APPLICATION FOR PERMIT.**

5 **(A) APPLICATION TO COMPTROLLER.**

6 **A PERSON SHALL APPLY TO THE COMPTROLLER FOR A PERMIT UNDER THIS**
7 **SUBTITLE ON THE FORM THE COMPTROLLER PROVIDES.**

8 **(B) REGULATIONS.**

9 **THE COMPTROLLER SHALL ADOPT REGULATIONS FOR PERMITS UNDER THIS**
10 **SUBTITLE REGARDING:**

11 **(1) THE PROCEDURE FOR ISSUING PERMITS;**

12 **(2) THE PURCHASE OF ALCOHOLIC BEVERAGES; AND**

13 **(3) THE EXERCISE OF THE PRIVILEGES GRANTED UNDER EACH TYPE**
14 **OF PERMIT.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from the first and second sentences of former Art. 2B, § 2-101(a).

17 In this section and throughout this subtitle, the former references to the
18 "Office of the" Comptroller are deleted as surplusage.

19 Defined terms: "Alcoholic beverage" § 1-101

20 "Comptroller" § 1-101

21 "Person" § 1-101

22 **2-103. INVESTIGATION OF APPLICANT.**

23 **(A) INVESTIGATION BEFORE APPROVAL.**

24 **ON RECEIPT OF AN APPLICATION, THE COMPTROLLER SHALL ORDER AN**
25 **INVESTIGATION OF:**

26 **(1) THE APPLICANT;**

27 **(2) THE BUSINESS TO BE OPERATED; AND**

1 **(3) THE STATEMENTS PRESENTED IN THE PERMIT APPLICATION.**

2 **(B) REASONS FOR DENIAL OF PERMIT.**

3 **ON COMPLETION OF THE INVESTIGATION, THE COMPTROLLER SHALL DENY**
4 **THE PERMIT APPLICATION IF IN THE JUDGMENT OF THE COMPTROLLER:**

5 **(1) THE APPLICANT:**

6 **(I) IS NOT FIT TO RECEIVE THE PERMIT;**

7 **(II) MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

8 **OR**

9 **(III) COMMITTED FRAUD IN CONNECTION WITH THE**
10 **APPLICATION; OR**

11 **(2) THERE ARE OTHER REASONS THAT THE PERMIT SHOULD NOT BE**
12 **ISSUED.**

13 **(C) APPROVAL OF PERMIT.**

14 **IF THE COMPTROLLER DOES NOT FIND CAUSE TO DENY THE PERMIT, THE**
15 **COMPTROLLER SHALL APPROVE THE APPLICATION AND ISSUE THE PERMIT.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10–201, as it related to permits issued by the
18 Comptroller.

19 In the introductory language of subsection (a) of this section, the reference to
20 the Comptroller “order[ing] an investigation” is substituted for the former
21 reference to the Comptroller “caus[ing] an investigation to be made” for
22 brevity.

23 In subsection (a)(3) of this section, the reference to “statements” is substituted
24 for the former reference to “facts” for clarity.

25 In the introductory language of subsection (b) of this section, the reference to
26 “[o]n completion of” the investigation is substituted for the former reference to
27 “[a]fter” the investigation for clarity.

28 Also in the introductory language of subsection (b) of this section, the reference
29 to “the judgment” of the Comptroller is substituted for the former references
30 to “the opinion” and “in the discretion” of the Comptroller for clarity.

1 Also in the introductory language of subsection (b) of this section, the former
2 statement that “no such ... permit shall be issued” is deleted as unnecessary
3 in light of the statement that the Comptroller “shall deny the permit
4 application”.

5 In subsection (b)(1) of this section, the former reference to the permit “applied
6 for” is deleted as surplusage.

7 In subsection (c) of this section, the reference to the Comptroller not “find[ing]
8 cause to deny the permit” is substituted for the former phrase “[i]f no such
9 findings are made” by the Comptroller for clarity.

10 Defined term: “Comptroller” § 1–101

11 **2–104. LIMITATIONS ON ACCEPTING OR DELIVERING ALCOHOLIC BEVERAGES.**

12 **A PERMIT HOLDER MAY NOT ACCEPT OR DELIVER ALCOHOLIC BEVERAGES**
13 **EXCEPT AS PROVIDED IN THIS ARTICLE AND THE TAX – GENERAL ARTICLE.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 2–101(n), as it related to a permit holder.

16 Defined term: “Alcoholic beverage” § 1–101

17 **2–105. EXPIRATION.**

18 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERMIT ISSUED**
19 **UNDER THIS SUBTITLE IS AN ANNUAL PERMIT THAT EXPIRES ON OCTOBER 31**
20 **FOLLOWING THE DATE OF ITS ISSUE.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 2–101(b)(2)(i).

23 The reference to “an annual permit” is added to make explicit that which was
24 formerly implied; that is, that the permit is valid for a 1–year period.

25 **2–106. RESTRICTIONS, SUSPENSIONS, AND REVOCATIONS.**

26 **THE COMPTROLLER MAY RESTRICT, SUSPEND, OR REVOKE A PERMIT ISSUED**
27 **UNDER THIS SUBTITLE.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from the third sentence of former Art. 2B, § 2–101(a).

1 The former reference to the authority of the Comptroller to “cancel” a permit
2 is deleted as included in the authority of the Comptroller to “revoke” a permit.

3 Defined term: “Comptroller” § 1–101

4 **2–107. LICENSE OR PERMIT NOT REQUIRED FOR FAMILY WINE, BEER, OR CIDER.**

5 **A LICENSE OR PERMIT IS NOT REQUIRED FOR THE MANUFACTURE OF FAMILY**
6 **WINE, BEER, OR CIDER THAT IS:**

7 **(1) EXCLUSIVELY FOR HOME CONSUMPTION, COMPETITION, OR USE**
8 **IN A LICENSED NATIONAL FAMILY WINE EXHIBITION; AND**

9 **(2) NOT FOR SALE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 1–201(b)(1).

12 Defined terms: “Beer” § 1–101
13 “License” § 1–101
14 “Wine” § 1–101

15 **2–108. RESERVED.**

16 **2–109. RESERVED.**

17 **PART II. BULK, STORAGE, AND TRANSPORTATION–RELATED PERMITS.**

18 **2–110. SCOPE OF PART.**

19 **THIS PART APPLIES STATEWIDE.**

20 REVISOR’S NOTE: This section is new language added for clarity.

21 **2–111. BULK TRANSFER PERMIT.**

22 **(A) ESTABLISHED.**

23 **THERE IS A BULK TRANSFER PERMIT.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A PERSON:**

1 **(1) WHOSE ALCOHOLIC BEVERAGE LICENSE HAS EXPIRED OR**
 2 **OTHERWISE BEEN DISCONTINUED; AND**

3 **(2) WHO APPLIES FOR A PERMIT WITHIN 60 DAYS AFTER THE LAST**
 4 **DAY ON WHICH THE LICENSE WAS EFFECTIVE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **(1) THE PERMIT AUTHORIZES THE HOLDER, WITH OR WITHOUT**
 7 **CONSIDERATION, TO TRANSFER TO A LICENSE HOLDER THE ALCOHOLIC BEVERAGES**
 8 **STOCK ON HAND ON THE DAY OF THE TRANSFER BY SALE, GIFT, INHERITANCE,**
 9 **ASSIGNMENT, OR OTHERWISE.**

10 **(2) THE TRANSFER OF THE ALCOHOLIC BEVERAGES STOCK TO THE**
 11 **LICENSE HOLDER SHALL BE COMPLETED IN THE PERIOD COVERED BY THE PERMIT.**

12 **(D) EXPIRATION.**

13 **(1) THE PERMIT:**

14 **(I) COVERS ONLY A SPECIFIC TRANSACTION; AND**

15 **(II) EXPIRES 10 DAYS AFTER IT IS ISSUED.**

16 **(2) IF THE PERMIT HOLDER SHOWS AN UNDUE BURDEN, THE**
 17 **COMPTROLLER MAY GRANT A REASONABLE EXTENSION OF THE PERMIT.**

18 **(E) FEE.**

19 **THE PERMIT FEE IS \$200.**

20 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 21 expressly what was only implied in the former law, that a bulk transfer permit
 22 exists.

23 Subsections (b) through (e) of this section are new language derived without
 24 substantive change from former Art. 2B, § 2-101(f) and (b)(5) and, as it related
 25 to the fee for a bulk transfer permit, (1)(i)3.

26 In subsection (b)(1) of this section, the reference to an "alcoholic beverage"
 27 license is added for clarity.

28 In subsection (b)(2) of this section, the former reference to applying "to the
 29 Comptroller" for a permit is deleted as surplusage.

1 In subsection (c)(2) of this section, the reference to the transfer being
2 “completed” is substituted for the former reference to the transfer being
3 “consummated” for clarity.

4 In subsection (d)(2) of this section, the clause “[i]f the permit holder shows an
5 undue burden” is substituted for the former clause “[i]f the time restriction of
6 this permit would be an undue burden” to clarify that the permit holder is
7 required to meet the undue burden requirement.

8 Also in subsection (d)(2) of this section, the reference to an extension of “the
9 permit” is substituted for the former reference to an extension “of time” for
10 clarity.

11 In subsection (e) of this section, the former reference to “renew[ing]” a permit
12 is deleted in light of the fact that the permit covers a specific transaction.

13 Defined terms: “Alcoholic beverage” § 1–101

14 “Comptroller” § 1–101

15 “License” § 1–101

16 “License holder” § 1–101

17 “Person” § 1–101

18 **2–112. CHANGE OF DOMICILE PERMIT.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CHANGE OF DOMICILE PERMIT.**

21 **(B) SCOPE OF AUTHORIZATION.**

22 **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE PERMIT AUTHORIZES**
23 **THE HOLDER, WHEN CHANGING DOMICILE TO THE STATE, TO TRANSPORT INTO THE**
24 **STATE THE PERMIT HOLDER’S PRIVATE STOCK OF ALCOHOLIC BEVERAGES FOR**
25 **PERSONAL CONSUMPTION.**

26 **(C) PAYMENT OF TAXES REQUIRED BEFORE TRANSPORT.**

27 **THE PERMIT HOLDER MAY NOT TRANSPORT INTO THE STATE THE PERMIT**
28 **HOLDER’S PRIVATE STOCK OF ALCOHOLIC BEVERAGES FOR PERSONAL**
29 **CONSUMPTION UNLESS THE TAXES IMPOSED UNDER § 5–102 OF THE TAX–GENERAL**
30 **ARTICLE HAVE BEEN PAID.**

31 **(D) FEE.**

1 **THE PERMIT FEE:**

2 **(1) IS \$5; AND**

3 **(2) COVERS ONLY A SPECIFIC TRANSACTION.**

4 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
5 expressly what was only implied in the former law, that a change of domicile
6 permit exists.

7 Subsections (b) through (d) of this section are new language derived without
8 substantive change from former Art. 2B, § 2-101(d) and (b)(3).

9 In subsection (c) of this section, the reference to taxes "imposed" is substituted
10 for the former reference to taxes "levied" for consistency with other revised
11 articles of the Code.

12 Also in subsection (c) of this section, the former reference to taxes being paid
13 "to the Office of the Comptroller" is deleted as surplusage.

14 Defined terms: "Alcoholic beverage" § 1-101
15 "State" § 1-101

16 **2-113. INDIVIDUAL STORAGE PERMIT.**

17 **(A) ESTABLISHED.**

18 **THERE IS AN INDIVIDUAL STORAGE PERMIT.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **THE PERMIT AUTHORIZES THE HOLDER TO ESTABLISH A WAREHOUSE TO**
21 **STORE ALCOHOLIC BEVERAGES IN WHICH TITLE TO THE ALCOHOLIC BEVERAGES IS**
22 **VESTED IN THE PERMIT HOLDER.**

23 **(C) WRITTEN BOARD APPROVAL IN ANNE ARUNDEL COUNTY REQUIRED.**

24 **IN ANNE ARUNDEL COUNTY, A RETAILER IS REQUIRED TO HAVE WRITTEN**
25 **APPROVAL FROM THE BOARD OF LICENSE COMMISSIONERS BEFORE APPLYING TO**
26 **THE COMPTROLLER FOR THE PERMIT.**

27 **(D) FEE.**

28 **THE PERMIT FEE IS \$50.**

1 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
2 expressly what was only implied in the former law, that an individual storage
3 permit exists.

4 Subsections (b) through (d) of this section are new language derived without
5 substantive change from former Art. 2B, § 2-101(h) and, as it related to the
6 fee for an individual storage permit, (b)(1)(i)1.

7 Defined terms: "Alcoholic beverage" § 1-101
8 "Comptroller" § 1-101

9 **2-114. INDIVIDUAL TRANSPORTATION PERMIT.**

10 **(A) ESTABLISHED.**

11 **THERE IS AN INDIVIDUAL TRANSPORTATION PERMIT.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **THE PERMIT AUTHORIZES THE HOLDER TO TRANSPORT THE PERMIT**
14 **HOLDER'S PRIVATE STOCK OF ALCOHOLIC BEVERAGES FROM OR EN ROUTE**
15 **THROUGH THE STATE WITHOUT PAYMENT OF EXCISE TAXES IMPOSED UNDER §**
16 **5-102 OF THE TAX - GENERAL ARTICLE IF THE ALCOHOLIC BEVERAGES ARE NOT**
17 **FOR USE OR DELIVERY IN THE STATE.**

18 **(C) VEHICLE IDENTIFICATION.**

19 **(1) THE COMPTROLLER SHALL PROVIDE A MEANS OF**
20 **IDENTIFICATION FOR EACH VEHICLE AUTHORIZED UNDER THE PERMIT.**

21 **(2) THE IDENTIFICATION SHALL BE KEPT IN OR ON THE VEHICLE AT**
22 **ALL TIMES WHEN THE VEHICLE TRANSPORTS ALCOHOLIC BEVERAGES.**

23 **(D) FEES.**

24 **(1) THE PERMIT FEE IS \$10.**

25 **(2) THE FEE FOR THE VEHICLE IDENTIFICATION REQUIRED UNDER**
26 **SUBSECTION (C) OF THIS SECTION IS \$10 FOR EACH VEHICLE.**

27 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
28 expressly what was only implied in the former law, that an individual
29 transportation permit exists.

1 Subsections (b) through (d) of this section are new language derived without
2 substantive change from former Art. 2B, § 2-101(e) and (b)(4) and (6)(ii) and,
3 as it related to individual transportation permits, (i).

4 In subsection (b) of this section, the reference to taxes “imposed” is substituted
5 for the former reference to taxes “levied” for consistency with other revised
6 articles of the Code.

7 Defined terms: “Alcoholic beverage” § 1-101
8 “Comptroller” § 1-101
9 “State” § 1-101

10 **2-115. NONRESIDENT STORAGE PERMIT.**

11 **(A) ESTABLISHED.**

12 **THERE IS A NONRESIDENT STORAGE PERMIT.**

13 **(B) AUTHORIZED HOLDER.**

14 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A NONRESIDENT DEALER**
15 **PERMIT HOLDER.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE PERMIT AUTHORIZES THE HOLDER TO STORE ALCOHOLIC BEVERAGES IN**
18 **A LICENSED PUBLIC STORAGE WAREHOUSE IN THE STATE FOR SUBSEQUENT**
19 **SHIPMENT TO:**

20 **(1) A HOLDER OF A WHOLESALER’S LICENSE;**

21 **(2) A HOLDER OF A MANUFACTURER’S LICENSE; OR**

22 **(3) A PERSON OUTSIDE THE STATE.**

23 **(D) SHIPMENT OF ALCOHOLIC BEVERAGES.**

24 **THE PERMIT HOLDER MAY NOT SHIP ALCOHOLIC BEVERAGES UNLESS:**

25 **(1) THE INVOICE FOR THE SHIPMENT ORIGINATES FROM THE**
26 **OUT-OF-STATE PERMIT ADDRESS OF THE PERMIT HOLDER; AND**

27 **(2) THE HOLDER:**

1 **(I) SHIPS THE ALCOHOLIC BEVERAGES FROM THE PUBLIC**
2 **STORAGE WAREHOUSE IN THE STATE TO THE PURCHASER; AND**

3 **(II) CONCURRENTLY TRANSMITS THE INVOICE TO THE**
4 **PURCHASER.**

5 **(E) REPORT REQUIRED.**

6 **(1) EACH MONTH THE PERMIT HOLDER SHALL FILE A REPORT OF ITS**
7 **STORAGE AND SHIPPING ACTIVITIES WITH THE COMPTROLLER.**

8 **(2) THE REPORT SHALL BE FILED IN THE MANNER AND ON THE FORM**
9 **THAT THE COMPTROLLER PROVIDES.**

10 **(F) FEE.**

11 **THE PERMIT FEE IS \$500.**

12 REVISOR'S NOTE: This subsection is new language derived without substantive
13 change from former Art. 2B, § 2-101(p) and (b)(8).

14 In the introductory language of subsection (d) of this section, the former
15 phrase "as provided under this section" is deleted as surplusage.

16 Defined terms: "Alcoholic beverage" § 1-101

17 "Comptroller" § 1-101

18 "Manufacturer's license" § 1-101

19 "Person" § 1-101

20 "State" § 1-101

21 "Wholesaler's license" § 1-101

22 **2-116. PRIVATE BULK SALES PERMIT.**

23 **(A) ESTABLISHED.**

24 **THERE IS A PRIVATE BULK SALES PERMIT.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE COMPTROLLER MAY ISSUE THE PERMIT TO AN INDIVIDUAL WHO:**

27 **(1) IS AT LEAST 21 YEARS OLD;**

28 **(2) IS A RESIDENT OF THE STATE;**

1 **(3) FILES WITH THE COMPTROLLER AN INVENTORY OF ALL**
2 **ALCOHOLIC BEVERAGES TO BE SOLD; AND**

3 **(4) CERTIFIES THAT ALL ALCOHOLIC BEVERAGES TO BE SOLD:**

4 **(I) HAVE BEEN ACQUIRED LEGALLY AND TRANSPORTED INTO**
5 **THE STATE IN ACCORDANCE WITH THIS ARTICLE; AND**

6 **(II) ARE OWNED BY THE INDIVIDUAL AT THE TIME OF**
7 **APPLICATION.**

8 **(C) SCOPE OF AUTHORIZATION.**

9 **THE PERMIT AUTHORIZES THE HOLDER TO SELL THE PERMIT HOLDER'S**
10 **PRIVATE STOCK OF ALCOHOLIC BEVERAGES TO A PERSON IN ACCORDANCE WITH**
11 **THIS SECTION.**

12 **(D) AUTHORIZED SALES.**

13 **A SALE UNDER THE PERMIT MAY:**

14 **(1) BE MADE BY:**

15 **(I) THE PERMIT HOLDER; OR**

16 **(II) AN UNLICENSED AGENT OR AUCTION COMPANY ACTING ON**
17 **BEHALF OF THE PERMIT HOLDER;**

18 **(2) TAKE PLACE ON:**

19 **(I) A PREMISES NOT LICENSED UNDER THIS ARTICLE; OR**

20 **(II) A PRIVATE ROOM OF AN ON-SALE RETAIL LICENSE HOLDER;**

21 **AND**

22 **(3) BE MADE TO:**

23 **(I) A STATE RESIDENT WHO IS AT LEAST 21 YEARS OLD;**

24 **(II) A RETAIL DEALER WHO HOLDS THE PROPER CLASS OF**
25 **LICENSE; OR**

1 **(III) A PERSON OUTSIDE THE STATE, IF THE PERSON MAY SHIP**
2 **ALCOHOLIC BEVERAGES PURCHASED UNDER THE PERMIT TO THE PERSON'S HOME**
3 **STATE OR STATE OF ULTIMATE DESTINATION.**

4 **(E) EXPIRATION; MULTIPLE PERMITS.**

5 **(1) A PERMIT EXPIRES 60 DAYS AFTER IT IS ISSUED.**

6 **(2) A PERSON MAY NOT BE ISSUED MORE THAN TWO PERMITS IN A**
7 **CALENDAR YEAR.**

8 **(F) FEE.**

9 **THE PERMIT FEE:**

10 **(1) IS \$25; AND**

11 **(2) COVERS THE SALE OF A SPECIFIC INVENTORY OF ALCOHOLIC**
12 **BEVERAGES.**

13 **(G) REGULATIONS.**

14 **THE COMPTROLLER MAY ADOPT REGULATIONS REGARDING ANY ACTIVITY**
15 **RELATING TO THE PERMIT, INCLUDING RECORD KEEPING AND REPORTING**
16 **REQUIREMENTS.**

17 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
18 expressly what was only implied in the former law, that a private bulk sales
19 permit exists.

20 Subsections (b) through (g) of this section are new language derived without
21 substantive change from former Art. 2B, § 2-101(t) and (b)(10).

22 In the introductory language of subsection (b) of this section, the clause "the
23 permit to an individual who" is substituted for the former phrase "[i]n order
24 to qualify for a bulk sale permit, an applicant must" for brevity and to conform
25 to the terminology used throughout this subtitle.

26 In subsection (b)(1) of this section, the former reference to being at least 21
27 years old "or older" is deleted as surplusage.

28 In subsection (b)(2) of this section, the former reference to being a "current"
29 resident of the State is deleted as surplusage.

1 In subsections (c), (d)(3)(iii), and (e)(2) of this section, the defined term
2 “person” is substituted for the former references to “individual or entity” for
3 brevity.

4 In subsection (c) of this section, the reference to a private “stock of” alcoholic
5 beverages is substituted for the former reference to a private alcoholic
6 beverages “inventory” for consistency with other similar provisions of this
7 subtitle.

8 In the introductory language of subsection (d)(2) of this section, the former
9 reference to sales “transactions” is deleted as surplusage.

10 In subsection (d)(2)(ii) of this section, the defined term “on-sale” is substituted
11 for the former reference to “on-premises” for consistency with the terminology
12 used throughout this article.

13 Defined terms: “Alcoholic beverage” § 1-101
14 “Comptroller” § 1-101
15 “License” § 1-101
16 “License holder” § 1-101
17 “On-sale” § 1-101
18 “Person” § 1-101
19 “Retail dealer” § 1-101
20 “State” § 1-101

21 **2-117. PUBLIC STORAGE PERMIT.**

22 **(A) ESTABLISHED.**

23 **THERE IS A PUBLIC STORAGE PERMIT.**

24 **(B) SCOPE OF AUTHORIZATION.**

25 **THE PERMIT AUTHORIZES THE HOLDER TO OPERATE A WAREHOUSE TO STORE**
26 **ALCOHOLIC BEVERAGES FOR THE ACCOUNTS OF OTHER PERSONS.**

27 **(C) FEE.**

28 **THE PERMIT FEE IS \$75.**

29 REVISOR’S NOTE: Subsection (a) of this section is new language added to state
30 expressly what was only implied in the former law, that a public storage
31 permit exists.

32 Subsections (b) and (c) of this section are new language derived without
33 substantive change from former Art. 2B, § 2-101(g)(1) and (2), as they related

1 to a public storage permit, and (b)(1)(i)2, as it related to the fee for a public
2 storage permit.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that subsection (b) of this section allows the permit
5 holder to store alcoholic beverages for other “persons”. In practice, the
6 Comptroller requires those persons to be license holders.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Person” § 1–101

9 **2–118. PUBLIC STORAGE AND TRANSPORTATION PERMIT.**

10 **(A) ESTABLISHED.**

11 **THERE IS A PUBLIC STORAGE AND TRANSPORTATION PERMIT.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **(1) THE PERMIT AUTHORIZES THE HOLDER TO OPERATE A**
14 **WAREHOUSE TO:**

15 **(I) STORE ALCOHOLIC BEVERAGES FOR THE ACCOUNTS OF**
16 **OTHER PERSONS; AND**

17 **(II) TRANSPORT ALCOHOLIC BEVERAGES FOR THE ACCOUNTS**
18 **OF OTHER PERSONS INTO, IN, OR OUT OF THE STATE.**

19 **(2) THE PERMIT HOLDER MAY USE THE PERMIT FOR STORAGE OR**
20 **TRANSPORTATION.**

21 **(C) VEHICLE IDENTIFICATION.**

22 **(1) THE COMPTROLLER SHALL PROVIDE A MEANS OF**
23 **IDENTIFICATION FOR EACH VEHICLE AUTHORIZED UNDER THE PERMIT.**

24 **(2) THE IDENTIFICATION SHALL BE KEPT IN OR ON THE VEHICLE AT**
25 **ALL TIMES WHEN THE VEHICLE TRANSPORTS ALCOHOLIC BEVERAGES.**

26 **(D) FEES.**

27 **(1) THE PERMIT FEE IS \$200.**

28 **(2) THE FEE FOR THE VEHICLE IDENTIFICATION REQUIRED UNDER**
29 **SUBSECTION (C) OF THIS SECTION IS \$10 FOR EACH VEHICLE.**

1 **(E) TRANSPORTATION PERMIT NOT REQUIRED UNDER CERTAIN**
 2 **CIRCUMSTANCES.**

3 **A LICENSE HOLDER OR PERMIT HOLDER IS NOT REQUIRED TO HAVE THE**
 4 **PERMIT TO DELIVER ALCOHOLIC BEVERAGES THAT THE LICENSE HOLDER OR**
 5 **PERMIT HOLDER MAY OTHERWISE ACQUIRE, STORE, SELL, OR USE.**

6 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 7 expressly what was only implied in the former law, that a public storage and
 8 transportation permit exists.

9 Subsections (b) through (e) of this section are new language derived without
 10 substantive change from former Art. 2B, § 2-101(g) and (b)(6)(ii) and, as they
 11 related to a public storage and transportation permit, (b)(1)(i)3 and (6)(i).

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
 13 the General Assembly, that a public storage and transportation permit is
 14 intended to be an inexpensive and convenient permit for a person that wishes
 15 to exercise the privileges for both a public storage permit and a public
 16 transportation permit. Yet the fee for a public storage and transportation
 17 permit is \$200 — \$50 more than the combined fees of a public storage permit
 18 and a public transportation permit. This was the result of 2009 legislation that
 19 intended to increase the fee of a bulk transfer permit to \$200 but also
 20 inadvertently increased the fee of a public storage and transportation permit
 21 to the same amount.

22 Defined terms: "Alcoholic beverage" § 1-101
 23 "Comptroller" § 1-101
 24 "License holder" § 1-101
 25 "Person" § 1-101
 26 "State" § 1-101

27 **2-119. PUBLIC TRANSPORTATION PERMIT.**

28 **(A) ESTABLISHED.**

29 **THERE IS A PUBLIC TRANSPORTATION PERMIT.**

30 **(B) SCOPE OF AUTHORIZATION.**

31 **THE PERMIT AUTHORIZES THE HOLDER TO OPERATE A WAREHOUSE TO**
 32 **TRANSPORT ALCOHOLIC BEVERAGES FOR THE ACCOUNTS OF OTHER PERSONS INTO,**
 33 **IN, OR OUT OF THE STATE.**

34 **(C) VEHICLE IDENTIFICATION.**

1 **(1) THE COMPTROLLER SHALL PROVIDE A MEANS OF**
2 **IDENTIFICATION FOR EACH VEHICLE AUTHORIZED UNDER THE PERMIT.**

3 **(2) THE IDENTIFICATION SHALL BE KEPT IN OR ON THE VEHICLE AT**
4 **ALL TIMES WHEN THE VEHICLE TRANSPORTS ALCOHOLIC BEVERAGES.**

5 **(D) FEES.**

6 **(1) THE PERMIT FEE IS \$75.**

7 **(2) THE FEE FOR THE VEHICLE IDENTIFICATION REQUIRED UNDER**
8 **SUBSECTION (C) OF THIS SECTION IS \$10 FOR EACH VEHICLE.**

9 **(E) TRANSPORTATION PERMIT NOT REQUIRED UNDER CERTAIN**
10 **CIRCUMSTANCES.**

11 **A LICENSE HOLDER OR PERMIT HOLDER IS NOT REQUIRED TO HAVE THE**
12 **PERMIT TO DELIVER ALCOHOLIC BEVERAGES THAT THE LICENSE HOLDER OR**
13 **PERMIT HOLDER MAY OTHERWISE ACQUIRE, STORE, SELL, OR USE.**

14 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
15 expressly what was only implied in the former law, that a public
16 transportation permit exists.

17 Subsections (b) through (e) of this section are new language derived without
18 substantive change from former Art. 2B, § 2-101(g) and (b)(6)(ii) and, as they
19 related to a public transportation permit, (1)(i)2 and (6)(i).

20 Defined terms: "Alcoholic beverage" § 1-101

21 "Comptroller" § 1-101

22 "License holder" § 1-101

23 "Person" § 1-101

24 "State" § 1-101

25 **2-120. RESERVED.**

26 **2-121. RESERVED.**

27 **PART III. IMPORT-EXPORT, DEALER'S, AND SOLICITOR'S PERMITS.**

28 **2-122. SCOPE OF PART.**

29 **THIS PART APPLIES STATEWIDE.**

1 REVISOR'S NOTE: This section is new language added for clarity.

2 **2-123. IMPORT-EXPORT PERMIT.**

3 (A) ESTABLISHED.

4 THERE IS AN IMPORT-EXPORT PERMIT.

5 (B) SCOPE OF AUTHORIZATION.

6 (1) THE PERMIT AUTHORIZES THE HOLDER TO IMPORT ALCOHOLIC
7 BEVERAGES INTO THE STATE FOR STORAGE IN PUBLIC WAREHOUSES FOR
8 SUBSEQUENT SHIPMENT OUTSIDE THE STATE.

9 (2) THE PERMIT HOLDER MAY NOT IMPORT ALCOHOLIC BEVERAGES
10 INTO THE STATE FOR SALE, CONSIGNMENT, OR DELIVERY TO A PERSON IN THE
11 STATE.

12 (C) PERMIT NOT REQUIRED.

13 A PERSON IS NOT REQUIRED TO HAVE THE PERMIT IF THE ALCOHOLIC
14 BEVERAGES ARE:

15 (1) NOT FOR SALE, CONSIGNMENT, OR DELIVERY TO A PERSON IN THE
16 STATE;

17 (2) STORED IN A WAREHOUSE SUBJECT TO A PUBLIC BOND; AND

18 (3) SUBJECT TO A CUSTOMS BOND.

19 (D) FEE.

20 THE PERMIT FEE IS \$75.

21 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
22 expressly what was only implied in the former law, that an import-export
23 permit exists.

24 Subsections (b) through (d) of this section are new language derived without
25 substantive change from former Art. 2B, §§ 1-201(h) and 2-101(j) and, as it
26 related to the fee for an import-export permit, (b)(1)(i)2.

27 Defined terms: "Alcoholic beverage" § 1-101

1 "Person" § 1-101

2 "State" § 1-101

3 **2-124. NONRESIDENT DEALER'S PERMIT.**

4 **(A) ESTABLISHED.**

5 **THERE IS A NONRESIDENT DEALER'S PERMIT.**

6 **(B) AUTHORIZED HOLDER.**

7 **THE COMPTROLLER MAY ISSUE THE PERMIT TO:**

8 **(1) A BOTTLER, BREWER, DISTILLER, MANUFACTURER, RECTIFIER,**
9 **VINTNER, OR WINERY;**

10 **(2) A SALES AGENT OF A PERSON DESCRIBED IN ITEM (1) OF THIS**
11 **SUBSECTION, ON PRESENTATION OF PROOF OF THE SALES AGENCY RELATIONSHIP**
12 **TO THE COMPTROLLER;**

13 **(3) AN IMPORTER OF BEER, WINE, OR DISTILLED SPIRITS PRODUCED**
14 **OUTSIDE THE UNITED STATES THAT PURCHASES DIRECTLY FROM THE BRAND**
15 **OWNER OR FROM A SALES AGENT OF A PERSON DESCRIBED IN ITEM (1) OF THIS**
16 **SUBSECTION THAT:**

17 **(I) IS AUTHORIZED BY THE BRAND OWNER TO SELL IN THE**
18 **STATE; AND**

19 **(II) PROVIDES PROOF OF THE SALES AGENCY RELATIONSHIP TO**
20 **THE COMPTROLLER; OR**

21 **(4) AN AMERICAN SALES AGENT OF AN IMPORTER DESCRIBED IN**
22 **ITEM (3) OF THIS SUBSECTION, ON PRESENTATION OF PROOF OF THE SALES AGENCY**
23 **RELATIONSHIP TO THE COMPTROLLER.**

24 **(C) PERSONS INELIGIBLE FOR PERMIT.**

25 **THE COMPTROLLER MAY NOT ISSUE THE PERMIT TO A PERSON THAT:**

26 **(1) IS A HOLDER OF A WHOLESALER'S LICENSE OR RETAIL LICENSE;**

27 **(2) HAS AN INTEREST IN A WHOLESALER LICENSED UNDER THIS**
28 **ARTICLE; OR**

1 **(3) HAS AN INTEREST IN ANY RETAIL LICENSE HOLDER.**

2 **(D) SCOPE OF AUTHORIZATION.**

3 **THE PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, OR DISTILLED**
4 **SPIRITS TO LICENSE HOLDERS AUTHORIZED TO RECEIVE THE BEVERAGES.**

5 **(E) SALES, CONSIGNMENTS, OR DELIVERIES FROM OUTSIDE THE STATE.**

6 **THE PERMIT HOLDER MAY SELL, CONSIGN, OR DELIVER FROM A LOCATION**
7 **OUTSIDE THE STATE TO A PERSON IN THE STATE THAT IS AUTHORIZED TO RECEIVE**
8 **THEM THOSE BEERS, WINES, OR DISTILLED SPIRITS THAT THE PERMIT HOLDER:**

9 **(1) BOTTLES, DISTILLS, IMPORTS, MANUFACTURES, PRODUCES, OR**
10 **RECTIFIES FROM OUTSIDE THE UNITED STATES; OR**

11 **(2) REPRESENTS AS THE DESIGNATED SALES AGENT.**

12 **(F) DISCRIMINATION IN PRICE PROHIBITED.**

13 **A PERSON WHO IS A BOTTLER, A BREWER, A DISTILLER, AN IMPORTER, A**
14 **MANUFACTURER, A RECTIFIER, A VINTNER, OR A WINERY OR THE DESIGNATED**
15 **AGENT OF THE PERSON MAY NOT DISCRIMINATE DIRECTLY OR INDIRECTLY IN PRICE**
16 **BETWEEN LICENSE HOLDERS.**

17 **(G) SALES, CONSIGNMENT, AND DELIVERY ALLOWED UNTIL APPOINTMENT**
18 **OF NEW FRANCHISEE.**

19 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE PERMIT**
20 **HOLDER MAY CONTINUE TO SELL, CONSIGN, OR DELIVER A BRAND OF BEER IN THE**
21 **STATE FROM OUTSIDE THE STATE:**

22 **(1) TO A PERSON IN THE STATE WHO MAY RECEIVE THE BEER UNDER**
23 **THIS ARTICLE; AND**

24 **(2) UNTIL THE PERSON WHO IS THE BREWER OR IMPORTER OF THAT**
25 **BRAND OF BEER OR THE PERSON'S DESIGNATED SALES AGENT PREEMPTS THE**
26 **SALES TERRITORY BY APPOINTING A FRANCHISE LICENSE HOLDER IN ACCORDANCE**
27 **WITH THE BEER FRANCHISE FAIR DEALING ACT UNDER TITLE 5, SUBTITLE 1 OF**
28 **THIS ARTICLE.**

29 **(H) DIRECT SALES AND SHIPMENTS NOT REQUIRED.**

1 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A PERMIT IS**
 2 **NOT REQUIRED TO MAKE DIRECT SALES AND SHIPMENTS TO A WHOLESALER IN THE**
 3 **STATE FROM A LOCATION OUTSIDE THE CONTINENTAL LIMITS AND POSSESSIONS OF**
 4 **THE UNITED STATES.**

5 **(I) FEE.**

6 **THE PERMIT FEE IS \$200.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 2-101(i)(1) through (5) and, as it related to the
 9 fee for a nonresident dealer's permit, (b)(1)(i)3.

10 In subsection (b)(3) of this section, the reference to distilled "spirits" is
 11 substituted for the former reference to distilled "beverages" to conform to the
 12 terminology used throughout this subtitle.

13 In subsection (c)(1) of this section, the reference to "a" wholesaler's license or
 14 retail license is substituted for the former reference to a wholesaler's or retail
 15 license "of any class" for brevity and clarity.

16 In the introductory language of subsection (g) of this section, the former
 17 reference to beer "presently being sold, consigned, or delivered" by a permit
 18 holder is deleted as obsolete.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
 20 the General Assembly, that the language of subsection (h) of this section does
 21 not include Hawaii.

22 Defined terms: "Alcoholic beverage" § 1-101

23 "Beer" § 1-101

24 "Comptroller" § 1-101

25 "License holder" § 1-101

26 "Person" § 1-101

27 "State" § 1-101

28 "Wholesaler" § 1-101

29 "Wholesaler's license" § 1-101

30 "Wine" § 1-101

31 **2-125. RESIDENT DEALER'S PERMIT.**

32 **(A) ESTABLISHED.**

33 **THERE IS A RESIDENT DEALER'S PERMIT.**

34 **(B) AUTHORIZED HOLDER.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
2 **COMPTROLLER MAY ISSUE THE PERMIT TO:**

3 **(I) AN IMPORTER OF BEER, WINE, OR DISTILLED SPIRITS**
4 **PRODUCED OUTSIDE THE UNITED STATES THAT:**

5 **1. PURCHASES DIRECTLY FROM THE BRAND OWNER OR**
6 **FROM A SALES AGENT OF A BOTTLER, BREWER, DISTILLER, MANUFACTURER,**
7 **RECTIFIER, VINTNER, OR WINERY;**

8 **2. IS AUTHORIZED BY THE BRAND OWNER TO SELL IN**
9 **THE STATE; AND**

10 **3. PROVIDES PROOF OF THE SALES AGENCY**
11 **RELATIONSHIP TO THE COMPTROLLER; OR**

12 **(II) AN AMERICAN SALES AGENT OF AN IMPORTER UNDER ITEM**
13 **(I) OF THIS PARAGRAPH, ON PRESENTATION OF PROOF OF THE SALES AGENCY**
14 **RELATIONSHIP TO THE COMPTROLLER.**

15 **(2) AN INDIVIDUAL APPLICANT, AN APPLICANT QUALIFYING AS A**
16 **RESIDENT APPLICANT FOR A CORPORATION, OR EACH APPLICANT FOR A**
17 **PARTNERSHIP IS NOT ELIGIBLE FOR THE PERMIT UNLESS THE INDIVIDUAL HAS**
18 **BEEN A RESIDENT OF THE STATE FOR AT LEAST 2 YEARS IMMEDIATELY BEFORE**
19 **APPLYING FOR THE PERMIT.**

20 **(C) PERSONS INELIGIBLE FOR PERMIT.**

21 **THE COMPTROLLER MAY NOT ISSUE THE PERMIT TO A PERSON THAT:**

22 **(1) IS A HOLDER OF A WHOLESALER'S LICENSE OR RETAIL LICENSE;**

23 **(2) HAS AN INTEREST IN A WHOLESALER LICENSED UNDER THIS**
24 **ARTICLE; OR**

25 **(3) HAS AN INTEREST IN ANY RETAIL LICENSE HOLDER.**

26 **(D) SCOPE OF AUTHORIZATION.**

27 **THE PERMIT AUTHORIZES THE HOLDER TO SELL ALCOHOLIC BEVERAGES TO:**

28 **(1) A HOLDER OF A WHOLESALER'S LICENSE; OR**

1 **(2) A PERSON OUTSIDE THE STATE THAT THE COMPTROLLER**
 2 **AUTHORIZES TO ACQUIRE THE ALCOHOLIC BEVERAGES.**

3 **(E) WAREHOUSE OWNERSHIP PROHIBITED.**

4 **THE PERMIT HOLDER MAY NOT OWN OR OPERATE A WAREHOUSE IN THE**
 5 **STATE.**

6 **(F) FEE.**

7 **THE PERMIT FEE IS \$200.**

8 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 9 expressly what was only implied in the former law, that a resident dealer's
 10 permit exists.

11 Subsections (b) through (f) of this section are new language derived without
 12 substantive change from former Art. 2B, § 2-101(v) and, as it related to the
 13 fee for a resident dealer's permit, (b)(1)(i)3.

14 In subsection (c)(1) of this section, the reference to "a" wholesaler's license or
 15 retail license is substituted for the former reference to a wholesaler or retailer
 16 license "of any class" for brevity and clarity.

17 In subsection (d)(1) of this section, the former reference to holding a
 18 wholesaler's license "under this article in the State" is deleted as surplusage.

19 Defined terms: "Alcoholic beverage" § 1-101

20 "Beer" § 1-101

21 "Comptroller" § 1-101

22 "License holder" § 1-101

23 "Person" § 1-101

24 "State" § 1-101

25 "Wholesaler" § 1-101

26 "Wholesaler's license" § 1-101

27 "Wine" § 1-101

28 **2-126. SOLICITOR'S PERMIT.**

29 **(A) ESTABLISHED.**

30 **THERE IS A SOLICITOR'S PERMIT.**

31 **(B) HOLDER MAY BE RESIDENT OR NONRESIDENT OF STATE.**

1 **THE PERMIT HOLDER MAY BE A RESIDENT OR A NONRESIDENT OF THE STATE.**

2 **(C) SCOPE OF AUTHORIZATION.**

3 **THE PERMIT AUTHORIZES THE HOLDER TO PROMOTE, SELL, OR OFFER FOR**
 4 **SALE BEER, WINE, OR DISTILLED SPIRITS TO HOLDERS OF MANUFACTURER'S,**
 5 **WHOLESALE'S, OR RETAIL LICENSES.**

6 **(D) PROHIBITED ACTS.**

7 **(1) THE PERMIT HOLDER:**

8 **(I) MAY NOT CONTACT CONSUMERS; AND**

9 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MAY**
 10 **NOT SELL, PROMOTE, OR OFFER FOR SALE ALCOHOLIC BEVERAGES TO RETAIL**
 11 **DEALERS, IF EMPLOYED BY A RESIDENT DEALER OR A NONRESIDENT DEALER.**

12 **(2) THE PROHIBITION UNDER PARAGRAPH (1)(II) OF THIS**
 13 **SUBSECTION DOES NOT APPLY IF THE ACCOUNT IS FOR A STATE WHOLESALE OR**
 14 **MANUFACTURER THAT IS A DISTRIBUTOR FOR THE PRODUCTS OF THE EMPLOYER**
 15 **OF THE PERMIT HOLDER.**

16 **(E) FEE.**

17 **THE PERMIT FEE IS \$50.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 2-101(k) and, as it related to the fee for a
 20 solicitor's permit, (b)(1)(i)1.

21 In subsection (b) of this section, the former reference to the permit being
 22 issued "in the discretion of the Office of the Comptroller" is deleted as
 23 surplusage.

24 In subsection (d)(2) of this section, the reference to the employer of the "permit
 25 holder" is substituted for the former reference to the employer of the
 26 "nonresident person or resident person holding such a permit" for brevity.

27 Defined terms: "Alcoholic beverage" § 1-101

28 "Beer" § 1-101

29 "Manufacturer's license" § 1-101

30 "Retail dealer" § 1-101

31 "State" § 1-101

1 “Wholesaler” § 1-101
2 “Wholesaler’s license” § 1-101
3 “Wine” § 1-101

4 **2-127. RESERVED.**

5 **2-128. RESERVED.**

6 **PART IV. BEER AND WINE PERMITS.**

7 **2-129. SCOPE OF PART.**

8 **THIS PART APPLIES STATEWIDE.**

9 REVISOR’S NOTE: This section is new language added for clarity.

10 **2-130. BREWING COMPANY OFF-SITE PERMIT.**

11 **(A) “LIMITED PERMIT HOLDER” DEFINED.**

12 **IN THIS SECTION, “LIMITED PERMIT HOLDER” MEANS A PERSON WHO HOLDS**
13 **A BREWING COMPANY OFF-SITE PERMIT AND ALSO HOLDS A MANUFACTURER’S**
14 **LICENSE FOR:**

15 **(1) A CLASS 5 BREWERY THAT PRODUCES LESS THAN 3,000 BARRELS**
16 **A YEAR;**

17 **(2) A CLASS 7 MICRO-BREWERY THAT PRODUCES LESS THAN 3,000**
18 **BARRELS A YEAR; OR**

19 **(3) A CLASS 8 FARM BREWERY.**

20 **(B) ESTABLISHED.**

21 **THERE IS A BREWING COMPANY OFF-SITE PERMIT.**

22 **(C) AUTHORIZED HOLDER.**

23 **THE COMPTROLLER MAY ISSUE THE PERMIT TO:**

24 **(1) A CLASS 5 BREWERY;**

25 **(2) A CLASS 7 MICRO-BREWERY; OR**

1 **(3) A CLASS 8 FARM BREWERY.**

2 **(D) SCOPE OF AUTHORIZATION.**

3 **DURING AN EVENT LISTED IN SUBSECTION (F) OF THIS SECTION, A LIMITED**
4 **PERMIT HOLDER MAY:**

5 **(1) PROVIDE TO A CONSUMER A SAMPLE OF BEER THAT HAS BEEN**
6 **PRODUCED BY THE LIMITED PERMIT HOLDER AND THAT MAY NOT EXCEED 1 FLUID**
7 **OUNCE FOR EACH OFFERING;**

8 **(2) SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT HAS**
9 **BEEN PRODUCED BY THE LIMITED PERMIT HOLDER FOR OFF-PREMISES**
10 **CONSUMPTION; AND**

11 **(3) EXCEPT FOR FARMERS' MARKETS LISTED IN SUBSECTION (F) OF**
12 **THIS SECTION, SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT IS**
13 **PRODUCED BY THE LIMITED PERMIT HOLDER FOR ON- AND OFF-PREMISES**
14 **CONSUMPTION.**

15 **(E) ALCOHOL AWARENESS PROGRAM AGENT.**

16 **WHILE SELLING BEER OR PROVIDING SAMPLES OF BEER AT A FARMERS'**
17 **MARKET AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A LIMITED PERMIT**
18 **HOLDER SHALL HAVE AN AGENT PRESENT WHO IS CERTIFIED BY AN APPROVED**
19 **ALCOHOL AWARENESS PROGRAM.**

20 **(F) EVENTS ELIGIBLE FOR PERMIT.**

21 **EXCEPT AS OTHERWISE AUTHORIZED UNDER SUBSECTION (G) OF THIS**
22 **SECTION, A LIMITED PERMIT HOLDER MAY USE THE BREWING COMPANY OFF-SITE**
23 **PERMIT ONLY:**

24 **(1) AT THE MONTGOMERY COUNTY AGRICULTURAL FAIR;**

25 **(2) AT THE MARYLAND STATE AGRICULTURAL FAIR;**

26 **(3) AT THE FREDERICK COUNTY AGRICULTURAL FAIR;**

27 **(4) ONE NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT**
28 **THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;**

1 **(5) FOR UP TO SEVEN EVENTS, AT AN EVENT THAT HAS AS ITS MAJOR**
2 **PURPOSE AN ACTIVITY:**

3 **(I) THAT IS OTHER THAN THE SALE AND PROMOTION OF**
4 **ALCOHOLIC BEVERAGES; AND**

5 **(II) FOR WHICH THE PARTICIPATION OF A BREWING COMPANY**
6 **IS A SUBORDINATE ACTIVITY; AND**

7 **(6) AT OTHER FARMERS' MARKETS THAT ARE LISTED ON THE**
8 **FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF**
9 **AGRICULTURE.**

10 **(G) NONPROFIT BEER FESTIVAL.**

11 **A PERSON THAT HOLDS A BREWING COMPANY OFF-SITE PERMIT MAY USE THE**
12 **PERMIT AT A NONPROFIT BEER FESTIVAL THAT:**

13 **(I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF**
14 **MARYLAND BEER; AND**

15 **(II) IS AUTHORIZED BY A LOCAL LICENSING BOARD UNDER §**
16 **2-131 OF THIS SUBTITLE.**

17 **(H) NOTICE.**

18 **(1) NO LATER THAN THE 20TH DAY OF THE MONTH PRECEDING THE**
19 **OFF-SITE EVENT, THE PERMIT HOLDER SHALL NOTIFY THE COMPTROLLER OF THE**
20 **PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE EVENT.**

21 **(2) THE NOTICE SHALL BE ON A FORM THAT THE COMPTROLLER**
22 **PROVIDES.**

23 **(I) TERM OF PERMIT.**

24 **THE PERMIT IS VALID FOR 1 YEAR.**

25 **(J) FILING OF APPLICATION.**

26 **AN APPLICANT SHALL SUBMIT AN APPLICATION FOR THE PERMIT TO THE**
27 **COMPTROLLER ON A FORM THAT THE COMPTROLLER PROVIDES.**

28 **(K) FEE.**

1 **THE PERMIT FEE IS \$100.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, §§ 2-105(a) through (j) and 2-101(b)(1)(i)9.

4 In subsections (d)(1) and (e) of this section, the references to a sample "of beer"
5 is added for clarity.

6 In subsection (d)(1) of this section, the reference to "offering" is substituted for
7 the former reference to "brand" for clarity.

8 In subsection (j) of this section, the former reference to a "completed"
9 application is deleted as surplusage.

10 Former Art. 2B, § 2-105(k), which stated that the Comptroller may adopt
11 regulations to require a permit holder to notify the board of license
12 commissioners of the permit holder's intention to attend an off-site event, is
13 deleted as unnecessary in light of § 1-302 of this article which authorizes the
14 Comptroller to adopt regulations.

15 Defined terms: "Alcoholic beverage" § 1-101

16 "Beer" § 1-101

17 "Comptroller" § 1-101

18 "Consumer" § 1-101

19 "Local licensing board" § 1-101

20 "Person" § 1-101

21 **2-131. NONPROFIT BEER FESTIVAL PERMIT.**

22 **(A) ESTABLISHED.**

23 **THERE IS A NONPROFIT BEER FESTIVAL PERMIT.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A NONPROFIT**
26 **ORGANIZATION, AS DEFINED BY § 501(C)(3) OF THE INTERNAL REVENUE CODE,**
27 **THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

28 **(C) SCOPE OF AUTHORIZATION.**

29 **(1) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO:**

1 **(I) CONDUCT A NONPROFIT BEER FESTIVAL FOR AT LEAST 1**
2 **DAY AND NOT MORE THAN 3 CONSECUTIVE DAYS; AND**

3 **(II) PURCHASE BEER AT WHOLESALE TO:**

4 **1. PROVIDE TO A CONSUMER A SAMPLE THAT MAY NOT**
5 **EXCEED 1 FLUID OUNCE FOR EACH OFFERING; AND**

6 **2. SELL TO A CONSUMER BEER FOR ON- AND**
7 **OFF-PREMISES CONSUMPTION.**

8 **(2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A NONPROFIT**
9 **BEER FESTIVAL FOR HOLDERS OF BREWING COMPANY OFF-SITE PERMITS.**

10 **(3) A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT**
11 **ATTENDS A NONPROFIT BEER FESTIVAL MAY PROVIDE BEER TO A CONSUMER IN THE**
12 **SAME MANNER AS THE HOLDER OF THE NONPROFIT BEER FESTIVAL PERMIT.**

13 **(4) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE NONPROFIT**
14 **BEER FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER**
15 **OR A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT IS IN ATTENDANCE.**

16 **(D) ALCOHOL AWARENESS PROGRAM AGENTS.**

17 **AT ALL TIMES DURING THE NONPROFIT BEER FESTIVAL, THE PERMIT HOLDER**
18 **SHALL HAVE PRESENT AT LEAST TWO AGENTS, ONE OF WHOM MAY BE THE PERMIT**
19 **HOLDER, WHO ARE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.**

20 **(E) FILING OF APPLICATION.**

21 **(1) NOT LESS THAN 30 DAYS BEFORE THE NONPROFIT BEER**
22 **FESTIVAL, A PERSON SHALL SUBMIT AN APPLICATION TO THE LOCAL LICENSING**
23 **BOARD.**

24 **(2) THE APPLICATION SHALL:**

25 **(I) BE ON A FORM THAT THE COMPTROLLER PROVIDES;**

26 **(II) STATE THAT THE PRIMARY PURPOSE OF THE NONPROFIT**
27 **BEER FESTIVAL IS TO PROMOTE MARYLAND BEER;**

28 **(III) PROVIDE DETAILS OF THE NONPROFIT BEER FESTIVAL,**
29 **INCLUDING THE LOCATION, DATES, AND TIMES OF OPERATION; AND**

1 **(IV) INCLUDE APPROPRIATE EVIDENCE THAT THE APPLICANT**
2 **HAS BEEN GIVEN PERMISSION BY THE OWNER OF THE PROPERTY WHERE THE**
3 **NONPROFIT BEER FESTIVAL IS TO BE HELD.**

4 **(F) LIST OF PERMIT HOLDERS.**

5 **NOT LESS THAN 15 DAYS BEFORE THE NONPROFIT BEER FESTIVAL, THE**
6 **PERMIT HOLDER SHALL PROVIDE THE LOCAL LICENSING BOARD WITH A LIST OF**
7 **BREWING COMPANY OFF-SITE PERMIT HOLDERS THAT WILL ATTEND.**

8 **(G) FEE.**

9 **THE PERMIT FEE IS \$100.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 2-106.

12 In subsection (e)(1) of this section, the reference to the "nonprofit beer festival"
13 is substituted for the former reference to the "proposed event" for clarity.

14 Also in subsection (e)(1) of this section, the former reference to the "completed"
15 application is deleted as surplusage.

16 Defined terms: "Alcoholic beverage" § 1-101

17 "Beer" § 1-101

18 "Comptroller" § 1-101

19 "Consumer" § 1-101

20 "Local licensing board" § 1-101

21 "Person" § 1-101

22 **2-132. NONRESIDENT BREWERY PERMIT.**

23 **(A) ESTABLISHED.**

24 **THERE IS A NONRESIDENT BREWERY PERMIT.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A PERSON THAT:**

27 **(1) IS LICENSED OUTSIDE THE STATE TO ENGAGE IN THE**
28 **MANUFACTURE OF BEER;**

1 **(2) PRODUCES IN THE AGGREGATE FROM ALL OF ITS LOCATIONS NOT**
 2 **MORE THAN 22,500 BARRELS OF BEER ANNUALLY; AND**

3 **(3) DOES NOT HOLD A NONRESIDENT DEALER’S PERMIT.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **(1) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL AND**
 6 **DELIVER NOT MORE THAN 3,000 BARRELS OF THE PERMIT HOLDER’S OWN BEER**
 7 **ANNUALLY FROM A LOCATION OUTSIDE THE STATE TO A RETAIL LICENSE HOLDER**
 8 **OR PERMIT HOLDER IN THE STATE AUTHORIZED TO ACQUIRE THE BEER.**

9 **(2) THE PERMIT HOLDER SHALL COMPLY WITH ALL THE**
 10 **REQUIREMENTS OF THIS ARTICLE, THE TAX – GENERAL ARTICLE, AND THE**
 11 **REGULATIONS OF THE COMPTROLLER THAT APPLY TO A HOLDER OF A CLASS 7**
 12 **LIMITED BEER WHOLESALER’S LICENSE.**

13 **(D) FEE.**

14 **THE ANNUAL PERMIT FEE IS \$50.**

15 REVISOR’S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 2–101(x).

17 Subsection (a) of this section is revised in standard language used throughout
 18 this article to establish a permit.

19 In the introductory language of subsection (b) and in subsection (c)(2) of this
 20 section, the former references to the “Office of the” Comptroller are deleted as
 21 surplusage.

22 Defined terms: “Beer” § 1–101
 23 “Comptroller” § 1–101
 24 “License holder” § 1–101
 25 “Person” § 1–101
 26 “State” § 1–101

27 **2–133. WINERY OFF–SITE PERMIT.**

28 **(A) ESTABLISHED.**

29 **THERE IS A WINERY OFF–SITE PERMIT.**

30 **(B) AUTHORIZED HOLDER.**

1 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A CLASS 4 LIMITED WINERY**
2 **THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **DURING AN EVENT LISTED IN SUBSECTION (E) OF THIS SECTION, THE PERMIT**
5 **HOLDER MAY:**

6 **(1) PROVIDE TO A CONSUMER A SAMPLE OF WINE THAT:**

7 **(I) HAS BEEN PRODUCED BY THE PERMIT HOLDER; AND**

8 **(II) DOES NOT EXCEED 1 FLUID OUNCE FOR EACH OFFERING;**

9 **(2) SELL TO A CONSUMER WINE THAT HAS BEEN PRODUCED BY THE**
10 **PERMIT HOLDER FOR OFF-PREMISES CONSUMPTION; AND**

11 **(3) EXCEPT FOR A FARMERS' MARKET LISTED IN SUBSECTION (E) OF**
12 **THIS SECTION, SELL TO A CONSUMER WINE THAT IS PRODUCED BY THE PERMIT**
13 **HOLDER FOR ON- AND OFF-PREMISES CONSUMPTION.**

14 **(D) ALCOHOL AWARENESS PROGRAM AGENT.**

15 **WHILE SELLING WINE OR PROVIDING SAMPLES OF WINE AT A FARMERS'**
16 **MARKET AS PROVIDED IN SUBSECTION (E)(4) OF THIS SECTION, THE PERMIT**
17 **HOLDER SHALL HAVE AN AGENT PRESENT WHO IS CERTIFIED BY AN APPROVED**
18 **ALCOHOL AWARENESS PROGRAM.**

19 **(E) EVENTS ELIGIBLE FOR PERMIT.**

20 **THE PERMIT MAY BE USED ONLY:**

21 **(1) AT THE MONTGOMERY COUNTY AGRICULTURAL FAIR;**

22 **(2) 1 NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT THE**
23 **NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;**

24 **(3) AT AN EVENT THAT HAS AS ITS MAJOR PURPOSE AN ACTIVITY:**

25 **(I) THAT IS OTHER THAN THE SALE AND PROMOTION OF**
26 **ALCOHOLIC BEVERAGES; AND**

1 **(II) FOR WHICH THE PARTICIPATION OF A WINERY IS A**
2 **SUBORDINATE ACTIVITY;**

3 **(4) AT A FARMERS' MARKET THAT IS LISTED ON THE FARMERS'**
4 **MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE; AND**

5 **(5) AT A WINE FESTIVAL THAT:**

6 **(I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF**
7 **MARYLAND WINE; AND**

8 **(II) IS AUTHORIZED BY THE COMPTROLLER UNDER § 2-134 OF**
9 **THIS SUBTITLE.**

10 **(F) PARTICIPATION LIMITS AT EVENTS.**

11 **EACH CALENDAR YEAR, A PERMIT HOLDER MAY PARTICIPATE IN NO MORE**
12 **THAN:**

13 **(1) 32 EVENTS DESCRIBED IN SUBSECTION (E)(3) OF THIS SECTION**
14 **OR WINE FESTIVALS DESCRIBED IN § 2-134 OF THIS SUBTITLE STATEWIDE; AND**

15 **(2) NINE EVENTS AT ANY SINGLE VENUE.**

16 **(G) NOTICE.**

17 **(1) (I) THE PERMIT HOLDER SHALL NOTIFY THE COMPTROLLER**
18 **OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE EVENT WITHIN A**
19 **TIME PERIOD THAT THE COMPTROLLER DETERMINES.**

20 **(II) THE NOTICE SHALL BE ON A FORM THAT THE**
21 **COMPTROLLER PROVIDES.**

22 **(2) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THE**
23 **PERMIT HOLDER TO NOTIFY THE BOARD OF LICENSE COMMISSIONERS IN THE**
24 **COUNTY WHERE THE EVENT IS BEING HELD OF THE PERMIT HOLDER'S INTENTION**
25 **TO ATTEND AN OFF-SITE EVENT.**

26 **(H) TERM OF PERMIT.**

27 **THE PERMIT IS VALID FOR 1 YEAR.**

28 **(I) FILING OF APPLICATION.**

1 **A PERSON SHALL SUBMIT THE APPLICATION FOR THE PERMIT TO THE**
2 **COMPTROLLER ON A FORM THE COMPTROLLER PROVIDES.**

3 **(J) FEE.**

4 **THE PERMIT FEE IS \$100.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, §§ 2-102, 2-104, and 2-101(b)(1)(i)7.

7 In subsections (c)(1) and (d) of this section, the references to a sample "of wine"
8 are added for clarity.

9 In subsection (c)(1)(ii) of this section, the reference to each "offering" is
10 substituted for the former reference to each "brand" for clarity.

11 In subsection (i) of this section, the former reference to a "completed"
12 application is deleted as surplusage.

13 Defined terms: "Alcoholic beverage" § 1-101

14 "Comptroller" § 1-101

15 "Consumer" § 1-101

16 "County" § 1-101

17 "Person" § 1-101

18 "Wine" § 1-101

19 **2-134. WINE FESTIVAL PERMIT.**

20 **(A) ESTABLISHED.**

21 **THERE IS A WINE FESTIVAL PERMIT.**

22 **(B) AUTHORIZED HOLDER.**

23 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A NONPROFIT**
24 **ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE, THAT**
25 **MEETS THE REQUIREMENTS OF THIS SECTION.**

26 **(C) SCOPE OF AUTHORIZATION.**

27 **(1) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO:**

28 **(I) CONDUCT A WINE FESTIVAL FOR AT LEAST 1 DAY BUT NOT**
29 **MORE THAN 3 CONSECUTIVE DAYS; AND**

1 **(II) PURCHASE WINE AT WHOLESALE TO:**

2 1. **PROVIDE TO A CONSUMER A SAMPLE THAT DOES NOT**
3 **EXCEED 1 FLUID OUNCE FOR EACH OFFERING; AND**

4 2. **SELL TO A CONSUMER WINE FOR ON- AND**
5 **OFF-PREMISES CONSUMPTION.**

6 **(2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A WINE FESTIVAL**
7 **FOR HOLDERS OF WINERY OFF-SITE PERMITS.**

8 **(3) A HOLDER OF A WINERY OFF-SITE PERMIT THAT ATTENDS A WINE**
9 **FESTIVAL MAY PROVIDE WINE TO A CONSUMER IN THE SAME MANNER AS THE**
10 **HOLDER OF THE WINE FESTIVAL PERMIT.**

11 **(4) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE WINE**
12 **FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER OR A**
13 **HOLDER OF A WINERY OFF-SITE PERMIT THAT IS IN ATTENDANCE.**

14 **(D) ALCOHOL AWARENESS PROGRAM AGENTS.**

15 **AT ALL TIMES DURING THE WINE FESTIVAL, THE PERMIT HOLDER SHALL HAVE**
16 **PRESENT AT LEAST TWO AGENTS, ONE OF WHOM MAY BE THE PERMIT HOLDER, WHO**
17 **ARE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.**

18 **(E) FILING OF APPLICATION.**

19 **(1) NOT LESS THAN 30 DAYS BEFORE THE WINE FESTIVAL, A PERSON**
20 **SHALL SUBMIT AN APPLICATION FOR THE PERMIT TO THE COMPTROLLER.**

21 **(2) THE APPLICATION SHALL:**

22 **(I) BE ON A FORM THAT THE COMPTROLLER PROVIDES;**

23 **(II) STATE THAT THE PRIMARY PURPOSE OF THE WINE**
24 **FESTIVAL IS TO PROMOTE MARYLAND WINE;**

25 **(III) PROVIDE DETAILS OF THE WINE FESTIVAL, INCLUDING THE**
26 **LOCATION, DATES, AND TIMES OF OPERATION; AND**

1 (IV) INCLUDE APPROPRIATE EVIDENCE THAT THE APPLICANT
 2 HAS BEEN GIVEN PERMISSION BY THE OWNER OF THE PROPERTY WHERE THE WINE
 3 FESTIVAL IS TO BE HELD.

4 (F) LIST OF PERMIT HOLDERS.

5 NOT LESS THAN 15 DAYS BEFORE THE WINE FESTIVAL, THE PERMIT HOLDER
 6 SHALL PROVIDE THE COMPTROLLER WITH A LIST OF WINERY OFF-SITE PERMIT
 7 HOLDERS THAT WILL ATTEND.

8 (G) FEE.

9 THE PERMIT FEE IS \$100.

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, §§ 2-103 and 2-101(b)(1)(i)8.

12 In subsection (c)(1)(ii) of this section, the reference to each "offering" is
 13 substituted for the former reference to each "brand" for clarity.

14 In subsection (e)(1) of this section, the reference to the "wine festival" is
 15 substituted for the former reference to the "proposed event" for clarity.

16 Also in subsection (e)(1) of this section, the former reference to the "completed"
 17 application is deleted as surplusage.

18 In subsection (e)(2)(iv) of this section, the former reference to the property "in
 19 which the wine festival may be held" is deleted as surplusage.

20 Defined terms: "Alcoholic beverage" § 1-101

21 "Comptroller" § 1-101

22 "Consumer" § 1-101

23 "Person" § 1-101

24 "Wine" § 1-101

25 **2-135. NONRESIDENT WINERY PERMIT.**

26 (A) ESTABLISHED.

27 THERE IS A NONRESIDENT WINERY PERMIT.

28 (B) AUTHORIZED HOLDER.

29 THE COMPTROLLER MAY ISSUE THE PERMIT TO A PERSON THAT:

1 **(1) IS LICENSED OUTSIDE THE STATE TO ENGAGE IN THE**
2 **MANUFACTURE OF WINE;**

3 **(2) PRODUCES NOT MORE THAN 27,500 GALLONS OF ITS OWN WINE**
4 **ANNUALLY; AND**

5 **(3) DOES NOT HOLD A NONRESIDENT DEALER’S PERMIT UNDER §**
6 **2–124 OF THIS SUBTITLE.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE PERMIT AUTHORIZES THE HOLDER TO SELL AND DELIVER ITS OWN WINE**
9 **FROM A LOCATION OUTSIDE THE STATE TO A HOLDER OF A PERMIT OR RETAIL**
10 **LICENSE IN THE STATE AUTHORIZED TO ACQUIRE THE WINE.**

11 **(D) COMPLIANCE WITH STATE LAW.**

12 **THE PERMIT HOLDER SHALL COMPLY WITH REQUIREMENTS THAT APPLY TO A**
13 **HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE UNDER:**

14 **(1) THIS ARTICLE;**

15 **(2) THE TAX – GENERAL ARTICLE; AND**

16 **(3) THE REGULATIONS OF THE COMPTROLLER.**

17 **(E) FEE.**

18 **THE PERMIT FEE IS \$50.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 2–101(u) and, as it related to the fee for a
21 nonresident winery permit, (b)(1)(i)1.

22 In subsection (b)(3) of this section, the reference to a nonresident dealer’s
23 permit “under § 2–125 of this subtitle” is added for clarity.

24 Defined terms: “Comptroller” § 1–101

25 “Permit holder” § 1–101

26 “Person” § 1–101

27 “State” § 1–101

28 “Wholesaler’s license” § 1–101

29 “Wine” § 1–101

1 **2-136. FARMERS' MARKET PERMIT.**

2 (A) ESTABLISHED.

3 THERE IS A FARMERS' MARKET PERMIT.

4 (B) AUTHORIZED HOLDER.

5 (1) THE COMPTROLLER MAY ISSUE THE PERMIT TO A HOLDER OF A
6 LICENSE:

7 (I) OTHER THAN A CLASS 4 LIMITED WINERY LICENSE, THAT
8 ALLOWS THE LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES TO THE PUBLIC
9 FOR OFF-PREMISES CONSUMPTION; AND

10 (II) THAT WAS ISSUED BY THE LOCAL LICENSING BOARD OF THE
11 JURISDICTION IN WHICH THE FARMERS' MARKET WILL BE HELD.

12 (2) THE HOLDER OF A PERMIT SHALL NOTIFY THE LOCAL LICENSING
13 BOARD OF THE JURISDICTION IN WHICH THE FARMERS' MARKET WILL BE HELD
14 THAT THE PERMIT HAS BEEN ISSUED.

15 (C) SCOPE OF AUTHORIZATION.

16 (1) A PERMIT MAY BE USED ONLY:

17 (I) AT A FARMERS' MARKET THAT IS LISTED IN THE FARMERS'
18 MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE;

19 (II) AT THE FARMERS' MARKET NAMED IN THE PERMIT; AND

20 (III) DURING THE HOURS OF OPERATION OF THE FARMERS'
21 MARKET FOR WHICH IT IS OBTAINED.

22 (2) A PERMIT AUTHORIZES THE HOLDER TO:

23 (I) OCCUPY STALL SPACE AT A FARMERS' MARKET; AND

24 (II) SUBJECT TO SUBSECTION (E) OF THIS SUBSECTION:

25 1. OFFER AND SELL SEALED CONTAINERS OF WINE TO
26 CONSUMERS FOR CONSUMPTION OFF THE LICENSED PREMISES OF THE FARMERS'
27 MARKET; AND

1 **2. PROVIDE AT NO CHARGE SAMPLES OF WINE NOT TO**
 2 **EXCEED 1 FLUID OUNCE FOR EACH OFFERING TO CONSUMERS FOR CONSUMPTION**
 3 **ON THE LICENSED PREMISES OF THE FARMERS' MARKET.**

4 **(D) LIMIT OF ONE PERMIT FOR EACH FARMERS' MARKET.**

5 **THE COMPTROLLER MAY ISSUE NOT MORE THAN ONE PERMIT FOR USE AT**
 6 **EACH FARMERS' MARKET.**

7 **(E) ALL WINE TO BE PRODUCT OF CLASS 4 LIMITED WINERY.**

8 **ALL WINE OFFERED FOR SALE OR SAMPLINGS BY THE PERMIT HOLDER SHALL**
 9 **BE THE PRODUCT OF A CLASS 4 LIMITED WINERY.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 2-101(y)(2) through (7).

12 In subsection (c)(2)(ii)2 of this section, the reference to "each offering" is
 13 substituted for the former reference to "per brand" to conform to the
 14 terminology used throughout this article.

15 Former Art. 2B, § 2-101(y)(1), which defined "permit" to mean a farmers'
 16 market permit, is deleted as surplusage.

17 Defined terms: "Alcoholic beverage" § 1-101

18 "Comptroller" § 1-101

19 "License holder" § 1-101

20 "Local licensing board" § 1-101

21 "Wine" § 1-101

22 **2-137. CHARITY WINE AUCTION PERMIT.**

23 **(A) "CHARITABLE ORGANIZATION" DEFINED.**

24 **(1) IN THIS SECTION, "CHARITABLE ORGANIZATION" MEANS AN**
 25 **ORGANIZATION THAT:**

26 **(I) IS A BENEVOLENT, EDUCATIONAL, PHILANTHROPIC,**
 27 **HUMANE, PATRIOTIC, RELIGIOUS, OR ELEEMOSYNARY ORGANIZATION THAT**
 28 **SOLICITS OR OBTAINS CONTRIBUTIONS SOLICITED FROM THE PUBLIC FOR**
 29 **CHARITABLE OR BENEVOLENT PURPOSES; AND**

1 **(II) IS REGISTERED WITH THE SECRETARY OF STATE IN**
2 **ACCORDANCE WITH TITLE 6, SUBTITLE 4 OF THE BUSINESS REGULATION ARTICLE.**

3 **(2) "CHARITABLE ORGANIZATION" INCLUDES AN OFFICE, A BRANCH,**
4 **A CHAPTER, OR A SIMILAR AFFILIATED ENTITY THAT HAS ITS PRINCIPAL PLACE OF**
5 **BUSINESS OUTSIDE THE STATE.**

6 **(3) "CHARITABLE ORGANIZATION" DOES NOT INCLUDE:**

7 **(I) A POLITICAL PARTY, POLITICAL COMMITTEE, OR POLITICAL**
8 **CLUB;**

9 **(II) A UNIT OF THE STATE GOVERNMENT OR A POLITICAL**
10 **SUBDIVISION OF THE STATE;**

11 **(III) A FRATERNAL ORGANIZATION;**

12 **(IV) A FIRE COMPANY;**

13 **(V) A RESCUE OR AMBULANCE SQUAD; OR**

14 **(VI) A POLICE FORCE OR OTHER LAW ENFORCEMENT**
15 **ORGANIZATION.**

16 **(B) ESTABLISHED.**

17 **THERE IS A CHARITY WINE AUCTION PERMIT.**

18 **(C) AUTHORIZED HOLDER.**

19 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A CHARITABLE**
20 **ORGANIZATION.**

21 **(D) SCOPE OF AUTHORIZATION.**

22 **THE PERMIT AUTHORIZES THE HOLDER TO SELL WINE AT PUBLIC OR PRIVATE**
23 **AUCTION TO A CONSUMER THROUGH THE SOLICITATION AND ACCEPTANCE OF BIDS.**

24 **(E) TERM OF PERMIT.**

25 **THE PERMIT IS VALID FOR 1 DAY.**

26 **(F) PREMISES ALLOWED.**

1 **THE PERMIT MAY BE GRANTED FOR:**

2 **(1) AN UNLICENSED PREMISES; OR**

3 **(2) A CLASS B, CLASS C, OR CLASS B-D-7 LICENSED PREMISES.**

4 **(G) LIMITATIONS.**

5 **(1) A CHARITABLE ORGANIZATION MAY BE ISSUED NOT MORE THAN**
6 **ONE PERMIT DURING A CALENDAR YEAR.**

7 **(2) A PERMIT ALLOWS THE HOLDER TO CONDUCT ONE AUCTION OF**
8 **WINE DURING A CALENDAR YEAR.**

9 **(H) WINE FOR AUCTION.**

10 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT**
11 **HOLDER MAY RECEIVE WINE FOR THE AUCTION FROM:**

12 **(I) A HOLDER OF A WHOLESALER'S LICENSE;**

13 **(II) A CLASS 3 OR CLASS 4 WINERY;**

14 **(III) A RETAIL DEALER;**

15 **(IV) AN INDIVIDUAL RESIDING IN THE STATE; OR**

16 **(V) A BUSINESS ENTITY IN THE STATE THAT IS NOT LICENSED**
17 **UNDER THIS ARTICLE.**

18 **(2) THE PERMIT HOLDER MAY RECEIVE COMMERCIALY PRODUCED**
19 **WINE THAT IS NOT AUTHORIZED FOR DISTRIBUTION AND SALE IN THE STATE FROM:**

20 **(I) A NONRESIDENT INDIVIDUAL; OR**

21 **(II) A BUSINESS ENTITY THAT IS LOCATED OUTSIDE THE STATE.**

22 **(I) TAXES ON WINE.**

23 **(1) WINE THAT THE PERMIT HOLDER RECEIVES FROM THE**
24 **FOLLOWING SOURCES IS SUBJECT TO STATE TAX UNDER § 5-102 OF THE TAX -**
25 **GENERAL ARTICLE:**

1 (I) A HOLDER OF A WHOLESALER'S LICENSE;

2 (II) A CLASS 3 WINERY;

3 (III) A CLASS 4 WINERY; AND

4 (IV) ANY SOURCE OUTSIDE THE STATE.

5 (2) TAXES ARE PRESUMED TO HAVE BEEN PAID ON WINE THAT THE
6 PERMIT HOLDER RECEIVES FROM THE FOLLOWING SOURCES:

7 (I) A RETAIL DEALER;

8 (II) AN INDIVIDUAL RESIDING IN THE STATE; AND

9 (III) A BUSINESS ENTITY IN THE STATE THAT IS NOT LICENSED
10 UNDER THIS ARTICLE.

11 (J) REPORT AND PAYMENT OF TAXES REQUIRED.

12 (1) WITHIN 30 DAYS AFTER THE AUCTION ENDS, THE PERMIT HOLDER
13 SHALL:

14 (I) FILE A REPORT WITH THE COMPTROLLER; AND

15 (II) PAY ALL TAXES DUE ON WINE RECEIVED FOR THE AUCTION.

16 (2) THE REPORT SHALL:

17 (I) INCLUDE THE TOTAL NUMBER OF GALLONS AND EACH
18 SOURCE OF WINE THAT WAS RECEIVED FOR THE AUCTION; AND

19 (II) BE FILED ON THE FORM THAT THE COMPTROLLER
20 PROVIDES.

21 (K) PREPAYMENT OF ANTICIPATED WINE TAX.

22 THE COMPTROLLER MAY REQUIRE THAT THE PERMIT HOLDER PREPAY ON OR
23 BEFORE THE SEVENTH DAY BEFORE THE AUCTION AN AMOUNT SUFFICIENT TO
24 COVER THE ANTICIPATED WINE TAX DUE.

25 (L) DELIVERY OF WINE PURCHASED AT AUCTION.

1 **(1) WINE PURCHASED AT A CHARITY WINE AUCTION SHALL BE**
2 **DELIVERED TO THE PURCHASER:**

3 **(I) AT THE EVENT; OR**

4 **(II) FROM A LICENSED WAREHOUSE, LICENSED RETAIL**
5 **DEALER'S PREMISES, OR OTHER PREMISES THAT THE COMPTROLLER APPROVES.**

6 **(2) WINE DELIVERED UNDER THIS SUBSECTION IS SUBJECT TO**
7 **APPLICABLE SALES TAXES.**

8 **(M) RESALE.**

9 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON**
10 **AUTHORIZED TO SELL WINE AT RETAIL MAY PURCHASE WINE OFFERED AT A**
11 **CHARITY WINE AUCTION IN AN AMOUNT NOT TO EXCEED 5 GALLONS (18 LITERS) AND**
12 **RESELL THE WINE IN ACCORDANCE WITH THE TERMS OF THE PERSON'S LICENSE.**

13 **(N) FEE.**

14 **THE PERMIT FEE IS \$10.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 2-101(o)(1) through (12).

17 In subsection (a)(1)(ii) of this section, the phrase "in accordance with Title 6,
18 Subtitle 4 of the Business Regulation Article" is substituted for the former
19 phrase "as required by law" for clarity and accuracy.

20 In subsection (a)(2) of this section, the former reference to an "area" office is
21 deleted as surplusage.

22 In subsection (a)(3)(ii) of this section, the term "unit" is substituted for the
23 former term "agency" to conform to the terminology used throughout this
24 article.

25 In subsection (a)(3)(iv) of this section, the reference to "a fire company" is
26 substituted for the former reference to "fire fighters" for clarity and
27 consistency with the terminology used in the Public Safety Article.

28 In subsections (j) and (k) of this section, the former references to "owing" are
29 deleted as included in the references to "due".

1 In subsection (m) of this section, the reference to a “charity” wine auction is
 2 substituted for the former reference to a wine auction “provided for under this
 3 section” for brevity.

4 Former Art. 2B, § 2–101(o)(13), which authorized the Office of the Comptroller
 5 to adopt regulations to implement the provisions of former Art. 2B, § 2–101(o),
 6 is deleted as redundant of § 1–302 of this article, which authorizes the
 7 Comptroller to adopt regulations.

8 Defined terms: “Comptroller” § 1–101
 9 “Permit holder” § 1–101
 10 “Person” § 1–101
 11 “Retail dealer” § 1–101
 12 “State” § 1–101
 13 “Wholesaler’s license” § 1–101
 14 “Wine” § 1–101

15 **2–138. FAMILY BEER AND WINE FACILITY PERMIT.**

16 **(A) ESTABLISHED.**

17 **THERE IS A FAMILY BEER AND WINE FACILITY PERMIT.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **(1) THE PERMIT AUTHORIZES THE HOLDER TO ESTABLISH A FACILITY**
 20 **TO PRODUCE FAMILY BEER OR WINE BY A CONSUMER WHO:**

21 **(I) IS OF LEGAL DRINKING AGE; BUT**

22 **(II) DOES NOT HAVE A LICENSE.**

23 **(2) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE EQUIPMENT,**
 24 **RAW MATERIALS, AND INSTRUCTIONS TO A CONSUMER.**

25 **(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,**
 26 **THE PERMIT HOLDER MAY NOT ENGAGE IN THE PRODUCTION OR MANUFACTURE OF**
 27 **BEER OR WINE.**

28 **(4) A PERMIT AUTHORIZES THE HOLDER TO ENGAGE IN THE**
 29 **PRODUCTION OR MANUFACTURE OF BEER OR WINE FOR:**

30 **(I) TESTING EQUIPMENT OR RECIPES; AND**

31 **(II) SAMPLING, PROVIDED THAT:**

1 1. EACH PATRON HAS NO MORE THAN FIVE SAMPLES;

2 2. EACH SAMPLE DOES NOT EXCEED 2 OUNCES; AND

3 3. EACH SAMPLE IS CONSUMED ON THE PREMISES BY AN
4 INDIVIDUAL WHO HAS A NONREFUNDABLE CONTRACT TO BREW OR FERMENT AT THE
5 FACILITY.

6 (C) REMOVAL AND USE OF BEER AND WINE PRODUCED AT FACILITY.

7 FAMILY BEER AND WINE PRODUCED AT A FAMILY BEER AND WINE FACILITY:

8 (1) SHALL BE REMOVED FROM THE PREMISES BY THE CONSUMER;
9 AND

10 (2) MAY BE USED ONLY FOR HOME CONSUMPTION AND THE
11 PERSONAL USE OF THE CONSUMER.

12 (D) LIMITATION ON PRODUCTION.

13 THE COMPTROLLER MAY RESTRICT THE PERMIT HOLDER TO THE
14 PRODUCTION OF FAMILY-PRODUCED BEER OR FAMILY-PRODUCED WINE.

15 (E) HOLDER PROHIBITED TO HOLD OTHER LICENSE.

16 THE PERMIT HOLDER MAY NOT HOLD ANOTHER LICENSE SIMULTANEOUSLY.

17 (F) FEE.

18 THE PERMIT FEE IS \$400.

19 (G) REGULATIONS.

20 THE COMPTROLLER MAY ADOPT REGULATIONS REGARDING ANY ACTIVITY
21 RELATING TO THE OPERATION OF THE FACILITY, INCLUDING LIMITS ON THE
22 QUANTITIES OF BEER AND WINE PRODUCED AND RECORD KEEPING.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 2-101(s) and (b)(1)(i)4.

25 In subsection (b)(4)(ii) of this section, the former reference to a sampling
26 "privilege" is deleted as surplusage.

1 In subsection (e) of this section, the former reference to a license “issued
2 pursuant to this article” is deleted in light of the defined term “license”.

3 In subsection (g) of this section, the reference to quantities “of beer and wine”
4 is added for clarity.

5 Defined terms: “Beer” § 1–101
6 “Comptroller” § 1–101
7 “Consumer” § 1–101
8 “License” § 1–101
9 “Wine” § 1–101

10 **2–139. NATIONAL FAMILY BEER AND WINE EXHIBITION PERMIT.**

11 **(A) ESTABLISHED.**

12 **THERE IS A NATIONAL FAMILY BEER AND WINE EXHIBITION PERMIT.**

13 **(B) AUTHORIZED HOLDER.**

14 **THE COMPTROLLER MAY ISSUE THE PERMIT TO A BONA FIDE:**

15 **(1) NATIONAL FAMILY WINE ASSOCIATION;**

16 **(2) NATIONAL FAMILY BEER ASSOCIATION; OR**

17 **(3) NATIONAL FAMILY BEER AND WINE ASSOCIATION.**

18 **(C) SCOPE OF AUTHORIZATION.**

19 **(1) THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT A NATIONAL**
20 **FAMILY BEER AND WINE EXHIBITION AND COMPETITION AT WHICH THE PERMIT**
21 **HOLDER MAY EXHIBIT, JUDGE, AND TASTE BEER AND WINE ACQUIRED IN**
22 **ACCORDANCE WITH THIS SECTION AT THE PLACE DESIGNATED IN THE PERMIT**
23 **APPLICATION.**

24 **(2) THE PERMIT AUTHORIZES THE HOLDER TO RECEIVE FOR USE,**
25 **EXHIBITION, AND TASTINGS AT AN EXHIBITION:**

26 **(I) TAX-FREE FAMILY PRODUCED BEER AND WINE;**

27 **(II) TAX-PAID COMMERCIALY PRODUCED:**

1 1. BEER AND WINE FROM LICENSED NONRESIDENT
2 DEALERS OR MANUFACTURERS THROUGH HOLDERS OF WHOLESALER'S LICENSES;
3 OR

4 2. WINES FROM CLASS 4 WINERIES; AND

5 (III) COMMERCIALY PRODUCED BEER AND WINE FROM
6 MANUFACTURERS OR SUPPLIERS LICENSED BY ANOTHER STATE AND SUBJECT TO
7 THE TAX IMPOSED UNDER § 5-102 OF THE TAX – GENERAL ARTICLE.

8 (3) THE PERMIT HOLDER MAY NOT SELL BEER AND WINE AT THE
9 EXHIBITION AND COMPETITION.

10 (4) NOTWITHSTANDING § 6-319 OF THIS ARTICLE, THE PERMIT
11 HOLDER MAY ALLOW A PERSON TO POSSESS AND CONSUME BEER AND WINE ON THE
12 PREMISES GOVERNED BY THE PERMIT AS PROVIDED IN THIS SECTION.

13 (D) DURATION OF EXHIBITION.

14 AN EXHIBITION MAY NOT LAST MORE THAN 5 DAYS.

15 (E) PREMISES FOR EXHIBITION.

16 THE PERMIT MAY BE GRANTED FOR:

17 (1) AN UNLICENSED PREMISES; OR

18 (2) A CLASS B, CLASS C, OR CLASS B-D-7 LICENSED PREMISES.

19 (F) JUDGES AND PARTICIPANTS.

20 PERSONS AUTHORIZED TO JUDGE OR PARTICIPATE AT A NATIONAL FAMILY
21 BEER AND WINE EXHIBITION INCLUDE A:

22 (1) MANUFACTURER;

23 (2) NONRESIDENT DEALER;

24 (3) SUPPLIER;

25 (4) WHOLESALER; AND

1 **(5) REPRESENTATIVE OF ANY OF THE PERSONS LISTED IN ITEMS (1)**
2 **THROUGH (4) OF THIS SUBSECTION.**

3 **(G) NONRESIDENT DEALER'S PERMIT NOT REQUIRED.**

4 **A SUPPLIER LICENSED BY ANOTHER STATE IS NOT REQUIRED TO HAVE A**
5 **NONRESIDENT DEALER'S PERMIT TO SHIP BEER AND WINE TO THE PERMIT HOLDER.**

6 **(H) REPORT AND PAYMENT OF TAXES REQUIRED.**

7 **(1) WITHIN 30 DAYS AFTER THE EXHIBITION ENDS, THE PERMIT**
8 **HOLDER SHALL:**

9 **(I) FILE A REPORT, ON THE FORMS THAT THE COMPTROLLER**
10 **PROVIDES, OF THE NUMBER OF GALLONS OF COMMERCIALY PRODUCED BEER AND**
11 **WINE THAT THE PERMIT HOLDER RECEIVED FROM SUPPLIERS THAT ARE NOT**
12 **LICENSED; AND**

13 **(II) PAY THE TAX REQUIRED UNDER § 5-102 OF THE TAX -**
14 **GENERAL ARTICLE.**

15 **(2) THE COMPTROLLER MAY REQUIRE THE PERMIT HOLDER TO**
16 **PREPAY AN AMOUNT SUFFICIENT TO COVER THE ANTICIPATED TAX RATHER THAN**
17 **POST A BOND.**

18 **(I) FEE.**

19 **THE PERMIT FEE IS \$50.**

20 **REVISOR'S NOTE:** This section is new language derived without substantive
21 change from former Art. 2B, § 2-101(m) and (b)(7).

22 In subsections (c)(2)(iii) and (g) of this section, the references to manufacturers
23 or suppliers "licensed by another state" are substituted for the former
24 references to "non-Maryland licensed" manufacturers and suppliers for
25 clarity.

26 In subsection (c)(4) of this section, the reference to the permit holder
27 "allow[ing] a person to possess and consume beer and wine" is substituted for
28 the former reference to the permit "authoriz[ing] the possession and
29 consumption of beer and wine ... with the permission of the licensee" for
30 brevity.

1 Also in subsection (c)(4) of this section, the reference to the premises “governed
2 by the permit” is substituted for the former reference to the “named” premises
3 for clarity.

4 In subsection (d) of this section, the former reference to “a period” of not more
5 than 5 days is deleted as surplusage.

6 In subsection (e)(2) of this section, the former references to an “alcoholic
7 beverages” licensed premises are deleted as surplusage.

8 Defined terms: “Beer” § 1–101

9 “Comptroller” § 1–101

10 “Family beer” § 1–101

11 “Family wine” § 1–101

12 “Person” § 1–101

13 “State” § 1–101

14 “Wholesaler” § 1–101

15 “Wholesaler’s license” § 1–101

16 “Wine” § 1–101

17 **2–140. RESERVED.**

18 **2–141. RESERVED.**

19 **PART V. DIRECT WINE SHIPPER’S AND COMMON CARRIER PERMITS.**

20 **2–142. DEFINITIONS.**

21 **(A) IN GENERAL.**

22 **IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

23 **(B) COMMON CARRIER.**

24 **(1) “COMMON CARRIER” MEANS A BUSINESS ENTITY THAT:**

25 **(I) HOLDS ITSELF OUT AS BEING AVAILABLE TO THE PUBLIC TO**
26 **TRANSPORT IN INTERSTATE OR FOREIGN COMMERCE FOR COMPENSATION ANY**
27 **CLASS OF PASSENGER OR PROPERTY; AND**

28 **(II) HOLDS A COMMON CARRIER PERMIT ISSUED UNDER § 2–151**
29 **OF THIS SUBTITLE.**

1 **(2) “COMMON CARRIER” DOES NOT INCLUDE A BUSINESS ENTITY**
 2 **THAT TRANSPORTS ONLY PROPERTY THE BUSINESS ENTITY OWNS OR THAT IS**
 3 **CONSIGNED TO THE BUSINESS ENTITY.**

4 **(C) DIRECT WINE SHIPPER.**

5 **“DIRECT WINE SHIPPER” MEANS THE HOLDER OF A DIRECT WINE SHIPPER’S**
 6 **PERMIT ISSUED UNDER THIS PART.**

7 REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–101(a) through (c).

8 The only changes are in style.

9 Former Art. 2B, § 7.5–101(d), which defined pomace brandy to mean “brandy
 10 that is distilled from the pulpy residue of the wine press, including the skins,
 11 pips, and stalks of grapes”, is deleted as redundant of the definition of pomace
 12 brandy in § 1–101 of this article.

13 Former Art. 2B, § 7.5–101(e), which defined wine to include pomace brandy
 14 and not to include beer, distilled spirits, or any alcoholic beverage other than
 15 wine, is deleted in light of the definition of wine in § 1–101 of this article.

16 **2–143. PERMIT REQUIRED.**

17 **A PERSON SHALL BE ISSUED A DIRECT WINE SHIPPER’S PERMIT BY THE**
 18 **COMPTROLLER BEFORE THE PERSON MAY ENGAGE IN SHIPPING WINE DIRECTLY TO**
 19 **A CONSUMER IN THE STATE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 7.5–102.

22 The former phrase “as a direct wine shipper” is deleted as surplusage.

23 Defined terms: “Comptroller” § 1–101
 24 “Consumer” § 1–101
 25 “Direct wine shipper” § 2–142
 26 “Person” § 1–101
 27 “State” § 1–101
 28 “Wine” § 1–101

29 **2–144. QUALIFICATION FOR PERMIT.**

30 **TO QUALIFY FOR A DIRECT WINE SHIPPER’S PERMIT, AN APPLICANT SHALL**
 31 **BE:**

1 **(1) A PERSON LICENSED OUTSIDE THE STATE TO ENGAGE IN THE**
 2 **MANUFACTURE OF WINE; OR**

3 **(2) A HOLDER OF A CLASS 3 MANUFACTURER’S LICENSE OR A CLASS**
 4 **4 MANUFACTURER’S LICENSE.**

5 REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–103.

6 In item (2) of this section, the former reference to a Class 3 manufacturer’s
 7 license or a Class 4 manufacturer’s license “issued under this article” is
 8 deleted as included in the defined term “manufacturer’s license”.

9 No other changes are made.

10 Defined terms: “Direct wine shipper” § 2–142

11 “Manufacturer’s license” § 1–101

12 “Person” § 1–101

13 “State” § 1–101

14 “Wine” § 1–101

15 **2–145. APPLICATION FOR PERMIT.**

16 **(A) APPLICATION REQUIREMENTS.**

17 **AN APPLICANT FOR A DIRECT WINE SHIPPER’S PERMIT SHALL:**

18 **(1) SUBMIT TO THE COMPTROLLER A COMPLETED APPLICATION ON A**
 19 **FORM THAT THE COMPTROLLER PROVIDES;**

20 **(2) PROVIDE TO THE COMPTROLLER A COPY OF THE APPLICANT’S**
 21 **CURRENT LICENSE; AND**

22 **(3) PAY A FEE OF \$200 FOR INITIAL ISSUANCE OF THE DIRECT WINE**
 23 **SHIPPER’S PERMIT.**

24 **(B) ISSUANCE OF PERMIT.**

25 **THE COMPTROLLER SHALL ISSUE A DIRECT WINE SHIPPER’S PERMIT TO EACH**
 26 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS PART FOR THE PERMIT.**

27 REVISOR’S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, §§ 7.5–104 and, as it related to the issuance fee,
 29 2–101(b)(1)(i)5.

1 In subsection (a)(2) of this section, the former reference to an “alcoholic
2 beverages” license is deleted as included in the defined term “license”.

3 Defined terms: “Comptroller” § 1–101
4 “Direct wine shipper” § 2–142
5 “License” § 1–101

6 **2–146. SCOPE OF AUTHORIZATION.**

7 **A DIRECT WINE SHIPPER’S PERMIT ENTITLES THE HOLDER TO SELL WINE**
8 **MANUFACTURED BY THE HOLDER THROUGH A HOLDER OF A COMMON CARRIER**
9 **PERMIT TO A CONSUMER BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER**
10 **TRANSMITS BY ELECTRONIC OR OTHER MEANS.**

11 REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–105.

12 No changes are made.

13 Defined terms: “Common carrier” § 2–142
14 “Consumer” § 1–101
15 “Direct wine shipper” § 2–142
16 “Wine” § 1–101

17 **2–147. TERM OF PERMIT.**

18 **THE TERM OF A DIRECT WINE SHIPPER’S PERMIT IS 1 YEAR AND BEGINS ON**
19 **JULY 1.**

20 REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–106.

21 No changes are made.

22 Defined term: “Direct wine shipper” § 2–142

23 **2–148. DUTIES OF SHIPPER; RESTRICTIONS ON SHIPPING.**

24 **(A) DUTIES OF DIRECT WINE SHIPPER.**

25 **A DIRECT WINE SHIPPER SHALL:**

26 **(1) ENSURE THAT ALL CONTAINERS OF WINE SHIPPED DIRECTLY TO A**
27 **CONSUMER IN THE STATE ARE CONSPICUOUSLY LABELED WITH:**

28 **(I) THE NAME OF THE DIRECT WINE SHIPPER;**

1 (II) THE NAME AND ADDRESS OF THE CONSUMER WHO IS THE
2 INTENDED RECIPIENT; AND

3 (III) THE WORDS “CONTAINS ALCOHOL: SIGNATURE OF PERSON
4 AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY”;

5 (2) REPORT TO THE COMPTROLLER INFORMATION ABOUT THE
6 DIRECT WINE SHIPPER’S WINE SHIPMENTS, IN A MANNER THAT THE COMPTROLLER
7 DETERMINES;

8 (3) FILE A QUARTERLY TAX RETURN IN ACCORDANCE WITH §
9 5–201(D) OF THE TAX – GENERAL ARTICLE;

10 (4) PAY QUARTERLY TO THE COMPTROLLER ALL SALES TAXES AND
11 EXCISE TAXES DUE ON SALES TO CONSUMERS IN THE STATE AND CALCULATE THE
12 TAXES AS IF THE SALE WERE MADE IN THE STATE;

13 (5) MAINTAIN FOR 3 YEARS COMPLETE AND ACCURATE RECORDS OF
14 ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS PART;

15 (6) ALLOW THE COMPTROLLER TO PERFORM AN AUDIT OF THE
16 DIRECT WINE SHIPPER’S RECORDS ON REQUEST; AND

17 (7) CONSENT TO THE JURISDICTION OF THE COMPTROLLER OR
18 OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS
19 SECTION AND ANY RELATED LAW.

20 **(B) RESTRICTIONS ON SHIPPING.**

21 **A DIRECT WINE SHIPPER MAY NOT:**

22 (1) SHIP MORE THAN 18 9–LITER CASES OF WINE EACH YEAR TO A
23 SINGLE DELIVERY ADDRESS; OR

24 (2) CAUSE WINE TO BE DELIVERED ON SUNDAY TO AN ADDRESS IN
25 THE STATE.

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 7.5–107.

28 Defined terms: “Comptroller” § 1–101

29 “Consumer” § 1–101

30 “Direct wine shipper” § 2–142

31 “Jurisdiction” § 1–101

1 "State" § 1-101

2 "Wine" § 1-101

3 **2-149. RENEWAL OF PERMIT.**

4 **(A) REQUIREMENTS FOR RENEWAL.**

5 **A DIRECT WINE SHIPPER MAY RENEW ITS DIRECT WINE SHIPPER'S PERMIT**
6 **EACH YEAR IF THE DIRECT WINE SHIPPER:**

7 **(1) IS OTHERWISE ENTITLED TO HAVE A DIRECT WINE SHIPPER'S**
8 **PERMIT;**

9 **(2) PROVIDES TO THE COMPTROLLER A COPY OF ITS CURRENT**
10 **PERMIT; AND**

11 **(3) PAYS TO THE COMPTROLLER A RENEWAL FEE OF \$200.**

12 **(B) GROUNDS FOR DENYING RENEWAL.**

13 **THE COMPTROLLER MAY DENY A RENEWAL APPLICATION OF A DIRECT WINE**
14 **SHIPPER WHO FAILS TO:**

15 **(1) FILE A TAX RETURN REQUIRED UNDER THIS PART;**

16 **(2) PAY A FEE OR TAX WHEN DUE; OR**

17 **(3) AFTER RECEIVING NOTICE, COMPLY WITH THIS ARTICLE OR A**
18 **REGULATION THAT THE COMPTROLLER ADOPTS UNDER THIS ARTICLE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, §§ 7.5-108 and, as it related to the renewal fee,
21 2-101(b)(1)(i)5.

22 Defined terms: "Comptroller" § 1-101

23 "Direct wine shipper" § 2-142

24 **2-150. REQUIREMENTS FOR RECIPIENTS.**

25 **(A) IN GENERAL.**

26 **TO RECEIVE A DIRECT SHIPMENT OF WINE, A CONSUMER IN THE STATE SHALL**
27 **BE AT LEAST 21 YEARS OLD.**

1 **(B) RESALE PROHIBITED.**

2 **A PERSON WHO RECEIVES A SHIPMENT OF WINE SHALL USE THE SHIPMENT**
3 **FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL THE SHIPMENT.**

4 REVISOR'S NOTE: This section formerly was Art. 2B, § 7.5–109.

5 No changes are made.

6 Defined terms: “Consumer” § 1–101

7 “Person” § 1–101

8 “State” § 1–101

9 “Wine” § 1–101

10 **2–151. COMMON CARRIER PERMIT.**

11 **(A) ESTABLISHED.**

12 **THERE IS A COMMON CARRIER PERMIT.**

13 **(B) SCOPE OF AUTHORIZATION.**

14 **A HOLDER OF A COMMON CARRIER PERMIT MAY DELIVER WINE FROM A**
15 **LOCATION INSIDE OR OUTSIDE THE STATE TO A CONSUMER IN THE STATE FOR THE**
16 **CONSUMER'S PERSONAL USE UNDER THIS PART.**

17 **(C) PERMIT REQUIRED.**

18 **A PERSON SHALL BE ISSUED A COMMON CARRIER PERMIT BEFORE THE**
19 **PERSON MAY ENGAGE IN TRANSPORTING WINE FROM A DIRECT WINE SHIPPER TO A**
20 **CONSUMER.**

21 **(D) TERM OF PERMIT.**

22 **THE TERM OF A COMMON CARRIER PERMIT IS 1 YEAR AND BEGINS ON JULY 1.**

23 **(E) REQUIREMENTS FOR DELIVERY.**

24 **TO COMPLETE DELIVERY OF A SHIPMENT, THE COMMON CARRIER SHALL**
25 **REQUIRE FROM A CONSUMER AT THE ADDRESS LISTED ON THE SHIPPING LABEL:**

26 **(1) THE SIGNATURE OF THE CONSUMER OR ANOTHER INDIVIDUAL AT**
27 **THE ADDRESS WHO IS AT LEAST 21 YEARS OLD; AND**

1 "Direct wine shipper" § 2-142
 2 "Person" § 1-101
 3 "State" § 1-101
 4 "Wine" § 1-101

5 **2-152. REPORTS AND RECORDS.**

6 **(A) REQUIRED REPORTS.**

7 **A COMMON CARRIER SHALL REPORT QUARTERLY TO THE COMPTROLLER:**

8 **(1) THE DATE OF EACH DELIVERY OF WINE IN THE STATE; AND**

9 **(2) THE NAME AND ADDRESS OF THE DIRECT WINE SHIPPER AND THE**
 10 **RECEIVING CONSUMER OF EACH DELIVERY.**

11 **(B) RECORDS TO BE MAINTAINED FOR 3 YEARS.**

12 **A COMMON CARRIER SHALL MAINTAIN FOR 3 YEARS COMPLETE AND**
 13 **ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH**
 14 **THIS PART.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 7.5-111.

17 Defined terms: "Common carrier" § 2-142
 18 "Comptroller" § 1-101
 19 "Consumer" § 1-101
 20 "Direct wine shipper" § 2-142
 21 "State" § 1-101
 22 "Wine" § 1-101

23 **2-153. DIRECT SHIPPING WITHOUT PERMIT PROHIBITED.**

24 **A PERSON WITHOUT A DIRECT WINE SHIPPER'S PERMIT MAY NOT SHIP WINE**
 25 **DIRECTLY TO A CONSUMER IN THE STATE.**

26 REVISOR'S NOTE: This section formerly was Art. 2B, § 7.5-113.

27 The only changes are in style.

28 Defined terms: "Consumer" § 1-101
 29 "Direct wine shipper" § 2-142
 30 "Person" § 1-101
 31 "State" § 1-101

1 "Wine" § 1-101

2 **2-154. VIOLATIONS OF PART.**

3 **EACH VIOLATION OF THIS PART IS A SEPARATE VIOLATION.**

4 REVISOR'S NOTE: This section formerly was Art. 2B, § 7.5-114.

5 The only changes are in style.

6 REVISOR'S NOTE TO PART

7 Former Art. 2B, § 7.5-112, which authorized the Comptroller to adopt regulations to
8 carry out this [part], is deleted as unnecessary because the Comptroller may adopt
9 regulations under § 1-302 of this article.

10 **2-155. RESERVED.**

11 **2-156. RESERVED.**

12 **PART VI. ALCOHOL AWARENESS PERMITS.**

13 **2-157. SCOPE OF PART.**

14 **THIS PART APPLIES STATEWIDE.**

15 REVISOR'S NOTE: This section is new language added for clarity.

16 **2-158. ALCOHOL AWARENESS PROGRAM PERMIT.**

17 **(A) ESTABLISHED.**

18 **THERE IS AN ALCOHOL AWARENESS PROGRAM PERMIT.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT AN ALCOHOL**
21 **AWARENESS PROGRAM AS CERTIFIED BY THE COMPTROLLER UNDER § 4-505 OF**
22 **THIS ARTICLE.**

23 **(C) FEE.**

24 **THE PERMIT FEE IS \$15.**

1 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
2 expressly what was only implied in the former law, that an alcohol awareness
3 program permit exists.

4 Subsections (b) and (c) of this section are new language derived without
5 substantive change from former Art. 2B, § 2-101(q) and (b)(9)(ii).

6 Defined term: "Comptroller" § 1-101

7 **2-159. ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

8 **(A) ESTABLISHED.**

9 **THERE IS AN ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

10 **(B) SCOPE OF AUTHORIZATION.**

11 **THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT ALCOHOL AWARENESS**
12 **TRAINING AS AN EMPLOYEE OR AGENT OF AN ALCOHOL AWARENESS PROGRAM**
13 **PERMIT HOLDER.**

14 **(C) FEE.**

15 **THE PERMIT FEE IS \$5.**

16 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
17 expressly what was only implied in the former law, that an alcohol awareness
18 instructor's permit exists.

19 Subsections (b) and (c) of this section are new language derived without
20 substantive change from former Art. 2B, § 2-101(r) and (b)(9)(i).

21 **2-160. RESERVED.**

22 **2-161. RESERVED.**

23 **PART VII. MISCELLANEOUS PERMITS.**

24 **2-162. SCOPE OF PART.**

25 **THIS PART APPLIES STATEWIDE.**

26 REVISOR'S NOTE: This section is new language added for clarity.

27 **2-163. FUEL-ALCOHOL PERMIT.**

1 **(A) ESTABLISHED.**

2 **THERE IS A FUEL-ALCOHOL PERMIT.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **THE PERMIT AUTHORIZES THE HOLDER TO ESTABLISH A DISTILLED SPIRITS**
5 **PLANT FOR THE SOLE PURPOSE TO MANUFACTURE, PROCESS, STORE, USE, OR**
6 **DISTRIBUTE DISTILLED SPIRITS EXCLUSIVELY FOR FUEL.**

7 **(C) PROHIBITION.**

8 **A PERMIT HOLDER MAY NOT ESTABLISH A DISTILLED SPIRITS PLANT FOR**
9 **BEVERAGE PURPOSES.**

10 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
11 expressly what was only implied in the former law, that a fuel-alcohol permit
12 exists.

13 Subsections (b) and (c) of this section are new language derived without
14 substantive change from former Art. 2B, § 2-101(l).

15 **2-164. NONBEVERAGE PERMIT.**

16 **(A) ESTABLISHED.**

17 **THERE IS A NONBEVERAGE PERMIT.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE PERMIT AUTHORIZES THE HOLDER TO PURCHASE ALCOHOL AND**
20 **ALCOHOLIC BEVERAGES FOR:**

21 **(1) USE IN COMPOUNDING OR MANUFACTURING FLAVORING**
22 **EXTRACTS;**

23 **(2) MEDICINAL, ANTISEPTIC, OR TOILET PREPARATIONS OR FOR**
24 **OTHER SIMILAR PURPOSES;**

25 **(3) SCIENTIFIC OR LABORATORY PURPOSES;**

26 **(4) FLAVORING FOOD PRODUCTS; OR**

1 **(5) SALE BY PHARMACISTS ON THE WRITTEN PRESCRIPTION OF A**
2 **QUALIFIED PHYSICIAN.**

3 **(C) USE FOR ALCOHOLIC BEVERAGE OR OTHER BEVERAGE PURPOSES**
4 **PROHIBITED.**

5 **THE PERMIT HOLDER MAY NOT USE, SELL, OR DELIVER:**

6 **(1) ALCOHOLIC BEVERAGES FOR BEVERAGE PURPOSES; OR**

7 **(2) ANY OTHER PRODUCT THAT IS:**

8 **(I) PRODUCED WITH ALCOHOLIC BEVERAGES; AND**

9 **(II) FIT FOR BEVERAGE PURPOSES.**

10 **(D) EXPIRATION OF PERMIT.**

11 **THE PERMIT DOES NOT EXPIRE UNTIL IT IS REVOKED.**

12 **(E) FEE.**

13 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
14 **THE FEE FOR THE ISSUANCE OR RENEWAL OF THE PERMIT IS \$50.**

15 **(2) THE COMPTROLLER SHALL ISSUE THE PERMIT WITHOUT THE**
16 **PAYMENT OF A FEE TO:**

17 **(I) A CHARITABLE ORGANIZATION; OR**

18 **(II) A HOLDER OF A FUEL-ALCOHOL PERMIT.**

19 **REVISOR'S NOTE:** This section is new language derived without substantive
20 change from former Art. 2B, § 2-101(c) and (b)(1)(ii) and (2)(ii) and, as it
21 related to the fee for a nonalcoholic beverage permit, (b)(1)(i)1.

22 In subsection (b)(5) of this section, the reference to "pharmacists" is
23 substituted for the former reference to "druggists or apothecaries" to use more
24 modern terminology.

25 In subsection (d) of this section, the former term "canceled" is deleted as
26 included in the meaning of the term "revoked".

1 In subsection (e)(2)(i) of this section, the reference to a “charitable
2 organization” is substituted for the former reference to an “eleemosynary” for
3 clarity.

4 Defined terms: “Alcoholic beverage” § 1–101
5 “Comptroller” § 1–101

6 **SUBTITLE 2. MANUFACTURER’S LICENSES.**

7 **2–201. ISSUANCE BY COMPTROLLER.**

8 **EACH LICENSE SPECIFIED IN THIS SUBTITLE IS A MANUFACTURER’S LICENSE**
9 **THAT THE COMPTROLLER ISSUES.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, §§ 2–207(a)(1) and 2–208(b)(1). It is revised to
12 state expressly what was only implied in the former law, that all
13 manufacturer’s licenses are issued by the Comptroller.

14 Defined terms: “Comptroller” § 1–101
15 “License” § 1–101
16 “Manufacturer’s license” § 1–101

17 **2–202. CLASS 1 DISTILLERY LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS 1 DISTILLERY LICENSE.**

20 **(B) REQUIRED LICENSURE.**

21 **THE LICENSE SHALL BE OBTAINED FOR EACH TRADE NAME AND EACH**
22 **DISTILLERY IN THE STATE.**

23 **(C) SCOPE OF AUTHORIZATION.**

24 **A LICENSE HOLDER MAY:**

25 **(1) ESTABLISH AND OPERATE A PLANT FOR DISTILLING BRANDY,**
26 **RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS AT THE LOCATION DESCRIBED IN**
27 **THE LICENSE;**

28 **(2) SELL AND DELIVER THE ALCOHOLIC BEVERAGES:**

1 **(I) IN BULK TO A PERSON IN THE STATE THAT IS AUTHORIZED**
2 **TO ACQUIRE THEM; AND**

3 **(II) TO A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO**
4 **ACQUIRE THEM;**

5 **(3) MANUFACTURE AN ALCOHOLIC BEVERAGE LISTED IN ITEM (1) OF**
6 **THIS SUBSECTION IN THE NAME OF ANOTHER PERSON OR UNDER A TRADE NAME IF**
7 **THE OTHER PERSON OR TRADE NAME ALSO HOLDS A CLASS 1 DISTILLERY LICENSE;**

8 **(4) ACQUIRE ALCOHOLIC BEVERAGES IN BULK FROM THE HOLDER OF**
9 **A CLASS 1 DISTILLERY LICENSE, CLASS 2 RECTIFYING LICENSE, CLASS 3 WINERY**
10 **LICENSE, OR NONRESIDENT DEALER'S PERMIT; AND**

11 **(5) (I) CONDUCT GUIDED TOURS OF THE LICENSED PREMISES;**

12 **(II) SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS**
13 **MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF**
14 **NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO AN INDIVIDUAL**
15 **WHO HAS ATTAINED THE LEGAL DRINKING AGE AND PARTICIPATED IN A GUIDED**
16 **TOUR OF THE LICENSED PREMISES; AND**

17 **(III) SUBJECT TO SUBSECTION (D) OF THIS SECTION, SELL NOT**
18 **MORE THAN THREE 750-MILLILITER BOTTLES OF PRODUCTS MANUFACTURED ON**
19 **THE LICENSED PREMISES, FOR OFF-PREMISES CONSUMPTION, AND RELATED**
20 **MERCHANDISE TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE**
21 **AND PARTICIPATED IN A GUIDED TOUR OF THE LICENSED PREMISES.**

22 **(D) LIMIT ON CERTAIN SALES.**

23 **A LICENSE HOLDER MAY SELL BOTTLES OF PRODUCTS UNDER SUBSECTION**
24 **(C)(5)(III) OF THIS SECTION ONLY IF THE LICENSE HOLDER MANUFACTURES NOT**
25 **MORE THAN 27,500 GALLONS OF PRODUCTS ANNUALLY.**

26 **(E) ACTING AS CATERER OF FOOD — PROHIBITED.**

27 **A LICENSE HOLDER OR ENTITY IN WHICH A LICENSE HOLDER HAS A**
28 **PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**

29 **(F) TIME LIMITS.**

30 **SUBJECT TO SUBSECTION (G) OF THIS SECTION, A LICENSE HOLDER MAY**
31 **CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (C)(5) OF THIS SECTION:**

1 **(1) FOR OFF-PREMISES CONSUMPTION OF PRODUCTS**
2 **MANUFACTURED AT THE LICENSED PREMISES AND FOR SAMPLING, FROM 10 A.M. TO**
3 **10 P.M. EACH DAY; AND**

4 **(2) FOR ON-PREMISES CONSUMPTION OF PRODUCTS**
5 **MANUFACTURED AT THE LICENSED PREMISES:**

6 **(I) FROM 10 A.M. TO 6 P.M. EACH DAY; OR**

7 **(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL**
8 **EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M.**
9 **TO 10 P.M. EACH DAY.**

10 **(G) DAYS OF OPERATION.**

11 **A CLASS 1 DISTILLERY LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE**
12 **7 DAYS A WEEK.**

13 **(H) FILING OF NOTICE REQUIRED.**

14 **AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT**
15 **AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL**
16 **EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER**
17 **PROVIDES.**

18 **(I) UNAUTHORIZED PRODUCTS.**

19 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
20 **LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LICENSED**
21 **PREMISES ANY PRODUCT OTHER THAN PRODUCTS PRODUCED BY THE LICENSE**
22 **HOLDER UNDER THE AUTHORITY OF THIS SECTION.**

23 **(2) A HOLDER OF A CATERER'S LICENSE OR PRIVILEGE UNDER**
24 **SUBTITLE 5 OF THIS TITLE OR SUBTITLE 12 OF VARIOUS TITLES OF DIVISION II OF**
25 **THIS ARTICLE MAY EXERCISE THE PRIVILEGES OF THE LICENSE OR PRIVILEGE ON**
26 **THE LICENSED PREMISES OF THE LICENSE HOLDER.**

27 **(J) EFFECT OF SECTION.**

28 **NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT**
29 **PROVISIONS OF TITLE 21 OF THE HEALTH - GENERAL ARTICLE, AND REGULATIONS**
30 **ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

1 **(K) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$2,000.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 2–202(a) through (d), (f) through (h), and as it
5 related to days of operation, (e)(1) and, as it related to the Class 1 distillery
6 license, 2–201(a).

7 In subsection (c)(1) of this section, the reference to a plant “at the location
8 described in the license” is substituted for the former reference to a plant “in
9 this State” for clarity and consistency within this subtitle.

10 In subsection (c)(3) of this section, the former phrase “as the case may be” is
11 deleted as surplusage.

12 In subsection (c)(4) of this section, the former reference to certain
13 manufacturer's licenses “in this State” is deleted as implicit in the nature of
14 those licenses as authorizing manufacturing in this State and not in other
15 states.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “Comptroller” § 1–101

18 “Person” § 1–101

19 “State” § 1–101

20 **2–203. CLASS 9 LIMITED DISTILLERY LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS 9 LIMITED DISTILLERY LICENSE.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE LIMITED DISTILLERY LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A**
25 **CLASS D BEER, WINE, AND LIQUOR LICENSE FOR USE ON THE PREMISES FOR WHICH**
26 **THE CLASS D LICENSE WAS ISSUED.**

27 **(C) SCOPE OF AUTHORIZATION.**

28 **A HOLDER OF THE LIMITED DISTILLERY LICENSE:**

1 **(1) MAY ESTABLISH AND OPERATE A PLANT IN THE STATE FOR**
2 **DISTILLING, RECTIFYING, AND BOTTLING BRANDY, RUM, WHISKEY, ALCOHOL, AND**
3 **NEUTRAL SPIRITS IF THE HOLDER:**

4 **(I) MAINTAINS ONLY ONE BRAND AT ANY ONE TIME FOR EACH**
5 **PRODUCT OF BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS THAT IS**
6 **DISTILLED, RECTIFIED, AND SOLD; AND**

7 **(II) DOES NOT MANUFACTURE OR RECTIFY PRODUCT OF ANY**
8 **OTHER BRAND FOR ANOTHER ENTITY;**

9 **(2) MAY ACQUIRE BULK ALCOHOLIC BEVERAGES FROM THE HOLDER**
10 **OF A DISTILLERY OR RECTIFYING LICENSE IN THE STATE OR FROM THE HOLDER OF**
11 **A NONRESIDENT DEALER'S PERMIT;**

12 **(3) AFTER ACQUIRING AN INDIVIDUAL STORAGE PERMIT, MAY STORE**
13 **ON THE LICENSED PREMISES THOSE PRODUCTS MANUFACTURED UNDER THE**
14 **LICENSE;**

15 **(4) MAY SELL AND DELIVER THOSE PRODUCTS MANUFACTURED**
16 **UNDER THE LICENSE ONLY TO A LICENSED WHOLESALER IN THE STATE OR PERSON**
17 **AUTHORIZED TO ACQUIRE DISTILLED SPIRITS IN ANOTHER STATE AND NOT TO A**
18 **COUNTY DISPENSARY;**

19 **(5) MAY SELL THE PRODUCTS MANUFACTURED UNDER THE LICENSE**
20 **AT RETAIL IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS D LICENSE;**

21 **(6) MAY CONDUCT GUIDED TOURS OF THAT PORTION OF THE**
22 **LICENSED PREMISES USED FOR THE LIMITED DISTILLERY OPERATION; AND**

23 **(7) MAY SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS**
24 **MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF**
25 **NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO PERSONS WHO:**

26 **(I) HAVE ATTAINED THE LEGAL DRINKING AGE;**

27 **(II) PARTICIPATED IN A GUIDED TOUR; AND**

28 **(III) ARE PRESENT ON THAT PORTION OF THE PREMISES USED**
29 **FOR THE LIMITED DISTILLERY OPERATION.**

30 **(D) PROHIBITED ACTIONS.**

1 **A HOLDER OF THE LIMITED DISTILLERY LICENSE MAY NOT:**

2 **(1) APPLY FOR OR POSSESS A WHOLESALER’S LICENSE;**

3 **(2) SELL BOTTLES OF THE PRODUCTS MANUFACTURED AT THE CLASS**
4 **9 LIMITED DISTILLERY ON THAT PART OF THE PREMISES USED FOR THE DISTILLERY**
5 **OPERATION;**

6 **(3) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,**
7 **DISTILL, RECTIFY, BOTTLE, OR SELL MORE THAN 100,000 GALLONS OF BRANDY,**
8 **RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS EACH CALENDAR YEAR;**

9 **(4) SELL AT RETAIL ON THE PREMISES OF THE CLASS D LICENSE, FOR**
10 **ON-SALE OR OFF-SALE CONSUMPTION, MORE THAN 15,500 GALLONS OF THE**
11 **PRODUCTS MANUFACTURED UNDER THE LICENSE EACH CALENDAR YEAR; AND**

12 **(5) OWN, OPERATE, OR BE AFFILIATED IN ANY MANNER WITH**
13 **ANOTHER MANUFACTURER.**

14 **(E) REQUIREMENTS TO DISTILL ADDITIONAL GALLONAGE.**

15 **TO DISTILL MORE THAN THE GALLONAGE SPECIFIED IN SUBSECTION (D)(3)**
16 **OF THIS SECTION, A HOLDER OF THE LIMITED DISTILLERY LICENSE SHALL DIVEST**
17 **ITSELF OF ANY CLASS D RETAIL LICENSE AND OBTAIN A CLASS 1 DISTILLERY**
18 **LICENSE.**

19 **(F) TRADE PRACTICE RESTRICTIONS IN EFFECT.**

20 **A HOLDER OF THE LIMITED DISTILLERY LICENSE SHALL ABIDE BY ALL TRADE**
21 **PRACTICE RESTRICTIONS APPLICABLE TO DISTILLERIES.**

22 **(G) FEE.**

23 **THE ANNUAL LICENSE FEE IS \$500.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, §§ 2–202.1(a), (c), (d), and (b)(2) and, as it related
26 to the annual license fee for Class 9 limited distillery licenses,
27 2–201(a).

28 In subsection (b) of this section, the former reference to “Worcester County” is
29 deleted as unnecessary in light of the organization of this revised article. The
30 specific reference to Worcester County is instead revised in § 33–401 of this
31 article.

1 Former Art. 2B, § 2–202.1(b)(1), which stated that the limited distillery shall
 2 be issued by the State Comptroller, is deleted as redundant of §
 3 2–201 of this subtitle.

4 Defined terms: “Alcoholic beverage” § 1–101
 5 “Beer” § 1–101
 6 “County” § 1–101
 7 “Off–sale” § 1–101
 8 “On–sale” § 1–101
 9 “Person” § 1–101
 10 “State” § 1–101
 11 “Wholesaler” § 1–101
 12 “Wholesaler’s license” § 1–101
 13 “Wine” 1–101

14 **2–204. CLASS 2 RECTIFYING LICENSE.**

15 (A) ESTABLISHED.

16 THERE IS A CLASS 2 RECTIFYING LICENSE.

17 (B) SCOPE OF AUTHORIZATION.

18 A LICENSE HOLDER MAY:

19 (1) ESTABLISH AND OPERATE A PLANT FOR RECTIFYING, BLENDING,
 20 AND BOTTLING ALCOHOLIC BEVERAGES AT THE LOCATION DESCRIBED IN THE
 21 LICENSE;

22 (2) SELL AND DELIVER ALCOHOLIC BEVERAGES TO:

23 (I) A HOLDER OF A CLASS 1 DISTILLERY LICENSE, CLASS 2
 24 RECTIFYING LICENSE, OR WHOLESALER’S LICENSE;

25 (II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE
 26 THE ALCOHOLIC BEVERAGE; AND

27 (III) A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO
 28 ACQUIRE THE ALCOHOLIC BEVERAGE;

29 (3) ACQUIRE ALCOHOLIC BEVERAGES FROM THE HOLDER OF A CLASS
 30 1 DISTILLERY LICENSE, CLASS 2 RECTIFYING LICENSE, CLASS 3 WINERY LICENSE,
 31 WHOLESALER’S LICENSE, OR NONRESIDENT DEALER’S PERMIT;

1 **(4) RECTIFY, BLEND, BOTTLE, AND STORE ALCOHOLIC BEVERAGES IN**
2 **THE NAME OF ANOTHER PERSON OR UNDER A TRADE NAME IF THE OTHER PERSON**
3 **OR TRADE NAME ALSO HOLDS A CLASS 2 RECTIFYING LICENSE; AND**

4 **(5) (I) CONDUCT GUIDED TOURS OF THE LICENSED PREMISES; AND**

5 **(II) SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS**
6 **MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF**
7 **NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO AN INDIVIDUAL**
8 **WHO HAS ATTAINED THE LEGAL DRINKING AGE AND PARTICIPATED IN A GUIDED**
9 **TOUR OF THE LICENSED PREMISES.**

10 **(C) ACTING AS CATERER OF FOOD — PROHIBITED.**

11 **A LICENSE HOLDER OR ENTITY IN WHICH A LICENSE HOLDER HAS A**
12 **PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**

13 **(D) TIME LIMITS.**

14 **SUBJECT TO SUBSECTION (E) OF THIS SECTION, A LICENSE HOLDER MAY**
15 **CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (B)(5) OF THIS SECTION:**

16 **(1) FOR OFF-PREMISES CONSUMPTION OF PRODUCTS**
17 **MANUFACTURED AT THE LICENSED PREMISES AND FOR SAMPLING, FROM 10 A.M. TO**
18 **10 P.M. EACH DAY; AND**

19 **(2) FOR ON-PREMISES CONSUMPTION OF PRODUCTS**
20 **MANUFACTURED AT THE LICENSED PREMISES:**

21 **(I) FROM 10 A.M. TO 6 P.M. EACH DAY; OR**

22 **(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL**
23 **EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M.**
24 **TO 10 P.M. EACH DAY.**

25 **(E) DAYS OF OPERATION.**

26 **A CLASS 2 RECTIFYING LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE**
27 **7 DAYS A WEEK.**

28 **(F) FILING OF NOTICE REQUIRED.**

1 AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT
2 AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL
3 EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER
4 PROVIDES.

5 **(G) UNAUTHORIZED PRODUCTS.**

6 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
7 **LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LICENSED**
8 **PREMISES ANY PRODUCT OTHER THAN PRODUCTS PRODUCED BY THE LICENSE**
9 **HOLDER UNDER THE AUTHORITY OF THIS SECTION.**

10 **(2) A HOLDER OF A CATERER'S LICENSE OR PRIVILEGE UNDER**
11 **SUBTITLE 5 OF THIS TITLE OR SUBTITLE 12 OF VARIOUS TITLES OF DIVISION II OF**
12 **THIS ARTICLE MAY EXERCISE THE PRIVILEGES OF THE LICENSE OR PRIVILEGE ON**
13 **THE LICENSED PREMISES OF THE LICENSE HOLDER.**

14 **(H) EFFECT OF SECTION.**

15 **NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT**
16 **PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS**
17 **ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

18 **(I) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$600.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, §§ 2–203(a) through (c), (e) through (g), and, as it
22 related to days of operation, (d)(1) and, as it related to the Class 2 rectifying
23 license, 2–201(a).

24 In subsection (b)(1) of this section, the reference to a plant “at the location
25 described in the license” is substituted for the former reference to a plant “in
26 this State” for clarity and consistency within this subtitle.

27 In subsection (b)(3) of this section, the former reference to certain
28 manufacturer's licenses and wholesaler's licenses “in this State” is deleted as
29 implicit in the nature of those licenses as authorizing manufacturing and
30 wholesaling in this State and not in other states.

31 In subsection (b)(4) of this section, the former phrase “as the case may be” is
32 deleted as surplusage.

33 Defined terms: “Alcoholic beverage” § 1–101

1 “Comptroller” § 1-101
2 “Person” § 1-101
3 “State” § 1-101
4 “Wholesaler’s license” § 1-101

5 **2-205. CLASS 3 WINERY LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS 3 WINERY LICENSE.**

8 **(B) SCOPE OF AUTHORIZATION.**

9 **A LICENSE HOLDER MAY:**

10 **(1) ESTABLISH AND OPERATE A PLANT FOR FERMENTING AND**
11 **BOTTLING WINE AT THE LOCATION DESCRIBED IN THE LICENSE;**

12 **(2) IMPORT BULK WINE FROM THE HOLDER OF A NONRESIDENT**
13 **DEALER’S PERMIT;**

14 **(3) SELL AND DELIVER WINE TO:**

15 **(I) A HOLDER OF A WHOLESALER’S LICENSE;**

16 **(II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE**
17 **WINE; AND**

18 **(III) A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO**
19 **ACQUIRE WINE;**

20 **(4) SUBJECT TO SUBSECTION (C) OF THIS SECTION, SELL AT RETAIL**
21 **WINE MADE AT THE PLANT FROM PRODUCTS GROWN IN THE STATE TO AN**
22 **INDIVIDUAL PARTICIPATING IN A GUIDED TOUR OF THE PLANT; AND**

23 **(5) SERVE, AT NO CHARGE, NOT MORE THAN 6 OUNCES OF WINE MADE**
24 **AT THE PLANT TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE**
25 **AND IS PARTICIPATING IN A GUIDED TOUR OF THE PLANT.**

26 **(C) PURCHASES BY INDIVIDUAL.**

27 **AN INDIVIDUAL MAY PURCHASE WINE UNDER SUBSECTION (B)(4) OF THIS**
28 **SECTION IF THE INDIVIDUAL:**

1 **(1) PURCHASES NOT MORE THAN 1 QUART IN A SINGLE YEAR; AND**

2 **(2) HAS ATTAINED THE LEGAL DRINKING AGE.**

3 **(D) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$750.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, §§ 2-204(a) and, as it related to the Class 3
7 winery license, 2-201(a).

8 In subsection (b)(1) of this section, the reference to a plant "at the location
9 described in the license" is substituted for the former reference to a plant "in
10 this State" for clarity and consistency within this subtitle.

11 In subsection (b)(3)(ii) of this section, the reference to a holder "that is
12 authorized to acquire wine" is added for clarity and consistency within this
13 subtitle.

14 In subsection (b)(4) of this section, the reference to wine being sold "at retail"
15 is substituted for the former reference to wine being sold "at a retail price" for
16 brevity and consistency within this article.

17 In subsection (b)(4) and (5) of this section, the references to the "plant" are
18 substituted for the former references to the "facility" for consistency within
19 this section.

20 In subsections (b)(5) and (c)(2) of this section, the former references to the
21 "Maryland" legal drinking age are deleted as surplusage.

22 In subsection (b)(5) and the introductory language of subsection (c) of this
23 section, the references to an "individual" are substituted for the former defined
24 term "person[s]" because only an individual and not any of the other entities
25 contained in the definition of "person" is capable of taking a tour of a winery
26 or of consuming wine. No substantive change is intended.

27 Defined terms: "Person" § 1-101

28 "State" § 1-101

29 "Wholesaler's license" § 1-101

30 "Wine" § 1-101

31 **2-206. CLASS 4 LIMITED WINERY LICENSE.**

32 **(A) ESTABLISHED.**

1 **THERE IS A CLASS 4 LIMITED WINERY LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) A LICENSE HOLDER MAY:**

4 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FROM**
5 **AVAILABLE MARYLAND AGRICULTURAL PRODUCTS:**

6 **1. FERMENT AND BOTTLE WINE; AND**

7 **2. DISTILL AND BOTTLE POMACE BRANDY; AND**

8 **(II) SELL AND DELIVER THE WINE AND POMACE BRANDY TO:**

9 **1. A HOLDER OF A WHOLESALER'S LICENSE;**

10 **2. A HOLDER OF A PERMIT THAT IS AUTHORIZED TO**
11 **ACQUIRE WINE OR POMACE BRANDY; OR**

12 **3. A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED**
13 **TO ACQUIRE WINE OR POMACE BRANDY.**

14 **(2) (I) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE**
15 **MARYLAND DEPARTMENT OF AGRICULTURE SHALL DETERMINE IF AN**
16 **INSUFFICIENT SUPPLY OF MARYLAND AGRICULTURAL PRODUCTS EXISTS.**

17 **(II) IF AN INSUFFICIENT SUPPLY IS DETERMINED TO EXIST, A**
18 **LICENSE HOLDER MAY USE AGRICULTURAL PRODUCTS FROM OUTSIDE THE STATE**
19 **TO MANUFACTURE WINE AND POMACE BRANDY DURING THE PERIOD COVERED BY**
20 **THE DETERMINATION OF THE DEPARTMENT.**

21 **(3) EXCEPT AS PROVIDED IN SUBTITLE 3 OF THIS TITLE, A LICENSE**
22 **HOLDER NEED NOT OBTAIN ANY OTHER LICENSE TO POSSESS, MANUFACTURE, SELL,**
23 **OR TRANSPORT WINE OR POMACE BRANDY.**

24 **(4) A LICENSE HOLDER MAY:**

25 **(I) SELL WINE AND POMACE BRANDY PRODUCED BY THE**
26 **LICENSE HOLDER FOR CONSUMPTION;**

1 **(II) IN AN AMOUNT NOT EXCEEDING 2 FLUID OUNCES PER**
2 **BRAND, PROVIDE SAMPLES OF WINE AND POMACE BRANDY THAT THE LICENSE**
3 **HOLDER PRODUCES TO A CONSUMER:**

4 **1. AT NO CHARGE; OR**

5 **2. FOR A FEE; AND**

6 **(III) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, SELL OR**
7 **SERVE ONLY:**

8 **1. BREAD AND OTHER BAKED GOODS;**

9 **2. CHILI;**

10 **3. CHOCOLATE;**

11 **4. CRACKERS;**

12 **5. CURED MEAT;**

13 **6. FRUITS (WHOLE AND CUT);**

14 **7. HARD AND SOFT CHEESE (WHOLE AND CUT);**

15 **8. SALADS AND VEGETABLES (WHOLE AND CUT);**

16 **9. THE FOLLOWING ITEMS MADE WITH MARYLAND WINE:**

17 **A. ICE CREAM;**

18 **B. JAM;**

19 **C. JELLY; AND**

20 **D. VINEGAR;**

21 **10. PIZZA;**

22 **11. PREPACKAGED SANDWICHES AND OTHER**
23 **PREPACKAGED FOODS READY TO BE EATEN;**

24 **12. SOUP; AND**

1 **13. CONDIMENTS.**

2 **(5) (I) A CATERER IS NOT LIMITED TO SELLING OR SERVING ONLY**
3 **THE FOODS SPECIFIED IN PARAGRAPH (4)(III) OF THIS SUBSECTION.**

4 **(II) A LICENSE HOLDER OR ENTITY IN WHICH THE LICENSE**
5 **HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**

6 **(6) SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, A LICENSE**
7 **HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN PARAGRAPH (4) OF THIS**
8 **SUBSECTION:**

9 **(I) FOR OFF-PREMISES CONSUMPTION OF WINE AND POMACE**
10 **BRANDY AND FOR SAMPLING, FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

11 **(II) FOR ON-PREMISES CONSUMPTION OF WINE AND POMACE**
12 **BRANDY AND SALES AND SERVICE OF FOOD ON THE LICENSED PREMISES:**

13 **1. FROM 10 A.M. TO 6 P.M. EACH DAY; OR**

14 **2. IF GUESTS ARE ATTENDING A PLANNED**
15 **PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED**
16 **PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.**

17 **(7) EXCEPT AS PROVIDED IN DIVISION II OF THIS ARTICLE, THE**
18 **LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE 7 DAYS A WEEK.**

19 **(8) AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL**
20 **EVENT AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE**
21 **PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE**
22 **COMPTROLLER PROVIDES.**

23 **(9) A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED**
24 **AT THE LOCATION OF THE LIMITED WINERY ANY ALCOHOLIC BEVERAGE OTHER**
25 **THAN THE WINE OR POMACE BRANDY PRODUCED BY THE LICENSE HOLDER UNDER**
26 **THE AUTHORITY OF THIS SECTION.**

27 **(10) NOTHING IN THIS SUBSECTION LIMITS THE APPLICATION OF**
28 **RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND**
29 **REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

30 **(C) PLACE LISTED ON LICENSE TO BE IN COMPLIANCE.**

1 **THE PLACE LISTED ON THE LICENSE SHALL BE IN COMPLIANCE WITH §**
2 **1-405(B) OF THIS ARTICLE.**

3 **(D) SCOPE OF LICENSE.**

4 **A LICENSE HOLDER MAY:**

5 **(1) STORE ON ITS LICENSED PREMISES, IN A SEGREGATED AREA**
6 **APPROVED BY THE COMPTROLLER, THE PRODUCT OF OTHER CLASS 4 LIMITED**
7 **WINERIES TO BE USED AT MARYLAND WINERIES ASSOCIATION PROMOTIONAL**
8 **ACTIVITIES, PROVIDED RECORDS ARE MAINTAINED AND REPORTS FILED**
9 **REGARDING THE STORAGE UNDER THIS ITEM AS MAY BE REQUIRED BY THE**
10 **COMPTROLLER;**

11 **(2) DISTILL AND BOTTLE NOT MORE THAN 1,900 GALLONS OF**
12 **POMACE BRANDY MADE FROM AVAILABLE MARYLAND AGRICULTURAL PRODUCTS;**

13 **(3) PURCHASE BULK WINE FERMENTED BY A MANUFACTURER**
14 **LICENSED UNDER THIS ARTICLE AND BLEND THE WINE WITH THE LICENSE**
15 **HOLDER'S WINE AND POMACE BRANDY IF THE AGGREGATE PURCHASE DOES NOT**
16 **EXCEED 25% OF THE LICENSE HOLDER'S ANNUAL WINE AND POMACE BRANDY**
17 **PRODUCTION;**

18 **(4) PURCHASE POMACE BRANDY ONLY FOR BLENDING WITH WINE;**

19 **(5) IMPORT, EXPORT, AND TRANSPORT ITS WINE AND POMACE**
20 **BRANDY IN ACCORDANCE WITH THIS SECTION; AND**

21 **(6) PRODUCE WINE AND POMACE BRANDY AT A WAREHOUSE FOR**
22 **WHICH THE LICENSE HOLDER HAS BEEN ISSUED AN INDIVIDUAL STORAGE PERMIT,**
23 **IF:**

24 **(I) THE LICENSE HOLDER DOES NOT SERVE OR SELL WINE OR**
25 **POMACE BRANDY AT A WAREHOUSE TO THE PUBLIC; AND**

26 **(II) THE COMPTROLLER HAS FULL ACCESS AT ALL TIMES TO**
27 **THE WAREHOUSE TO ENFORCE THIS ARTICLE.**

28 **(E) LOCATION.**

29 **A CLASS 4 LIMITED WINERY MAY BE LOCATED ONLY AT THE PLACE STATED ON**
30 **THE LICENSE.**

(F) ACTS ALLOWED WITH PROPER RECORDS AND REPORTS.

IF A LICENSE HOLDER MAINTAINS THE RECORDS AND FILES THE REPORTS THAT THE COMPTROLLER REQUIRES, THE LICENSE HOLDER MAY:

(1) IN THE STATE, CONDUCT WINEMAKING AND PACKAGING ACTIVITIES AT ANOTHER FEDERALLY BONDED WINERY OR LIMITED WINERY; OR

(2) OUTSIDE THE STATE, CONDUCT WINEMAKING AND PACKAGING ACTIVITIES, OTHER THAN FERMENTATION, AT ANOTHER FEDERALLY BONDED WINERY.

(G) ADDITIONAL DUTIES OF LICENSE HOLDER.

THROUGHOUT THE WINEMAKING PROCESS, THE LICENSE HOLDER SHALL:

(1) MAINTAIN OWNERSHIP OF THE WINE OR POMACE BRANDY; AND

(2) ENSURE THAT THE WINE OR POMACE BRANDY RETURNS TO THE LOCATION OF THE LIMITED WINERY.

(H) FEE.

THE ANNUAL LICENSE FEE IS \$200.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 1-102(a)(27)(i)2, 2-205(c) through (g) and (b)(1) through (7), (9) through (11), and (8)(i), and, as it related to the Class 4 limited winery license, 2-201(a).

In subsection (b)(2)(ii) of this section, the phrase “during the period covered by the determination of the Department” is added for clarity.

In subsection (d)(1) of this section, the reference to records and reports “regarding the storage under this paragraph” is added for clarity.

Also in subsection (d)(1) of this section, the former reference to “bona fide” Maryland Wineries Association activities is deleted as surplusage.

Defined terms: “Comptroller” § 1-101

“Consumer” § 1-101

“Person” § 1-101

“Pomace brandy” § 1-101

“State” § 1-101

1 “Wholesaler’s license” § 1–101

2 “Wine” § 1–101

3 **2–207. CLASS 5 BREWERY LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS 5 BREWERY LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **A LICENSE HOLDER MAY:**

8 **(1) ESTABLISH AND OPERATE A PLANT FOR BREWING AND BOTTLING**
9 **MALT BEVERAGES AT THE LOCATION DESCRIBED IN THE LICENSE;**

10 **(2) IMPORT BEER FROM A HOLDER OF A NONRESIDENT DEALER’S**
11 **PERMIT;**

12 **(3) SELL AND DELIVER BEER TO:**

13 **(I) A HOLDER OF A WHOLESALER’S LICENSE THAT IS**
14 **AUTHORIZED TO ACQUIRE BEER; OR**

15 **(II) A PERSON OUTSIDE OF THE STATE THAT IS AUTHORIZED TO**
16 **ACQUIRE BEER;**

17 **(4) SERVE, AT NO CHARGE, NOT MORE THAN SIX SAMPLES OF BEER**
18 **BREWED AT THE BREWERY, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN 3**
19 **OUNCES FROM A SINGLE STYLE OF BEER, TO AN INDIVIDUAL WHO:**

20 **(I) HAS ATTAINED THE LEGAL DRINKING AGE; AND**

21 **(II) IS PARTICIPATING IN A GUIDED TOUR OF THE BREWERY OR**
22 **ATTENDS A SCHEDULED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT**
23 **THE BREWERY;**

24 **(5) SUBJECT TO SUBSECTION (C) OF THIS SECTION, SELL BEER**
25 **BREWED AT THE BREWERY FOR OFF–PREMISES CONSUMPTION AT RETAIL TO AN**
26 **INDIVIDUAL PARTICIPATING IN A GUIDED TOUR OF THE BREWERY OR ATTENDING A**
27 **SCHEDULED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT THE**
28 **BREWERY; AND**

1 **(6) SUBJECT TO SUBSECTION (E) OF THIS SECTION, SELL BEER**
2 **BREWED AT THE LOCATION DESCRIBED IN THE LICENSE FOR ON-PREMISES**
3 **CONSUMPTION.**

4 **(C) PURCHASES BY INDIVIDUAL.**

5 **AN INDIVIDUAL MAY PURCHASE BEER UNDER SUBSECTION (B)(5) OF THIS**
6 **SECTION IF THE INDIVIDUAL:**

7 **(1) PURCHASES NOT MORE THAN 288 OUNCES OF BEER; AND**

8 **(2) HAS ATTAINED THE LEGAL DRINKING AGE.**

9 **(D) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$1,500.**

11 **(E) ON-SITE CONSUMPTION PERMIT.**

12 **(1) A LOCAL LICENSING BOARD SHALL GRANT AN ON-SITE**
13 **CONSUMPTION PERMIT TO AN APPLICANT THAT HOLDS A CLASS 5 BREWERY**
14 **LICENSE AND, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A CLASS D BEER**
15 **LICENSE.**

16 **(2) (I) AN ON-SITE CONSUMPTION PERMIT ENTITLES THE HOLDER**
17 **TO SELL BEER BREWED AT THE BREWERY FOR ON-PREMISES CONSUMPTION TO AN**
18 **INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE.**

19 **(II) THE TOTAL AMOUNT OF BEER SOLD EACH YEAR FOR**
20 **ON-PREMISES CONSUMPTION UNDER THIS PARAGRAPH MAY NOT EXCEED 500**
21 **BARRELS.**

22 **(3) BEFORE A LOCAL LICENSING BOARD THAT DOES NOT ISSUE A**
23 **CLASS D BEER LICENSE MAY GRANT AN ON-SITE CONSUMPTION PERMIT, THE LOCAL**
24 **LICENSING BOARD SHALL:**

25 **(I) ESTABLISH AN EQUIVALENT LICENSE; AND**

26 **(II) REQUIRE THE APPLICANT TO OBTAIN THAT EQUIVALENT**
27 **LICENSE.**

28 **(4) A LOCAL LICENSING BOARD MAY:**

1 **(I) CHARGE A FEE FOR GRANTING AN ON-SITE CONSUMPTION**
2 **PERMIT; AND**

3 **(II) REQUIRE THAT THE HOLDER OF THE PERMIT OR AN**
4 **EMPLOYEE DESIGNATED BY THE HOLDER COMPLY WITH THE ALCOHOL AWARENESS**
5 **TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.**

6 **(F) BREWERY PROMOTIONAL EVENT PERMIT.**

7 **(1) THE COMPTROLLER MAY ISSUE A BREWERY PROMOTIONAL**
8 **EVENT PERMIT TO A HOLDER OF A CLASS 5 BREWERY LICENSE.**

9 **(2) THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT ON THE**
10 **PREMISES OF THE BREWERY A PROMOTIONAL EVENT AT WHICH THE HOLDER MAY:**

11 **(I) PROVIDE SAMPLES OF NOT MORE THAN 3 FLUID OUNCES**
12 **PER BRAND TO CONSUMERS; AND**

13 **(II) SELL BEER PRODUCED BY THE HOLDER TO INDIVIDUALS**
14 **WHO PARTICIPATE IN THE EVENT.**

15 **(3) THE BEER AT THE EVENT SHALL BE SOLD BY THE GLASS FOR**
16 **ON-PREMISES CONSUMPTION ONLY.**

17 **(4) TO OBTAIN A PERMIT, AN APPLICANT, AT LEAST 15 DAYS BEFORE**
18 **THE EVENT, SHALL FILE WITH THE COMPTROLLER AN APPLICATION THAT THE**
19 **COMPTROLLER PROVIDES.**

20 **(5) A HOLDER OF A CLASS 5 BREWERY LICENSE MAY NOT BE ISSUED**
21 **MORE THAN 12 PERMITS IN A CALENDAR YEAR.**

22 **(6) A SINGLE PROMOTIONAL EVENT MAY NOT EXCEED 3**
23 **CONSECUTIVE DAYS.**

24 **(7) THE PERMIT FEE IS \$25 PER EVENT.**

25 **(G) REFILLABLE CONTAINER PERMIT.**

26 **(1) (I) THE COMPTROLLER MAY ISSUE A REFILLABLE CONTAINER**
27 **PERMIT FOR DRAFT BEER UNDER § 4-1104 OR SUBTITLE 11 OF THE VARIOUS TITLES**
28 **IN DIVISION II OF THIS ARTICLE TO A HOLDER OF A CLASS 5 BREWERY LICENSE:**

1 **1. ON COMPLETION OF AN APPLICATION FORM THAT**
 2 **THE COMPTROLLER PROVIDES; AND**

3 **2. AT NO COST TO THE HOLDER OF THE CLASS 5**
 4 **BREWERY LICENSE.**

5 **(II) A REFILLABLE CONTAINER PERMIT MAY BE RENEWED EACH**
 6 **YEAR CONCURRENTLY WITH THE RENEWAL OF THE CLASS 5 BREWERY LICENSE.**

7 **(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT**
 8 **ISSUED UNDER THIS SUBSECTION ARE THE SAME AS THE HOURS WHEN A GUIDED**
 9 **TOUR, A PROMOTIONAL EVENT, OR OTHER ORGANIZED ACTIVITY AT THE LICENSED**
 10 **PREMISES AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION MAY BE**
 11 **CONDUCTED.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, §§ 2-206(a), (b), (c), and (d)(1) and (4) and, as it
 14 related to the Class 5 brewery license, 2-201(a).

15 In subsection (b)(1) of this section, the former reference to a plant "in this
 16 State" is deleted as surplusage.

17 In subsections (c) and (f)(2)(ii) of this section, the references to "individual[s]"
 18 are substituted for the former defined term "person[s]" because only an
 19 individual and not any of the other entities contained in the definition of
 20 "person" is capable of taking a tour of a brewery, consuming beer, or
 21 purchasing beer for consumption. No substantive change is intended.

22 In subsection (f) of this section, the former references to the "Office of the"
 23 Comptroller are deleted as unnecessary.

24 Former Art. 2B, § 2-206(d)(2), (3), and (5), which described the standards
 25 required of a refillable container permit, are deleted as redundant of § 4-1104
 26 of this article.

27 Former Art. 2B, § 2-206(d)(6), which stated that the Comptroller may adopt
 28 regulations to implement former Art. 2B, § 2-206(d), is deleted as
 29 unnecessary. Under § 1-302(a) of this article, the Comptroller is required to
 30 adopt regulations to discharge the duties of this article.

31 Defined terms: "Beer" § 1-101

32 "Comptroller" § 1-101

33 "Consumer" § 1-101

34 "Local licensing board" § 1-101

35 "Person" § 1-101

36 "State" § 1-101

1 “Wholesaler’s license” § 1–101

2 **2–208. CLASS 6 PUB–BREWERY LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A CLASS 6 PUB–BREWERY LICENSE.**

5 **(B) AUTHORIZED HOLDER AND PREMISES.**

6 **(1) THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF A CLASS**
7 **B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE**
8 **PREMISES OF A RESTAURANT.**

9 **(2) THE PUB–BREWERY SHALL BE LOCATED IMMEDIATELY ADJACENT**
10 **TO THE RESTAURANT WHERE THE MALT BEVERAGE IS TO BE SOLD TO THE PUBLIC.**

11 **(C) SCOPE OF AUTHORIZATION.**

12 **A LICENSE HOLDER:**

13 **(1) MAY BREW MALT BEVERAGES AT A SINGLE LOCATION FOR**
14 **CONSUMPTION ON THE RESTAURANT PREMISES; BUT**

15 **(2) MAY NOT BREW MORE THAN 2,000 BARRELS OF MALT BEVERAGE**
16 **EACH CALENDAR YEAR.**

17 **(D) REFILLABLE CONTAINERS — OFF–PREMISES CONSUMPTION.**

18 **(1) A LICENSE HOLDER MAY SELL AT RETAIL MALT BEVERAGES FOR**
19 **OFF–PREMISES CONSUMPTION IN A SEALED REFILLABLE CONTAINER.**

20 **(2) THE CONTAINER:**

21 **(I) MAY BE RETURNED FOR REFILLING; AND**

22 **(II) SHALL BE SEALED BY THE LICENSE HOLDER WHEN**
23 **REFILLED.**

24 **(3) A LICENSE HOLDER MAY NOT SELL MALT BEVERAGES TO A RETAIL**
25 **DEALER IN THE STATE FOR SUBSEQUENT SALE OR DISTRIBUTION OF THE MALT**
26 **BEVERAGE UNDER THE RETAIL LICENSE.**

1 **(E) TRANSFER.**

2 **EXCEPT FOR A LICENSE TRANSFERRED TO A NEW LOCATION, THE LICENSE**
3 **MAY BE TRANSFERRED UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE IF AN**
4 **APPLICATION FOR TRANSFER IS FILED AT THE SAME TIME WITH THE LOCAL**
5 **LICENSING BOARD AND THE COMPTROLLER.**

6 **(F) SUSPENSION.**

7 **IF THE CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE OF THE**
8 **HOLDER IS SUSPENDED, THE CLASS 6 PUB-BREWERY LICENSE SHALL BE**
9 **SUSPENDED FOR THE SAME PERIOD.**

10 **(G) TERMINATION.**

11 **THE LICENSE IS VOID IF:**

12 **(1) THE RESTAURANT DESCRIBED IN SUBSECTION (B)(1) OF THIS**
13 **SECTION CEASES TO BE OPERATED AS A RESTAURANT; OR**

14 **(2) THE CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE OF**
15 **THE LICENSE HOLDER IS REVOKED OR TRANSFERRED TO A DIFFERENT LOCATION.**

16 **(H) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$500.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, §§ 2-207(a)(1) and (2), (b) through (f), and (g)(2)
20 through (4) and, as it related to the Class 6 pub-brewery license,
21 2-201(a).

22 In subsection (b)(1) of this section, the former reference to a restaurant
23 "located in the jurisdictions permitted by this subsection" is deleted as
24 unnecessary in light of the organization of this revised article.

25 In subsection (b)(2) of this section, the reference to "malt beverage" is
26 substituted for the former reference to "brewed beverage" for consistency
27 throughout this section.

28 In subsection (e) of this section, the former reference to the "Office of the"
29 Comptroller is deleted as unnecessary.

30 In subsection (f) of this section, the former reference to a period "of time" is
31 deleted as surplusage.

1 Former Art. 2B, § 2–207(a)(3) and (g)(1), which listed the jurisdictions where
 2 this section is applicable, are deleted as unnecessary in light of the
 3 organization of this revised article.

4 Defined terms: “Beer” § 1–101

5 “Comptroller” § 1–101

6 “Local licensing board” § 1–101

7 “On–sale” § 1–101

8 “Restaurant” § 1–101

9 “Retail dealer” § 1–101

10 “State” § 1–101

11 “Wine” § 1–101

12 **2–209. CLASS 7 MICRO–BREWERY LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS 7 MICRO–BREWERY LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **EXCEPT AS PROVIDED IN DIVISION II OF THIS ARTICLE, THE LICENSE MAY BE**
 17 **ISSUED ONLY TO THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR**
 18 **(ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **A LICENSE HOLDER MAY:**

21 **(1) BREW AND BOTTLE MALT BEVERAGES AT THE LOCATION**
 22 **DESCRIBED IN THE LICENSE;**

23 **(2) OBTAIN A CLASS 2 RECTIFYING LICENSE FOR A PREMISES**
 24 **LOCATED WITHIN 1 MILE OF THE EXISTING CLASS 7 MICRO–BREWERY LOCATION TO**
 25 **BOTTLE MALT BEVERAGES BREWED AT THE MICRO–BREWERY LOCATION ONLY;**

26 **(3) CONTRACT TO BREW AND BOTTLE MALT BEVERAGES WITH AND ON**
 27 **BEHALF OF THE HOLDER OF A CLASS 2 RECTIFYING LICENSE, CLASS 5 BREWERY**
 28 **LICENSE, CLASS 7 MICRO–BREWERY LICENSE, CLASS 8 FARM BREWERY LICENSE,**
 29 **OR A NONRESIDENT DEALER’S PERMIT;**

1 **(4) STORE THE FINISHED PRODUCT UNDER AN INDIVIDUAL STORAGE**
2 **PERMIT OR AT A LICENSED PUBLIC STORAGE FACILITY FOR SUBSEQUENT SALE AND**
3 **DELIVERY:**

4 **(I) TO A HOLDER OF A WHOLESALER’S LICENSE;**

5 **(II) TO AN AUTHORIZED PERSON OUTSIDE THE STATE; OR**

6 **(III) FOR SHIPMENT BACK TO THE MICRO-BREWERY LOCATION**
7 **FOR SALE ON THE RETAIL PREMISES; AND**

8 **(5) ENTER INTO A TEMPORARY DELIVERY AGREEMENT WITH A**
9 **DISTRIBUTOR ONLY FOR DELIVERY OF BEER TO A BEER FESTIVAL OR A WINE AND**
10 **BEER FESTIVAL, AND THE RETURN OF ANY UNUSED BEER, IF:**

11 **(I) THE FESTIVAL IS IN A SALES TERRITORY FOR WHICH THE**
12 **LICENSE HOLDER DOES NOT HAVE A FRANCHISE WITH A DISTRIBUTOR UNDER THE**
13 **BEER FRANCHISE FAIR DEALING ACT IN TITLE 5, SUBTITLE 1 OF THIS ARTICLE;**
14 **AND**

15 **(II) THE TEMPORARY DELIVERY AGREEMENT IS IN WRITING.**

16 **(D) LIMITATIONS — PRODUCTION.**

17 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE**
18 **HOLDER MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN**
19 **22,500 BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR.**

20 **(2) (I) IN DETERMINING THE BARRELAGES LIMITATION UNDER**
21 **PARAGRAPH (1) OF THIS SUBSECTION, ANY SALABLE BEER PRODUCED UNDER A**
22 **CONTRACTUAL ARRANGEMENT ACCRUES ONLY TO THE LICENSE HOLDER THAT**
23 **OWNS THE BRAND.**

24 **(II) A LICENSE HOLDER THAT WISHES TO PRODUCE MORE THAN**
25 **THE BARRELAGES AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

26 1. **DIVEST ITSELF OF ANY RETAIL LICENSE; AND**

27 2. **OBTAIN A CLASS 5 BREWERY LICENSE.**

28 **(3) A LICENSE HOLDER THAT HAS LICENSES FOR TWO LOCATIONS**
29 **MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 22,500**

1 BARRELS OF MALT BEVERAGES IN AGGREGATE FROM BOTH OF ITS LOCATIONS EACH
2 CALENDAR YEAR.

3 (E) LIMITATIONS — AFFILIATION AND LICENSURE.

4 A LICENSE HOLDER:

5 (1) MAY NOT OWN, OPERATE, OR BE AFFILIATED WITH ANOTHER
6 MANUFACTURER OF BEER EXCEPT FOR A CLASS 2 RECTIFYING LICENSE
7 AUTHORIZED UNDER SUBSECTION (C)(2) OF THIS SECTION; AND

8 (2) MAY NOT BE GRANTED A WHOLESALER'S LICENSE.

9 (F) ON-SALE AND OFF-SALE PRIVILEGES.

10 (1) THE ON-SALE PRIVILEGE AUTHORIZES THE LICENSE HOLDER,
11 EACH CALENDAR YEAR, TO SELL AT RETAIL FOR ON-PREMISES CONSUMPTION:

12 (I) UP TO 4,000 BARRELS OF BEER BREWED UNDER THE
13 LICENSE; OR

14 (II) IF THE LICENSE HOLDER HAS LICENSES FOR TWO
15 LOCATIONS, BEER THAT:

16 1. TOTALS ANNUALLY UP TO 4,000 BARRELS IN
17 AGGREGATE FROM BOTH ITS LOCATIONS; AND

18 2. HAS BEEN BREWED AT THE LOCATION WHERE IT IS
19 SOLD.

20 (2) A LICENSE HOLDER MAY SELL AND DELIVER BEER BREWED
21 UNDER THE LICENSE TO:

22 (I) A HOLDER OF A WHOLESALER'S LICENSE; OR

23 (II) A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO
24 ACQUIRE BEER.

25 (G) HOURS AND DAYS OF SALE.

26 THE HOURS AND DAYS FOR RETAIL SALES UNDER THE LICENSE ARE THOSE
27 ESTABLISHED FOR A CLASS B LICENSE OR FOR A HOLDER OF A CLASS B BEER, WINE,
28 AND LIQUOR LICENSE.

1 **(H) REFILLABLE CONTAINERS AND PREPACKAGED BEER — OFF-PREMISES**
 2 **CONSUMPTION.**

3 **A LICENSE HOLDER MAY SELL AT RETAIL BEER BREWED UNDER THE LICENSE**
 4 **FOR OFF-PREMISES CONSUMPTION:**

5 **(1) IN A SEALED REFILLABLE CONTAINER THAT:**

6 **(I) MAY BE RETURNED FOR REFILLING; AND**

7 **(II) SHALL BE SEALED BY THE LICENSE HOLDER WHEN**
 8 **REFILLED; AND**

9 **(2) AS PREPACKAGED BEER IN A NONREFILLABLE CONTAINER.**

10 **(I) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$500.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, §§ 2–208(a), (b)(1) and (3)(i), (c)(1)(i)1 through 4,
 14 5A, and 6, (2), and (3), (d)(1), (2), and (3)(ii), (e)(2), and (f)(1)(i) and, as it related
 15 to the Class 7 micro–brewery license, 2–201(a).

16 In subsection (a) of this section, the former inaccurate phrase “(on– and
 17 off–sale)” is deleted because not all jurisdictions in which the Class 7
 18 micro–brewery license is authorized allow retail sale of beer for off–premises
 19 consumption.

20 In subsection (b) of this section, the former reference to a restaurant “located
 21 in a jurisdiction listed in paragraph (2) of this subsection” is deleted as
 22 unnecessary in light of the organization of this revised article.

23 In subsection (c)(1) of this section, the reference to the “location described in
 24 the license” is substituted for the former reference to the “license location” for
 25 accuracy and consistency within this subtitle.

26 In subsection (e)(2) of this section, the former phrase “[n]otwithstanding §
 27 2–201(b) of this subtitle” is deleted as obsolete, as it referred to a provision
 28 that was changed as a result of Chapter 207, Acts of 2013.

29 In subsection (f)(2)(ii) of this section, the reference to “beer” is substituted for
 30 the former reference to “brewed beverages” for consistency within this
 31 subsection.

1 Also in subsection (f)(2)(ii) of this section, the former reference to a person
 2 being authorized “under the laws of that state” to acquire beer is deleted as
 3 unnecessary.

4 In subsection (g) of this section, the former reference to a Class B license “in
 5 the respective jurisdictions listed in subsection (b)(2) of this section” is deleted
 6 as unnecessary in light of the organization of this revised article.

7 In subsection (h)(1)(i) of this section, the reference to the container being
 8 “returned for refilling” is added to state expressly that which was only implied
 9 in the former law.

10 In subsection (h)(1)(ii) of this section, the reference to the container being
 11 sealed “when” filled is substituted for the former reference to being sealed “at
 12 the time of each” refill for brevity.

13 Former Art. 2B, § 2–208(d)(3)(i), which listed the jurisdictions where this
 14 section is applicable, is deleted as unnecessary in light of the organization of
 15 this revised article.

16 Defined terms: “Beer” § 1–101
 17 “On–sale” § 1–101
 18 “Person” § 1–101
 19 “Restaurant” § 1–101
 20 “State” § 1–101
 21 “Wholesaler’s license” § 1–101
 22 “Wine” § 1–101

23 **2–210. CLASS 8 FARM BREWERY LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS 8 FARM BREWERY LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION — IN GENERAL.**

27 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE**
 28 **HOLDER MAY SELL AND DELIVER BEER MANUFACTURED IN A FACILITY ON THE**
 29 **LICENSED FARM OR IN A FACILITY OTHER THAN ONE ON THE LICENSED FARM TO:**

30 **(I) A WHOLESALER LICENSED TO SELL AND DELIVER BEER IN**
 31 **THE STATE; OR**

1 **(II) A PERSON IN ANOTHER STATE AUTHORIZED TO ACQUIRE**
2 **BEER.**

3 **(2) THE BEER TO BE SOLD AND DELIVERED UNDER PARAGRAPH (1)**
4 **OF THIS SUBSECTION SHALL BE MANUFACTURED WITH AN INGREDIENT FROM A**
5 **MARYLAND AGRICULTURAL PRODUCT, INCLUDING HOPS, GRAIN, AND FRUIT,**
6 **PRODUCED ON THE LICENSED FARM.**

7 **(C) SCOPE OF AUTHORIZATION — SPECIFIC ACTS.**

8 **A LICENSE HOLDER MAY:**

9 **(1) (I) SELL BEER PRODUCED BY THE LICENSE HOLDER FOR**
10 **ON-PREMISES CONSUMPTION;**

11 **(II) IN AN AMOUNT NOT EXCEEDING 6 FLUID OUNCES PER**
12 **BRAND, PROVIDE SAMPLES OF BEER THAT THE LICENSE HOLDER PRODUCES TO A**
13 **CONSUMER:**

14 **1. AT NO CHARGE; OR**

15 **2. FOR A FEE; AND**

16 **(III) SELL OR SERVE:**

17 **1. BREAD AND OTHER BAKED GOODS;**

18 **2. CHILI;**

19 **3. CHOCOLATE;**

20 **4. CRACKERS;**

21 **5. CURED MEAT;**

22 **6. FRUITS (WHOLE AND CUT);**

23 **7. HARD AND SOFT CHEESE (WHOLE AND CUT);**

24 **8. SALADS AND VEGETABLES (WHOLE AND CUT);**

25 **9. ICE CREAM;**

- 1 **10. JAM;**
- 2 **11. JELLY;**
- 3 **12. VINEGAR;**
- 4 **13. PIZZA;**
- 5 **14. PREPACKAGED SANDWICHES AND OTHER**
6 **PREPACKAGED FOODS READY TO BE EATEN;**
- 7 **15. SOUP; AND**
- 8 **16. CONDIMENTS;**

9 **(2) STORE ON ITS LICENSED FARM, IN A SEGREGATED AREA**
10 **APPROVED BY THE COMPTROLLER, BEER PRODUCED AT THE LICENSED FARM FOR**
11 **SALE AND DELIVERY TO A WHOLESALE LICENSED IN THE STATE OR A PERSON**
12 **OUTSIDE THE STATE AUTHORIZED TO ACQUIRE THE BEER;**

13 **(3) BREW, BOTTLE, OR CONTRACT FOR NOT MORE THAN 15,000**
14 **BARRELS OF BEER EACH CALENDAR YEAR;**

15 **(4) CONTRACT WITH THE HOLDER OF A CLASS 2 RECTIFYING**
16 **LICENSE, A CLASS 5 BREWERY LICENSE, OR A CLASS 7 MICRO-BREWERY LICENSE**
17 **TO BREW AND BOTTLE BEER FROM INGREDIENTS PRODUCED ON THE LICENSED**
18 **FARM;**

19 **(5) IMPORT, EXPORT, AND TRANSPORT ITS BEER IN ACCORDANCE**
20 **WITH THIS SECTION;**

21 **(6) STORE BEER AT A WAREHOUSE FOR WHICH THE LICENSE HOLDER**
22 **HAS BEEN ISSUED AN INDIVIDUAL STORAGE PERMIT, FOR SALE AND DELIVERY TO A**
23 **WHOLESALE LICENSED IN THE STATE OR A PERSON OUTSIDE THE STATE**
24 **AUTHORIZED TO ACQUIRE THE BEER, OR SHIPMENT BACK TO THE LICENSED FARM,**
25 **IF:**

26 **(I) THE LICENSE HOLDER DOES NOT SERVE OR SELL BEER AT**
27 **THE WAREHOUSE; AND**

28 **(II) THE COMPTROLLER HAS FULL ACCESS AT ALL TIMES TO**
29 **THE WAREHOUSE TO ENFORCE THIS ARTICLE; AND**

1 **(7) ENTER INTO A TEMPORARY DELIVERY AGREEMENT WITH A**
2 **DISTRIBUTOR ONLY FOR DELIVERY OF BEER TO A BEER FESTIVAL OR A WINE AND**
3 **BEER FESTIVAL, AND THE RETURN OF ANY UNUSED BEER, IF:**

4 **(I) THE FESTIVAL IS IN A SALES TERRITORY FOR WHICH THE**
5 **LICENSE HOLDER DOES NOT HAVE A FRANCHISE WITH A DISTRIBUTOR UNDER THE**
6 **BEER FRANCHISE FAIR DEALING ACT IN TITLE 5, SUBTITLE 1 OF THIS ARTICLE;**
7 **AND**

8 **(II) THE TEMPORARY DELIVERY AGREEMENT IS IN WRITING.**

9 **(D) LIMITATION ON BREWERY LOCATION.**

10 **(1) A CLASS 8 FARM BREWERY MAY BE LOCATED ONLY AT THE PLACE**
11 **STATED ON THE LICENSE.**

12 **(2) THE PLACE LISTED ON THE LICENSE SHALL BE IN COMPLIANCE**
13 **WITH § 1-405(B) OF THIS ARTICLE.**

14 **(E) PREEMPTION OF LOCAL LAW.**

15 **NOTWITHSTANDING ANY LOCAL LAW, A LICENSE HOLDER MAY EXERCISE THE**
16 **PRIVILEGES OF A CLASS 8 FARM BREWERY LICENSE.**

17 **(F) HOURS OF OPERATION.**

18 **SUBJECT TO SUBSECTIONS (J) AND (K) OF THIS SECTION, A LICENSE HOLDER**
19 **MAY EXERCISE THE PRIVILEGES OF THE LICENSE EACH DAY:**

20 **(1) FROM 10 A.M. TO 6 P.M., FOR CONSUMPTION OF BEER AND SALES**
21 **AND SERVICE OF FOOD AT THE LICENSED FARM; AND**

22 **(2) FROM 10 A.M. TO 10 P.M., FOR:**

23 **(I) SAMPLING OF BEER;**

24 **(II) CONSUMPTION OF BEER OFF THE LICENSED FARM IF THE**
25 **BEER IS PACKAGED IN SEALED OR RESEALABLE CONTAINERS, SUCH AS GROWLERS;**
26 **AND**

27 **(III) GUESTS WHO ATTEND A PLANNED PROMOTIONAL EVENT OR**
28 **OTHER ORGANIZED ACTIVITY AT THE LICENSED FARM.**

1 **(G) DAYS OF OPERATION.**

2 **EXCEPT AS PROVIDED IN DIVISION II OF THIS ARTICLE, A CLASS 8 FARM**
3 **BREWERY LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE 7 DAYS A WEEK.**

4 **(H) UNAUTHORIZED PRODUCTS.**

5 **EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, A LICENSE**
6 **HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LOCATION OF THE**
7 **FARM BREWERY ANY ALCOHOLIC BEVERAGE OTHER THAN THE BEER PRODUCED BY**
8 **THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.**

9 **(I) SECTION NOT TO LIMIT APPLICATION OF HEALTH – GENERAL ARTICLE.**

10 **NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT**
11 **PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS**
12 **ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

13 **(J) MULTIBREWERY ACTIVITY.**

14 **(1) A LICENSE HOLDER MAY SPONSOR A MULTIBREWERY ACTIVITY AT**
15 **THE LICENSED FARM THAT:**

16 **(I) INCLUDES THE PRODUCTS OF OTHER MARYLAND**
17 **BREWERIES; AND**

18 **(II) PROVIDES FOR THE SALE OF BEER BY THE GLASS FOR**
19 **ON-PREMISES CONSUMPTION ONLY.**

20 **(2) IN A SEGREGATED AREA APPROVED BY THE COMPTROLLER ON**
21 **THE LICENSED FARM, A LICENSE HOLDER MAY STORE THE PRODUCTS OF OTHER**
22 **MARYLAND BREWERIES FOR THE MULTIBREWERY ACTIVITY.**

23 **(3) THE MULTIBREWERY ACTIVITY:**

24 **(I) MAY BE HELD FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

25 **(II) MAY NOT EXCEED 3 CONSECUTIVE DAYS.**

26 **(K) BREWERY PROMOTIONAL EVENT PERMIT.**

27 **(1) THE COMPTROLLER MAY ISSUE A BREWERY PROMOTIONAL**
28 **EVENT PERMIT TO A LICENSE HOLDER.**

1 **(2) AT LEAST 15 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL**
 2 **EVENT, THE LICENSE HOLDER SHALL OBTAIN A PERMIT FROM THE COMPTROLLER**
 3 **BY FILING A NOTICE OF THE PROMOTIONAL EVENT ON THE FORM THAT THE**
 4 **COMPTROLLER PROVIDES.**

5 **(3) THE PERMIT AUTHORIZES THE LICENSE HOLDER TO CONDUCT AT**
 6 **THE LICENSED FARM A PROMOTIONAL EVENT AT WHICH THE LICENSE HOLDER MAY:**

7 **(I) PROVIDE SAMPLES OF NOT MORE THAN 6 FLUID OUNCES**
 8 **PER BRAND TO CONSUMERS; AND**

9 **(II) SELL BEER PRODUCED BY THE LICENSE HOLDER TO**
 10 **PERSONS WHO PARTICIPATE IN THE EVENT.**

11 **(4) THE BEER AT THE EVENT SHALL BE SOLD BY THE GLASS AND FOR**
 12 **ON-PREMISES CONSUMPTION ONLY.**

13 **(5) THE LICENSE HOLDER MAY NOT BE ISSUED MORE THAN 12**
 14 **PERMITS IN A CALENDAR YEAR.**

15 **(6) A SINGLE PROMOTIONAL EVENT:**

16 **(I) MAY BE HELD FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

17 **(II) MAY NOT EXCEED 3 CONSECUTIVE DAYS.**

18 **(7) THE PERMIT FEE IS \$25 PER EVENT.**

19 **(L) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$200.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, §§ 2–209(b) through (e) and (a)(1) through (7),
 23 (8)(i), (9), and (10) and, as it related to the farm brewery license, 2–201(a).

24 In subsection (g) of this section, the reference to “Division II of this article” is
 25 substituted for the former reference to “subparagraph (ii) of this paragraph”
 26 to reflect the organization of this revised article.

27 Defined terms: “Beer” § 1–101

28 “Comptroller” § 1–101

29 “Consumer” § 1–101

1 “Person” § 1–101
 2 “State” § 1–101
 3 “Wholesaler” § 1–101

4 **2–211. RESIDENCY REQUIREMENT.**

5 **TO BE ISSUED A MANUFACTURER’S LICENSE, THE FOLLOWING INDIVIDUALS**
 6 **SHALL RESIDE IN THE STATE FOR 2 YEARS IMMEDIATELY PRECEDING THE FILING**
 7 **OF AN APPLICATION FOR THE LICENSE:**

8 **(1) FOR A SOLE PROPRIETORSHIP, THE INDIVIDUAL APPLICANT;**

9 **(2) FOR A CORPORATION OR LIMITED LIABILITY COMPANY, THE**
 10 **INDIVIDUAL WHO QUALIFIES AS A RESIDENT APPLICANT; OR**

11 **(3) FOR A PARTNERSHIP, EACH PARTNER OF THE APPLICANT.**

12 REVISOR’S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 2–401(a), as it related to applicants for
 14 manufacturer’s licenses.

15 In item (1) of this section, the reference to “a sole proprietorship” is added for
 16 clarity.

17 In item (2) of this section, the reference to a “limited liability company” is
 18 added for clarity and consistency with Subtitle 7 of this title.

19 In item (3) of this section, the reference to each “partner of the applicant” is
 20 substituted for the former reference to each “applicant” for accuracy.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
 22 the General Assembly, that the residency requirement in the introductory
 23 language of this section, which requires that certain license applicants reside
 24 in the State for 2 years immediately preceding the filing of a license
 25 application, may violate the equal protection guarantees of the Fourteenth
 26 Amendment to the United States Constitution and Article 24 of the Maryland
 27 Declaration of Rights. Maryland Courts look unfavorably on legislation that
 28 classify persons by geography, which may be accomplished by residency or
 29 registration requirements, if the primary purpose of the legislation is
 30 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

31 Defined terms: “Manufacturer’s license” § 1–101
 32 “State” § 1–101

33 **2–212. ADDITIONAL LICENSES.**

1 **(A) MANUFACTURER'S LICENSE.**

2 **(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS 6**
3 **PUB-BREWERY LICENSE.**

4 **(2) THE HOLDER OF A DISTILLERY, RECTIFYING, WINERY, LIMITED**
5 **WINERY, OR BREWERY LICENSE MAY APPLY FOR AND OBTAIN, UNDER A DIFFERENT**
6 **NAME, ONE OR MORE ADDITIONAL DISTILLERY, RECTIFYING, WINERY, LIMITED**
7 **WINERY, OR BREWERY LICENSES FOR THE SAME OR DIFFERENT PREMISES.**

8 **(3) THE ADDITIONAL LICENSES MAY BE ISSUED TO DIFFERENT**
9 **PERSONS OR UNDER TRADE NAMES USED BY PERSONS OCCUPYING ALL OR A PART**
10 **OF THE SAME PREMISES.**

11 **(4) A HOLDER OF A LICENSE LISTED IN PARAGRAPH (2) OF THIS**
12 **SUBSECTION MAY HOLD ADDITIONAL LICENSES LISTED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION OF THE SAME OR OF A DIFFERENT CLASS.**

14 **(5) THE HOLDER OF A MICRO-BREWERY LICENSE MAY APPLY FOR**
15 **AND OBTAIN NOT MORE THAN ONE ADDITIONAL MICRO-BREWERY LICENSE FOR**
16 **ANOTHER PREMISES.**

17 **(B) CERTAIN HOLDERS OF MANUFACTURER'S LICENSES ELIGIBLE FOR**
18 **WHOLESALE'S LICENSES.**

19 **(1) THE HOLDER OF A RECTIFYING OR WINERY LICENSE MAY APPLY**
20 **FOR AND OBTAIN A WHOLESALE'S LICENSE OF ANY CLASS FOR THE SAME PREMISES**
21 **OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.**

22 **(2) THE HOLDER OF A CLASS 4 LIMITED WINERY LICENSE MAY APPLY**
23 **FOR AND OBTAIN A CLASS 6 LIMITED WINE WHOLESALE'S LICENSE FOR THE SAME**
24 **PREMISES OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.**

25 **(3) (I) THE HOLDER OF A CLASS 5 BREWERY LICENSE OR CLASS 7**
26 **MICRO-BREWERY LICENSE MAY APPLY FOR AND OBTAIN A CLASS 7 LIMITED BEER**
27 **WHOLESALE'S LICENSE IN ACCORDANCE WITH THIS PARAGRAPH.**

28 **(II) A HOLDER OF A CLASS 5 BREWERY LICENSE THAT WAS**
29 **SELLING THE HOLDER'S OWN BEER AT WHOLESALE IN THE STATE AS OF JANUARY**
30 **1, 2013, MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALE'S LICENSE TO**
31 **CONTINUE TO SELL THE HOLDER'S OWN BEER AT WHOLESALE IN THE SAME**
32 **LOCATION IN AN AMOUNT THAT IS NOT MORE THAN 3,000 BARRELS ANNUALLY.**

1 **(III) A HOLDER OF A CLASS 5 BREWERY LICENSE THAT**
 2 **PRODUCES IN AGGREGATE FROM ALL ITS LOCATIONS NOT MORE THAN 22,500**
 3 **BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S**
 4 **LICENSE AND DISTRIBUTE NOT MORE THAN 3,000 BARRELS OF ITS OWN BEER**
 5 **ANNUALLY.**

6 **(4) A HOLDER OF ONE OR TWO CLASS 7 MICRO-BREWERY LICENSES**
 7 **THAT PRODUCES IN AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE THAN**
 8 **22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER**
 9 **WHOLESALER'S LICENSE AND DISTRIBUTE BEER THAT:**

10 **(I) TOTALS ANNUALLY NOT MORE THAN 3,000 BARRELS IN**
 11 **AGGREGATE FROM ALL OF ITS LOCATIONS; AND**

12 **(II) HAS BEEN BREWED AT THE LOCATION FROM WHERE IT IS**
 13 **DISTRIBUTED.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 2-201(b).

16 Defined terms: "Beer" § 1-101

17 "Person" § 1-101

18 "State" § 1-101

19 "Wholesaler's license" § 1-101

20 **2-213. ADDITIONAL FEES.**

21 **(A) INITIAL ISSUANCE.**

22 **IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER THIS**
 23 **ARTICLE, AN APPLICANT FOR INITIAL ISSUANCE OF A MANUFACTURER'S LICENSE**
 24 **SHALL PAY TO THE COMPTROLLER A NONREFUNDABLE APPLICATION FEE OF \$200.**

25 **(B) RENEWAL.**

26 **IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER THIS**
 27 **ARTICLE, AN APPLICANT FOR RENEWAL OF A MANUFACTURER'S LICENSE SHALL PAY**
 28 **TO THE COMPTROLLER A RENEWAL FEE OF \$30.**

29 REVISOR'S NOTE: This section is new language derived without substantive
 30 change from former Art. 2B, § 2-402(a), as it related to additional fees for
 31 manufacturer's licenses.

1 In this section, the defined term “manufacturer’s license” is substituted for the
2 former references to a “license issued by the Comptroller under Subtitle 2 ...
3 of Title 2 of this article” for brevity and consistency within this article.

4 Defined terms: “Comptroller” § 1–101
5 “License” § 1–101
6 “Manufacturer’s license” § 1–101

7 **2–214. SALE OR DELIVERY RESTRICTED.**

8 **(A) IN GENERAL.**

9 **EXCEPT AS OTHERWISE PROVIDED WITH RESPECT TO A 1–DAY LICENSE IN**
10 **DIVISION II OF THIS ARTICLE, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION,**
11 **A HOLDER OF A MANUFACTURER’S LICENSE MAY NOT SELL OR DELIVER ALCOHOLIC**
12 **BEVERAGES TO A PERSON IN THE STATE THAT DOES NOT HOLD A LICENSE OR**
13 **PERMIT UNDER THIS ARTICLE.**

14 **(B) SERVICE UNDER RETAIL LICENSE ALLOWED.**

15 **THIS SECTION DOES NOT PROHIBIT A HOLDER OF A CLASS 4 LIMITED WINERY**
16 **LICENSE AND A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE FROM ALSO**
17 **HOLDING A CLASS A LIGHT WINE LICENSE ISSUED UNDER DIVISION II OF THIS**
18 **ARTICLE.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 2–401(c) and, as it related to manufacturer’s
21 licenses, (b).

22 In subsection (a) of this section, the reference to holding a license or permit
23 “under this article” is added for clarity.

24 Also in subsection (a) of this section, the phrase “[e]xcept as otherwise
25 provided with respect to a 1–day license in Division II of this article” is
26 substituted for the former phrase “[e]xcept as provided in [Art. 2B, §
27 2–401(c)]” to reflect the reorganization of material relating to certain
28 1–day licenses in titles for each applicable jurisdiction in this revised article.

29 Also in subsection (a) of this section, the former phrase “except as provided in
30 [Art. 2B,] § 7–101(c)” is deleted as surplusage. Former Art. 2B, § 7–101(c)
31 governed the delivery of beer and wine to the holder of a special 1–day license,
32 by definition a license holder, albeit a temporary one.

33 In subsection (b) of this section, the reference to a “Class A light wine license
34 issued under Division II of this article” is substituted for the former reference
35 to a “license issued under the authority of Title 4, Subtitle 2 of this article” to

1 reflect the reorganization of material relating to Class A light wine licenses in
2 titles for each applicable jurisdiction in this revised article.

3 Defined terms: “Alcoholic beverage” § 1–101
4 “License” § 1–101
5 “Manufacturer’s license” § 1–101
6 “Person” § 1–101
7 “State” § 1–101
8 “Wholesaler’s license” § 1–101

9 **2–215. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

10 **(A) SALE PROHIBITED.**

11 **A HOLDER OF A MANUFACTURER’S LICENSE MAY NOT SELL BEER TO A RETAIL**
12 **DEALER ON TERMS OTHER THAN FOR CASH ON DELIVERY.**

13 **(B) ENFORCEMENT PROHIBITED.**

14 **A CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT EXTENDED**
15 **OR ENFORCE A CHECK GIVEN IN VIOLATION OF THIS SECTION MAY NOT BE**
16 **MAINTAINED IN THE STATE.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 12–112(d) and the fourth sentence of 12–202(c)
19 and, as they related to manufacturers, §§ 12–112(b) and the first sentence of
20 12–202(c).

21 In subsection (a) of this section, the former phrase “wherever he be located in
22 Maryland” is deleted as surplusage.

23 In subsection (b) of this section, the reference to a “civil action” is substituted
24 for the former references to a “suit or action ex contractu” for clarity.

25 Defined terms: “Beer” § 1–101
26 “Manufacturer’s license” § 1–101
27 “Retail dealer” § 1–101
28 “State” § 1–101

29 **2–216. INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS.**

30 **(A) DEFINITIONS.**

31 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
32 **INDICATED.**

1 **2. ADVERTISES THE BEER OR MALT PRODUCTS OF A**
2 **PARTICULAR BREWER, NONRESIDENT DEALER, RESIDENT DEALER, OR BEER**
3 **WHOLESALE.**

4 **(II) AN ADVERTISEMENT PROVIDED IN ACCORDANCE WITH THIS**
5 **SUBSECTION SHALL CONTAIN BRAND INFORMATION THAT IS PROMINENT,**
6 **PERMANENT, AND EQUAL TO THE LIFE AND VALUE OF THE UTILITARIAN CHARACTER**
7 **OF THE ADVERTISING ITEM.**

8 **(D) ADVERTISEMENTS ALLOWED — WINE AND LIQUOR.**

9 **(1) THIS SUBSECTION APPLIES ONLY TO WINE AND LIQUOR.**

10 **(2) AN ADVERTISEMENT FOR USE IN WINDOWS OR ELSEWHERE ON A**
11 **RETAIL LIQUOR ESTABLISHMENT MAY BE GIVEN TO A RETAILER BY A BRAND OWNER**
12 **WHO IS ENGAGED IN THE BUSINESS OF A MANUFACTURING ENTITY, IF:**

13 **(I) THE UTILITARIAN VALUE IS SECONDARY AND ONLY**
14 **INCIDENTAL TO THE VALUE AS AN ADVERTISEMENT;**

15 **(II) THE TOTAL VALUE OF AN ITEM PROVIDED BY A BRAND**
16 **OWNER FOR EACH OF ITS INDIVIDUAL BRANDS FOR USE IN ANY ONE RETAIL**
17 **ESTABLISHMENT AT ANY ONE TIME IS NOT MORE THAN \$150 FOR EACH INDIVIDUAL**
18 **BRAND; AND**

19 **(III) THE COST OF INSTALLING THESE MATERIALS DOES NOT**
20 **EXCEED THE USUAL COST IN THE LOCALITY.**

21 **(3) (I) IN LIEU OF PREMANUFACTURED ADVERTISING MATERIAL,**
22 **MATERIALS AND LABOR MAY BE PROVIDED BY A BRAND OWNER FOR THE CUSTOM**
23 **MANUFACTURE OF AN ADVERTISING DISPLAY THAT:**

24 **1. IS WORTH NOT MORE THAN \$150;**

25 **2. IS TEMPORARY; AND**

26 **3. HAS NO OTHER UTILITARIAN VALUE.**

27 **(II) A MANUFACTURER, NONRESIDENT DEALER, RESIDENT**
28 **DEALER, OR BRAND OWNER MAY NOT UNDERTAKE A PLAN THAT DIRECTLY OR**
29 **INDIRECTLY RESULTS IN THE PURCHASE OF ADVERTISING MATERIALS, SUPPLIES,**
30 **OR SERVICES BY A WHOLESALE'S LICENSE HOLDER OR RETAIL LICENSE HOLDER.**

1 **(III) A RETAIL LICENSE HOLDER MAY NOT PARTICIPATE**
 2 **DIRECTLY OR INDIRECTLY IN A TRANSACTION IN WHICH THE LICENSE HOLDER PAYS**
 3 **FOR OR SHARES THE COST FOR ANY OF THE ADVERTISING MATERIALS, SUPPLIES,**
 4 **SERVICES, OR MAILING EXPENSES USED TO PROMOTE A BRAND OWNER’S PRODUCTS.**

5 **(E) EXCEPTIONS.**

6 **(1) SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT APPLY TO:**

7 **(I) A HOLDER OF A CLASS 6 PUB-BREWERY LICENSE WITH**
 8 **RESPECT TO THE MALT BEVERAGES BREWED ON THE PREMISES; OR**

9 **(II) A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE WITH**
 10 **RESPECT TO THE MALT BEVERAGES BREWED ON THE PREMISES THAT ARE SOLD:**

11 **1. ON THE LICENSED PREMISES OF THE BREWERY; OR**

12 **2. IN A RESTAURANT OR BREWERY PUB OWNED,**
 13 **CONDUCTED, AND OPERATED BY THE HOLDER IN OR ADJACENT TO THE BREWERY**
 14 **FOR WHICH IT IS LICENSED.**

15 **(2) A HOLDER OF A CLASS 6 PUB-BREWERY LICENSE OR A CLASS 7**
 16 **MICRO-BREWERY LICENSE MAY HOLD OR HAVE A FINANCIAL INTEREST IN ONE**
 17 **RETAIL LICENSE THAT DOES NOT APPLY TO PREMISES TO WHICH A CLASS 6**
 18 **PUB-BREWERY LICENSE OR CLASS 7 MICRO-BREWERY LICENSE APPLIES.**

19 REVISOR’S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 12–104(a), (b), (c)(1), (2), and (4), (d)(1), (2), and
 21 (3)(i) and (ii), and (e)(2) through (4), except as they related to a holder of a
 22 wholesaler’s license.

23 In subsection (a)(2) of this section, the defined term “[a]dvertisement” is
 24 substituted for the former narrower term “[s]ign” for clarity.

25 In subsections (a)(3) and (b) of this section, the references to “[m]anufacturing”
 26 are substituted for the former overly broad references to a “[b]usiness entity”
 27 for clarity.

28 In subsection (b)(3) of this section, the former phrase “[e]xcept as provided for”
 29 is deleted as surplusage.

30 In subsection (b)(4) of this section, the phrase “to a retail dealer” is added for
 31 clarity.

1 Also in subsection (b)(4) of this section, the former phrase “except as provided
2 in this article” is deleted as unnecessary in light of the organization of this
3 revised article.

4 In subsection (c)(2)(i) of this section, the former reference to a retail license
5 holder “under the provisions of this article” is deleted as surplusage.

6 In subsection (d)(1) of this section, the reference to “liquor” is substituted for
7 the former reference to “distilled spirits” to conform to the terminology used
8 throughout this article.

9 In the introductory language of subsection (d)(2) of this section, the former
10 reference to an advertisement “bearing advertising matter or any other forms
11 of advertising” is deleted as surplusage.

12 Also in the introductory language of subsection (d)(2) of this section, the
13 former reference to “furnished” is deleted as included in the reference to
14 “given”.

15 In subsection (d)(2)(ii) of this section, the former reference to “the sum of” \$150
16 is deleted as surplusage.

17 In subsection (d)(2)(iii) of this section, the former reference to “customary” is
18 deleted as unnecessary in light of the reference to “usual”.

19 Also in subsection (d)(2)(iii) of this section, the former reference to the
20 “particular” locality is deleted as surplusage.

21 In subsection (d)(3)(i)2 of this section, the former reference to temporary “in
22 nature” is deleted as surplusage.

23 In subsection (d)(3)(ii) of this section, the former reference to “design” is
24 deleted as included in the reference to “plan”.

25 In subsection (d)(3)(iii) of this section, the former reference to the cost for any
26 “of the value” of the advertising materials is deleted as surplusage.

27 Former Art. 2B, § 12–104(g), which provided the penalty for a violation of this
28 section, is deleted as duplicative of the general penalty for a violation of this
29 article stated in § 6–402(a) of this article.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
31 the General Assembly, that in subsection (a)(3)(i) of this section, the reference
32 to a person “connected” with the business of the license holder is ambiguous
33 and may be overly broad.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Beer” § 1–101

3 “License” § 1–101

4 “License holder” § 1–101

5 “Manufacturer’s license” § 1–101

6 “Person” § 1–101

7 “Restaurant” § 1–101

8 “Retail dealer” § 1–101

9 “Wholesaler” § 1–101

10 “Wholesaler’s license” § 1–101

11 “Wine” § 1–101

12 **2–217. DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES.**

13 **(A) LEGISLATIVE PURPOSE.**

14 **THE PURPOSE OF THIS SECTION IS TO ELIMINATE THE UNDUE STIMULATION**
15 **OF THE SALE OF ALCOHOLIC BEVERAGES AND THE PRACTICE OF MANUFACTURERS**
16 **GRANTING SECRET DISCOUNTS, REBATES, ALLOWANCES, FREE GOODS, OR OTHER**
17 **INDUCEMENTS TO SELECTED LICENSE HOLDERS THAT CONTRIBUTE TO A**
18 **DISORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

19 **(B) PROHIBITED ACTIONS.**

20 **(1) A LICENSED MANUFACTURER, RESIDENT DEALER, OR**
21 **NONRESIDENT WINERY PERMIT HOLDER MAY NOT DISCRIMINATE DIRECTLY OR**
22 **INDIRECTLY IN PRICE, DISCOUNTS, OR THE QUALITY OF MERCHANDISE SOLD**
23 **BETWEEN:**

24 **(I) ONE DISPENSARY AND ANOTHER DISPENSARY; OR**

25 **(II) ONE RETAILER AND ANOTHER RETAILER THAT PURCHASES**
26 **ALCOHOLIC BEVERAGES THAT BEAR THE SAME BRAND AND TRADE NAME, AND ARE**
27 **SIMILAR IN AGE AND QUALITY.**

28 **(2) A NONRESIDENT DEALER, RESIDENT DEALER, NONRESIDENT**
29 **WINERY PERMIT HOLDER, OR NONRESIDENT UNLICENSED MANUFACTURER MAY**
30 **NOT USE OR PROMOTE THE USE OF A PRACTICE PROHIBITED UNDER PARAGRAPH (1)**
31 **OF THIS SUBSECTION TO SELL OR DISTRIBUTE ALCOHOLIC BEVERAGES TO OR**
32 **THROUGH A LICENSED MANUFACTURER, LICENSED WHOLESALER, OR COUNTY**
33 **DISPENSARY.**

34 **(C) DEPENDENT DISCOUNTING PROHIBITED.**

1 **A SUPPLIER, NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT**
 2 **WINERY PERMIT HOLDER MAY NOT MAKE A DISCOUNT, REBATE, OR DEPLETION**
 3 **ALLOWANCE THAT IS OFFERED ON A PRODUCT DEPENDENT ON THE PRICING POLICY**
 4 **OR PRACTICE OF THE LICENSE HOLDER WHO IS INVOICED FOR THE PRODUCT.**

5 **(D) RATION PLAN ALLOWED.**

6 **(1) THIS SECTION DOES NOT RESTRICT A MANUFACTURER,**
 7 **NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT**
 8 **HOLDER FROM LIMITING THE QUANTITY OF ALCOHOLIC BEVERAGES TO BE SOLD TO**
 9 **A LICENSE HOLDER UNDER A VOLUNTARY OR COMPULSORY RATIONING PLAN.**

10 **(2) A MANUFACTURER, NONRESIDENT DEALER, RESIDENT DEALER,**
 11 **OR NONRESIDENT WINERY PERMIT HOLDER IS NOT REQUIRED TO SELL TO ALL**
 12 **LICENSE HOLDERS FROM WHOM ORDERS ARE RECEIVED.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 12–102(b) and the first through third sentences
 15 of (a), except as they related to wholesalers.

16 In subsection (a) of this section, the reference to “[t]he purpose of this section”
 17 is added for clarity.

18 In subsection (d)(2) of this section, the reference to “[a] manufacturer ... is not
 19 required” to sell to all license holders is substituted for the former reference
 20 to “the word ‘purchase’ shall not imply that a manufacturer ... shall be
 21 required” to sell to all license holders for clarity.

22 The fourth sentence of former Art. 2B, § 12–102(a), which stated that “[t]he
 23 Comptroller may promulgate such rules and regulations as are necessary to
 24 carry out the purpose of this section”, is deleted as unnecessary in light of the
 25 requirement under § 1–302 of this article for the Comptroller to adopt
 26 regulations to discharge the duties of this article.

27 Defined terms: “Alcoholic beverage” § 1–101

28 “County” § 1–101

29 “License holder” § 1–101

30 “Wholesaler” § 1–101

31 **2–218. RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS —**
 32 **PROHIBITED.**

33 **A HOLDER OF A MANUFACTURER'S LICENSE OR THE OWNER OF AN INTEREST**
 34 **IN A DISTILLERY, BREWERY, RECTIFYING, BLENDING, OR BOTTLING PLANT MAY NOT**

1 **ENTER INTO AN AGREEMENT WITH A RETAIL DEALER THAT LIMITS THE PURCHASES**
2 **OR SALES OF THE RETAIL DEALER TO THE PRODUCTS OF ANY PRODUCER.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 12–101, except as it related to wholesalers.

5 The phrase “that limits” is substituted for the former phrase “the effect or
6 purpose of which is to limit” for brevity.

7 The former reference to “no distiller, brewer, rectifier, blender or bottler of
8 alcoholic beverages” is deleted as included in the reference to “[a] holder of a
9 manufacturer’s license”.

10 The former statement that “it being the intent and purpose of this article that
11 every retail dealer shall at all times, be and remain free to purchase the
12 alcoholic beverages sold by him, from any holder of a manufacturer’s ... license
13 issued under the provisions of this article” is deleted as unnecessary.

14 Defined term: “Manufacturer’s license” § 1–101

15 **SUBTITLE 3. WHOLESALER’S LICENSES.**

16 **2–301. LICENSES ISSUED BY COMPTROLLER.**

17 **EACH LICENSE SPECIFIED IN THIS TITLE IS A WHOLESALER’S LICENSE THAT**
18 **THE COMPTROLLER ISSUES.**

19 REVISOR'S NOTE: This section is new language added to state expressly what was
20 only implied in the former law, that all wholesaler’s licenses are issued by the
21 Comptroller.

22 Defined terms: “Comptroller” § 1–101

23 “License” § 1–101

24 “Wholesaler’s license” § 1–101

25 **2–302. CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE.**

28 **(B) SCOPE OF AUTHORIZATION.**

29 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

1 **(1) ACQUIRE BEER, WINE, AND LIQUOR FROM:**

2 **(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND**
3 **DELIVER THE BEER, WINE, AND LIQUOR TO A WHOLESALER; AND**

4 **(II) A HOLDER OF A NONRESIDENT DEALER'S PERMIT OR A**
5 **RESIDENT DEALER'S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER BEER,**
6 **WINE, AND LIQUOR; AND**

7 **(2) SELL AND DELIVER BEER, WINE, AND LIQUOR FROM THE**
8 **LICENSED PREMISES TO:**

9 **(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

10 **(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

11 **(C) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$2,000.**

13 **(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

14 **THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE**
15 **WAREHOUSING, SALE, AND DELIVERY OF BEER, WINE, AND LIQUOR:**

16 **(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF**
17 **A SEPARATE APPLICATION FOR EACH LOCATION; AND**

18 **(2) ON THE PAYMENT OF A \$2,000 FEE FOR EACH ADDITIONAL**
19 **LOCATION.**

20 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
21 expressly what was only implied in the former law, that there is a Class 1
22 beer, wine, and liquor wholesaler's license.

23 Subsections (b) through (d) of this section are new language derived without
24 substantive change from former Art. 2B, § 2-301(a)(2)(i) and (b)(1) and, as it
25 related to Class 1 licenses, (a)(1).

26 In subsection (b) of this section, the former phrase "issued in accordance with
27 the fee paid" is deleted as unnecessary.

28 Also in subsection (b) of this section, the references to the acquisition, sale,
29 and delivery of "beer, wine, and liquor" are substituted for the former

1 references to the acquisition of “the alcoholic beverages indicated on the
2 license” and the sale and delivery of “those alcoholic beverages” for clarity.

3 Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise
4 provided in this subsection” is deleted in light of the organization of this
5 revised article. The provisions to which the former phrase referred are found
6 in Division II of this article.

7 In subsection (b)(1) of this section, the former references to license holders,
8 holders of nonresident dealer’s permits, and holders of resident dealer’s
9 permits that are authorized “by this State” to make the sales and deliveries
10 are deleted as unnecessary.

11 In subsection (d)(1) of this section, the phrase “if approved by the Comptroller
12 following submission of a separate application for each location” is substituted
13 for the former ambiguous phrase “[u]pon approval of the application” to clarify
14 that in practice there is a separate application that must be approved by the
15 Comptroller before the holder of the license may use an additional location for
16 the warehousing, sale, and delivery of beer, wine, and liquor.

17 In subsection (d)(2) of this section, the former reference to payment of an
18 “additional” fee is deleted as unnecessary.

19 Defined terms: “Beer” § 1–101
20 “Comptroller” § 1–101
21 “License holder” § 1–101
22 “Person” § 1–101
23 “State” § 1–101
24 “Wholesaler” § 1–101
25 “Wholesaler’s license” § 1–101
26 “Wine” § 1–101

27 **2–303. CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE.**

30 **(B) SCOPE OF AUTHORIZATION.**

31 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

32 **(1) ACQUIRE WINE AND LIQUOR FROM:**

33 **(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND**
34 **DELIVER THE WINE AND LIQUOR TO A WHOLESALER; AND**

1 **(II) A HOLDER OF A NONRESIDENT DEALER’S PERMIT OR A**
 2 **RESIDENT DEALER’S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER WINE AND**
 3 **LIQUOR; AND**

4 **(2) SELL AND DELIVER WINE AND LIQUOR FROM THE LICENSED**
 5 **PREMISES TO:**

6 **(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

7 **(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

8 **(C) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$1,750.**

10 **(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

11 **THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE**
 12 **WAREHOUSING, SALE, AND DELIVERY OF WINE AND LIQUOR:**

13 **(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF**
 14 **A SEPARATE APPLICATION FOR EACH LOCATION; AND**

15 **(2) ON THE PAYMENT OF A \$1,750 FEE FOR EACH ADDITIONAL**
 16 **LOCATION.**

17 REVISOR’S NOTE: Subsection (a) of this section is new language added to state
 18 expressly what was only implied in the former law, that there is a Class 2 wine
 19 and liquor wholesaler’s license.

20 Subsections (b) through (d) of this section are new language derived without
 21 substantive change from former Art. 2B, § 2–301(a)(2)(ii) and (b)(1) and, as it
 22 related to Class 2 licenses, (a)(1).

23 In subsection (b) of this section, the former phrase “issued in accordance with
 24 the fee paid” is deleted as unnecessary.

25 Also in subsection (b) of this section, the references to the acquisition, sale,
 26 and delivery of “wine and liquor” are substituted for the former references to
 27 the acquisition of “the alcoholic beverages indicated on the license” and the
 28 sale and delivery of “those alcoholic beverages” for clarity.

29 Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise
 30 provided in this subsection” is deleted in light of the organization of this

1 revised article. The provisions to which the former phrase referred are found
2 in Division II of this article.

3 In subsection (b)(1) of this section, the former references to license holders,
4 holders of nonresident dealer's permits, and holders of resident dealer's
5 permits that are authorized "by this State" to make the sales and deliveries
6 are deleted as unnecessary.

7 In subsection (d)(1) of this section, the phrase "if approved by the Comptroller
8 following submission of a separate application for each location" is substituted
9 for the former ambiguous phrase "[u]pon approval of the application" to clarify
10 that in practice there is a separate application that must be approved by the
11 Comptroller before the holder of the license may use an additional location for
12 the warehousing, sale, and delivery of wine and liquor.

13 In subsection (d)(2) of this section, the former reference to payment of an
14 "additional" fee is deleted as unnecessary.

15 Defined terms: "Comptroller" § 1-101
16 "License holder" § 1-101
17 "Person" § 1-101
18 "State" § 1-101
19 "Wholesaler" § 1-101
20 "Wholesaler's license" § 1-101
21 "Wine" § 1-101

22 **2-304. CLASS 3 BEER AND WINE WHOLESALER'S LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS 3 BEER AND WINE WHOLESALER'S LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

27 **(1) ACQUIRE BEER AND WINE FROM:**

28 **(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND**
29 **DELIVER THE BEER AND WINE TO A WHOLESALER; AND**

30 **(II) A HOLDER OF A NONRESIDENT DEALER'S PERMIT OR A**
31 **RESIDENT DEALER'S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER BEER AND**
32 **WINE; AND**

1 **(2) SELL AND DELIVER BEER AND WINE FROM THE LICENSED**
 2 **PREMISES TO:**

3 **(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

4 **(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

5 **(C) FEE.**

6 **THE ANNUAL LICENSE FEE IS \$1,500.**

7 **(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

8 **THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE**
 9 **WAREHOUSING, SALE, AND DELIVERY OF BEER AND WINE:**

10 **(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF**
 11 **A SEPARATE APPLICATION FOR EACH LOCATION; AND**

12 **(2) ON THE PAYMENT OF A \$1,500 FEE FOR EACH ADDITIONAL**
 13 **LOCATION.**

14 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 15 expressly what was only implied in the former law, that there is a Class 3 beer
 16 and wine wholesaler's license.

17 Subsections (b) through (d) of this section are new language derived without
 18 substantive change from former Art. 2B, § 2-301(a)(2)(iii) and (b)(1) and, as it
 19 related to Class 3 licenses, (a)(1).

20 In subsection (b) of this section, the former phrase "issued in accordance with
 21 the fee paid" is deleted as unnecessary.

22 Also in subsection (b) of this section, the references to the acquisition, sale,
 23 and delivery of "beer and wine" are substituted for the former references to
 24 the acquisition of "the alcoholic beverages indicated on the license" and the
 25 sale and delivery of "those alcoholic beverages" for clarity.

26 In subsection (b)(1) of this section, the former references to license holders,
 27 holders of nonresident dealer's permits, and holders of resident dealer's
 28 permits that are authorized "by this State" to make the sales and deliveries
 29 are deleted as unnecessary.

30 In subsection (d)(1) of this section, the phrase "if approved by the Comptroller
 31 following submission of a separate application for each location" is substituted

1 for the former ambiguous phrase “[u]pon approval of the application” to clarify
2 that in practice there is a separate application that must be approved by the
3 Comptroller before the holder of the license may use an additional location for
4 the warehousing, sale, and delivery of beer and wine.

5 In subsection (d)(2) of this section, the former reference to payment of an
6 “additional” fee is deleted as unnecessary.

7 Defined terms: “Beer” § 1–101

8 “Comptroller” § 1–101

9 “License holder” § 1–101

10 “Person” § 1–101

11 “State” § 1–101

12 “Wholesaler” § 1–101

13 “Wholesaler’s license” § 1–101

14 “Wine” § 1–101

15 **2–305. CLASS 4 BEER WHOLESALER’S LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS 4 BEER WHOLESALER’S LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

20 **(1) ACQUIRE BEER FROM:**

21 **(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND**
22 **DELIVER BEER TO A WHOLESALER; AND**

23 **(II) A HOLDER OF A NONRESIDENT DEALER’S PERMIT OR A**
24 **RESIDENT DEALER’S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER BEER;**
25 **AND**

26 **(2) SELL AND DELIVER BEER FROM THE LICENSED PREMISES TO:**

27 **(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

28 **(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

29 **(C) FEE.**

30 **THE ANNUAL LICENSE FEE IS \$1,250.**

1 **(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

2 **THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE**
 3 **WAREHOUSING, SALE, AND DELIVERY OF BEER:**

4 **(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF**
 5 **A SEPARATE APPLICATION FOR EACH LOCATION; AND**

6 **(2) ON THE PAYMENT OF A \$1,250 FEE FOR EACH ADDITIONAL**
 7 **LOCATION.**

8 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 9 expressly what was only implied in the former law, that there is a Class 4 beer
 10 wholesaler's license.

11 Subsections (b) through (d) of this section are new language derived without
 12 substantive change from former Art. 2B, § 2-301(a)(2)(iv) and (b)(1) and, as it
 13 related to Class 4 licenses, (a)(1).

14 In subsection (b) of this section, the former phrase "issued in accordance with
 15 the fee paid" is deleted as unnecessary.

16 Also in subsection (b) of this section, the references to the acquisition, sale,
 17 and delivery of "beer" are substituted for the former references to the
 18 acquisition of "the alcoholic beverages indicated on the license" and the sale
 19 and delivery of "those alcoholic beverages" for clarity.

20 In subsection (b)(1) of this section, the former references to license holders,
 21 holders of nonresident dealer's permits, and holders of resident dealer's
 22 permits that are authorized "by this State" to make the sales and deliveries
 23 are deleted as unnecessary.

24 In subsection (d)(1) of this section, the phrase "if approved by the Comptroller
 25 following submission of a separate application for each location" is substituted
 26 for the former ambiguous phrase "[u]pon approval of the application" to clarify
 27 that in practice there is a separate application that must be approved by the
 28 Comptroller before the holder of the license may use an additional location for
 29 the warehousing, sale, and delivery of beer.

30 In subsection (d)(2) of this section, the former reference to payment of an
 31 "additional" fee is deleted as unnecessary.

32 Defined terms: "Beer" § 1-101

33 "Comptroller" § 1-101

34 "License holder" § 1-101

1 "Person" § 1-101
2 "State" § 1-101
3 "Wholesaler" § 1-101
4 "Wholesaler's license" § 1-101

5 **2-306. CLASS 5 WINE WHOLESALER'S LICENSE.**

6 (A) ESTABLISHED.

7 THERE IS A CLASS 5 WINE WHOLESALER'S LICENSE.

8 (B) SCOPE OF AUTHORIZATION.

9 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:

10 (1) ACQUIRE WINE FROM:

11 (I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND
12 DELIVER WINE TO A WHOLESALER; AND

13 (II) A HOLDER OF A NONRESIDENT DEALER'S PERMIT OR A
14 RESIDENT DEALER'S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER WINE;
15 AND

16 (2) SELL AND DELIVER WINE FROM THE LICENSED PREMISES TO:

17 (I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND

18 (II) AN AUTHORIZED PERSON OUTSIDE THE STATE.

19 (C) FEE.

20 THE ANNUAL LICENSE FEE IS \$1,250.

21 (D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.

22 THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE
23 WAREHOUSING, SALE, AND DELIVERY OF WINE:

24 (1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF
25 A SEPARATE APPLICATION FOR EACH LOCATION; AND

26 (2) ON THE PAYMENT OF A \$1,250 FEE FOR EACH ADDITIONAL
27 LOCATION.

1 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
2 expressly what was only implied in the former law, that there is a Class 5 wine
3 wholesaler's license.

4 Subsections (b) through (d) of this section are new language derived without
5 substantive change from former Art. 2B, § 2-301(a)(2)(v) and (b)(1) and, as it
6 related to Class 5 licenses, (a)(1).

7 In subsection (b) of this section, the former phrase "issued in accordance with
8 the fee paid" is deleted as unnecessary.

9 Also in subsection (b) of this section, the references to the acquisition, sale,
10 and delivery of "wine" are substituted for the former references to the
11 acquisition of "the alcoholic beverages indicated on the license" and the sale
12 and delivery of "those alcoholic beverages" for clarity.

13 In subsection (b)(1) of this section, the former references to license holders,
14 holders of nonresident dealer's permits, and holders of resident dealer's
15 permits that are authorized "by this State" to make the sales and deliveries
16 are deleted as unnecessary.

17 In subsection (d)(1) of this section, the phrase "if approved by the Comptroller
18 following submission of a separate application for each location" is substituted
19 for the former ambiguous phrase "[u]pon approval of the application" to clarify
20 that in practice there is a separate application that must be approved by the
21 Comptroller before the holder of the license may use an additional location for
22 the warehousing, sale, and delivery of wine.

23 In subsection (d)(2) of this section, the former reference to payment of an
24 "additional" fee is deleted as unnecessary.

25 Defined terms: "Comptroller" § 1-101

26 "License holder" § 1-101

27 "Person" § 1-101

28 "State" § 1-101

29 "Wholesaler" § 1-101

30 "Wholesaler's license" § 1-101

31 "Wine" § 1-101

32 **2-307. CLASS 6 LIMITED WINE WHOLESALER'S LICENSE.**

33 **(A) ESTABLISHED.**

34 **THERE IS A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE.**

1 **(B) AUTHORIZED HOLDER.**

2 **THE LICENSE MAY BE ISSUED ONLY TO A WINE MANUFACTURER THAT:**

3 **(1) HOLDS A CLASS 4 LIMITED WINERY LICENSE; AND**

4 **(2) PRODUCES NOT MORE THAN 27,500 GALLONS OF ITS OWN WINE**
5 **ANNUALLY.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AND**
8 **DELIVER ITS OWN BRAND OF WINE PRODUCED AT THE LICENSE HOLDER'S PREMISES**
9 **TO:**

10 **(I) A HOLDER OF A RETAIL LICENSE THAT IS AUTHORIZED TO**
11 **ACQUIRE THE WINE; AND**

12 **(II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE**
13 **THE WINE.**

14 **(2) THE LICENSE HOLDER MAY NOT SELL ITS WINE TO A HOLDER OF**
15 **A WHOLESALER'S LICENSE.**

16 **(D) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$50.**

18 **(E) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

19 **THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE**
20 **WAREHOUSING, SALE, AND DELIVERY OF WINE:**

21 **(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF**
22 **A SEPARATE APPLICATION FOR EACH LOCATION; AND**

23 **(2) ON THE PAYMENT OF A \$50 FEE FOR EACH ADDITIONAL**
24 **LOCATION.**

25 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
26 expressly what was only implied in the former law, that there is a Class 6
27 limited wine wholesaler's license.

1 Subsections (b) through (e) of this section are new language derived without
 2 substantive change from former Art. 2B, § 2–301(a)(2)(vi) and (b)(2) and (3)
 3 and, as it related to Class 6 licenses, (a)(1).

4 In subsection (b)(1) of this section, the reference to a “Class 4 limited winery
 5 license” is substituted for the former reference to a “Class 4 limited winery
 6 manufacturer’s license issued under this article” for brevity.

7 In subsection (c)(1) of this section, the former phrase “on approval of the
 8 application and payment of the fee” is deleted as unnecessary.

9 Also in subsection (c)(1) of this section, the former reference to holders of retail
 10 licenses and permits “in the State” is deleted as unnecessary.

11 In subsection (e)(1) of this section, the phrase “if approved by the Comptroller
 12 following submission of a separate application for each location” is substituted
 13 for the former ambiguous phrase “[u]pon approval of the application” to clarify
 14 that in practice there is a separate application that must be approved by the
 15 Comptroller before the holder of the license may use an additional location for
 16 the warehousing, sale, and delivery of wine.

17 In subsection (e)(2) of this section, the former reference to payment of an
 18 “additional” fee is deleted as unnecessary.

19 Defined terms: “Comptroller” § 1–101
 20 “Wholesaler’s license” § 1–101
 21 “Wine” § 1–101

22 **2–308. CLASS 7 LIMITED BEER WHOLESALER’S LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS 7 LIMITED BEER WHOLESALER’S LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE LICENSE MAY BE ISSUED ONLY TO A PERSON THAT:**

27 **(1) HOLDS A CLASS 5 MANUFACTURER’S LICENSE, A CLASS 7**
 28 **MICRO–BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE; AND**

29 **(2) PRODUCES IN THE AGGREGATE FROM ALL OF ITS LOCATIONS NOT**
 30 **MORE THAN 22,500 BARRELS OF BEER ANNUALLY.**

31 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

2 **(1) SELL AND DELIVER ITS OWN BEER PRODUCED AT THE LICENSE**
3 **HOLDER'S PREMISES TO:**

4 **(I) A HOLDER OF A RETAIL LICENSE THAT IS AUTHORIZED TO**
5 **ACQUIRE BEER FROM A WHOLESALER; AND**

6 **(II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE**
7 **BEER FROM A WHOLESALER; AND**

8 **(2) DISTRIBUTE NOT MORE THAN 3,000 BARRELS OF ITS OWN BEER**
9 **ANNUALLY.**

10 **(D) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$50.**

12 **(E) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

13 **THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE**
14 **WAREHOUSING, SALE, AND DELIVERY OF BEER:**

15 **(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF**
16 **A SEPARATE APPLICATION FOR EACH LOCATION; AND**

17 **(2) ON THE PAYMENT OF A \$50 FEE FOR EACH ADDITIONAL**
18 **LOCATION.**

19 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
20 expressly what was only implied in the former law, that there is a Class 7
21 limited beer wholesaler's license.

22 Subsections (b) through (e) of this section are new language derived without
23 substantive change from former Art. 2B, § 2-301(b)(4) and (5) and (a)(2)(vii)
24 and, as it related to a Class 7 limited beer wholesaler's license, (a)(1).

25 In the introductory language of subsection (c) of this section, the former phrase
26 "[o]n approval of the application and payment of the fee" is deleted as
27 unnecessary.

28 In subsection (c)(1) of this section, the former reference to holders of retail
29 licenses and permits "in the State" is deleted as unnecessary.

1 In subsection (c)(1)(i) and (ii) of this section, the phrase “from a wholesaler” is
2 added for clarity.

3 In subsection (e)(1) of this section, the phrase “if approved by the Comptroller
4 following submission of a separate application for each location” is substituted
5 for the former ambiguous phrase “[u]pon approval of the application” to clarify
6 that in practice there is a separate application that must be approved by the
7 Comptroller before the license holder may use an additional location for the
8 warehousing, sale, and delivery of beer.

9 In subsection (e)(2) of this section, the former reference to payment of an
10 “additional” fee is deleted as implicit.

11 Defined terms: “Beer” § 1–101
12 “Comptroller” § 1–101
13 “Manufacturer’s license” § 1–101
14 “Person” § 1–101
15 “Wholesaler” § 1–101
16 “Wholesaler’s license” § 1–101

17 **2–309. SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE.**

18 **SUBJECT TO § 2–310 OF THIS SUBTITLE, THE SALE AND DELIVERY OF BEER OR**
19 **WINE FROM A VEHICLE UNDER THE EXCLUSIVE CONTROL OF A HOLDER OF A**
20 **WHOLESALER’S LICENSE CONSTITUTES SALE AND DELIVERY FROM THE**
21 **WHOLESALER’S LICENSED PREMISES IF THE BEER OR WINE IS:**

22 **(1) BEER PREVIOUSLY PURCHASED BY AND DELIVERED TO THE**
23 **HOLDER OF THE WHOLESALER’S LICENSE; OR**

24 **(2) WINE OR A WINE–BASED BEVERAGE WITH AN ALCOHOL CONTENT**
25 **OF 6.5% OR LESS BY VOLUME.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 2–301(d) and (e).

28 In this section, the former requirement that a wholesaler “ha[ve] a license to
29 sell wine” in order for the sale and delivery of wine from the wholesaler’s
30 vehicle to be treated as a sale and delivery from the wholesaler’s premises is
31 deleted as unnecessary.

32 In the introductory language of this section, the reference to “licensed
33 premises” is substituted for the former reference to “place of business” to
34 conform to the terminology used throughout this article.

1 Also in the introductory language of this section, the reference to “sale and
2 delivery” from a vehicle is substituted for the former references to “[d]elivery”
3 from a vehicle for clarity and consistency throughout this subtitle.

4 Also in the introductory language of this section, the former phrase “within
5 the meaning of this section” is deleted as surplusage.

6 Also in the introductory language of this section, the former references to
7 delivery from a “truck” are deleted as unnecessary in light of the more general
8 reference to delivery from a “vehicle”.

9 Defined terms: “Beer” § 1–101

10 “Wholesaler” § 1–101

11 “Wholesaler’s license” § 1–101

12 “Wine” § 1–101

13 **2–310. SALE AND DELIVERY TO RETAIL LICENSE HOLDER.**

14 **(A) APPLICATION OF SECTION.**

15 **THIS SECTION DOES NOT APPLY TO A HOLDER OF A NONRESIDENT WINERY**
16 **PERMIT.**

17 **(B) ACCOUNTING FOR ALCOHOLIC BEVERAGES AT WHOLESALER’S**
18 **PREMISES.**

19 **BEFORE A HOLDER OF A WHOLESALER’S LICENSE MAY SELL AND DELIVER**
20 **ALCOHOLIC BEVERAGES ACQUIRED BY THE WHOLESALER TO A HOLDER OF A RETAIL**
21 **LICENSE, THE ALCOHOLIC BEVERAGES SHALL COME TO REST ON THE LICENSED**
22 **PREMISES OF THE WHOLESALER.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 2–301(f).

25 In subsection (b) of this section, the former reference to alcoholic beverages
26 acquired by a wholesaler “from any source” is deleted as unnecessary.

27 Defined terms: “Alcoholic beverage” § 1–101

28 “Wholesaler” § 1–101

29 “Wholesaler’s license” § 1–101

30 **2–311. ADDITIONAL WHOLESALER’S LICENSES.**

31 **(A) FOR LICENSED WHOLESALERS.**

1 THE HOLDER OF A CLASS 1, CLASS 2, OR CLASS 3 WHOLESALER'S LICENSE
2 MAY OBTAIN MORE THAN ONE SUCH LICENSE PROVIDED SEPARATE RECORDS ARE
3 KEPT.

4 (B) FOR LICENSED MANUFACTURERS.

5 (1) THE HOLDER OF A RECTIFYING OR WINERY LICENSE MAY APPLY
6 FOR AND OBTAIN A WHOLESALER'S LICENSE OF ANY CLASS FOR THE SAME PREMISES
7 OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.

8 (2) THE HOLDER OF A CLASS 4 LIMITED WINERY LICENSE MAY APPLY
9 FOR AND OBTAIN A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE FOR THE SAME
10 PREMISES OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.

11 (3) (I) THE HOLDER OF A CLASS 5 MANUFACTURER'S LICENSE OR
12 CLASS 7 MICRO-BREWERY LICENSE MAY APPLY FOR AND OBTAIN A CLASS 7 LIMITED
13 BEER WHOLESALER'S LICENSE IN ACCORDANCE WITH THIS PARAGRAPH.

14 (II) A HOLDER OF A CLASS 5 MANUFACTURER'S LICENSE THAT
15 WAS SELLING THE HOLDER'S OWN BEER AT WHOLESALE IN THE STATE AS OF
16 JANUARY 1, 2013, MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE
17 TO CONTINUE TO SELL THE HOLDER'S OWN BEER AT WHOLESALE IN THE SAME
18 LOCATION IN AN AMOUNT THAT IS NOT MORE THAN 3,000 BARRELS ANNUALLY.

19 (III) A HOLDER OF A CLASS 5 MANUFACTURER'S LICENSE THAT
20 PRODUCES IN AGGREGATE FROM ALL ITS LOCATIONS NOT MORE THAN 22,500
21 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S
22 LICENSE AND DISTRIBUTE NOT MORE THAN 3,000 BARRELS OF ITS OWN BEER
23 ANNUALLY.

24 (IV) A HOLDER OF ONE OR TWO CLASS 7 MICRO-BREWERY
25 LICENSES THAT PRODUCES IN AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE
26 THAN 22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER
27 WHOLESALER'S LICENSE AND DISTRIBUTE BEER THAT:

28 1. TOTALS ANNUALLY NOT MORE THAN 3,000 BARRELS
29 IN AGGREGATE FROM ALL OF ITS LOCATIONS; AND

30 2. HAS BEEN BREWED AT THE LOCATION FROM WHERE
31 IT IS DISTRIBUTED.

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from former Art. 2B, §§ 2-201(b)(5) and 2-301(c).

1 In subsection (a) of this section, the former phrase “upon approval of
2 application and the payment of the fee” is deleted as unnecessary.

3 Defined terms: “Beer” § 1–101
4 “Manufacturer’s license” § 1–101
5 “State” § 1–101
6 “Wholesaler’s license” § 1–101
7 “Wine” § 1–101

8 **2–312. DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES.**

9 **(A) IN GENERAL.**

10 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOLDER OF A**
11 **WHOLESALER’S LICENSE MAY DIRECTLY IMPORT ALCOHOLIC BEVERAGES OF THE**
12 **TYPE INDICATED ON THE LICENSE FROM OUTSIDE THE CONTINENTAL LIMITS AND**
13 **POSSESSIONS OF THE UNITED STATES IF THE BRAND OWNER PROVIDES NOTICE TO**
14 **THE COMPTROLLER OF THE LICENSE HOLDER’S JURISDICTION AND AUTHORITY TO**
15 **SELL THE ALCOHOLIC BEVERAGES.**

16 **(B) RESTRICTIONS.**

17 **A HOLDER OF A WHOLESALER’S LICENSE THAT IMPORTS ALCOHOLIC**
18 **BEVERAGES FROM OUTSIDE THE CONTINENTAL LIMITS AND POSSESSIONS OF THE**
19 **UNITED STATES MUST:**

20 **(1) BE THE BRAND OWNER; OR**

21 **(2) PURCHASE THE ALCOHOLIC BEVERAGES:**

22 **(I) DIRECTLY FROM THE BRAND OWNER OR THE AUTHORIZED**
23 **AGENT OF THE BRAND OWNER; OR**

24 **(II) FROM THE AUTHORIZED UNITED STATES IMPORTER.**

25 **REVISOR’S NOTE:** This section is new language derived without substantive
26 change from former Art. 2B, § 2–301(b)(7) and (8).

27 In subsection (a) of this section, the phrase “a holder of a wholesaler’s license
28 may directly import alcoholic beverages of the type indicated on the license”
29 is substituted for the former phrase “[a] wholesaler’s license of the appropriate
30 class authorizes the holder to directly import beer, wine, or distilled spirits”
31 for clarity and consistency throughout this article.

1 Also in subsection (a) of this section, the reference to the importation of
 2 alcoholic beverages from “sources” outside the United States is deleted as
 3 unnecessary.

4 Also in subsection (a) of this section, the reference to the brand owner
 5 providing notice of the wholesaler’s jurisdiction and authority to sell “the
 6 alcoholic beverages” is added for clarity.

7 In the introductory language of subsection (b) of this section, the reference to
 8 a wholesaler importing “alcoholic beverages from outside the continental
 9 limits and possessions of the United States” is added for clarity and
 10 consistency with subsection (a) of this section.

11 Also in the introductory language of subsection (b) of this section, the former
 12 reference to the importation of alcoholic beverages “for subsequent
 13 distribution in or outside the State of Maryland” is deleted as unnecessary.

14 In subsection (b)(2) of this section, the former requirement that a holder of a
 15 wholesaler’s license that is not the brand owner be a “wholesale licensee” in
 16 order to import alcoholic beverages for subsequent distribution is deleted as
 17 redundant.

18 Also in subsection (b)(2) of this section, the reference to a holder of a
 19 wholesaler’s license purchasing “the alcoholic beverages” from the brand
 20 owner, authorized agent of the brand owner, or authorized United States
 21 importer is added for clarity.

22 The Alcoholic Beverages Article Review Committee notes, for consideration by
 23 the General Assembly, that the word “brand” is undefined in this section.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Comptroller” § 1–101

26 “License” § 1–101

27 “License holder” § 1–101

28 “Wholesaler’s license” § 1–101

29 **2–313. SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT.**

30 **(A) IN GENERAL.**

31 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOLDER OF A**
 32 **WHOLESALER’S LICENSE MAY NOT SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
 33 **PERSON IN THE STATE THAT DOES NOT HOLD A LICENSE OR PERMIT UNDER THIS**
 34 **ARTICLE.**

35 **(B) SERVICE UNDER RETAIL LICENSE ALLOWED.**

1 **THIS SECTION DOES NOT PROHIBIT A HOLDER OF A CLASS 4 LIMITED WINERY**
2 **LICENSE AND A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE FROM ALSO**
3 **HOLDING A CLASS A LIGHT WINE LICENSE OR A CLASS A WINE LICENSE ISSUED**
4 **UNDER DIVISION II OF THIS ARTICLE.**

5 REVISOR’S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 2–401(c) and, as it related to wholesaler’s
7 licenses, (b).

8 In subsection (a) of this section, the reference to holding a license or permit
9 “under this article” is added for clarity.

10 Also in subsection (a) of this section, the former phrase “[e]xcept as provided
11 in [Art. 2B,] § 7–101(c)” is deleted as surplusage.

12 In subsection (b) of this section, the reference to a “Class A light wine license
13 or a Class A wine license issued under Division II of this article” is substituted
14 for the former reference to a “license issued under the authority of Title 4,
15 Subtitle 2 of this article” to reflect the organization of this revised article.

16 Defined terms: “Alcoholic beverage” § 1–101
17 “License” § 1–101
18 “Person” § 1–101
19 “State” § 1–101
20 “Wholesaler’s license” § 1–101
21 “Wine” § 1–101

22 **2–314. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

23 **(A) SALE PROHIBITED.**

24 **A HOLDER OF A WHOLESALER’S LICENSE MAY NOT SELL BEER TO A RETAIL**
25 **DEALER ON TERMS OTHER THAN FOR CASH ON DELIVERY.**

26 **(B) ENFORCEMENT PROHIBITED.**

27 **A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT**
28 **EXTENDED OR ENFORCE PAYMENT OF A CHECK GIVEN FOR PAYMENT IN VIOLATION**
29 **OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

30 **(C) PENALTY.**

31 **A PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO THE PENALTIES**
32 **PROVIDED IN § 6–402 OF THIS ARTICLE.**

1 REVISOR'S NOTE: Subsections (a) and (b) of this section are new language derived
 2 without substantive change from former Art. 2B, § 12-112(d) and, as they
 3 related to wholesalers, §§ 12-112(b), 12-201(d), and the first and fourth
 4 sentences of 12-202(c).

5 Subsection (c) of this section is new language added to set out the penalties
 6 for a violation of this section.

7 In subsection (b) of this section, the reference to a "civil" action is substituted
 8 for the former references to an action "ex contractu" for clarity. No substantive
 9 change is intended.

10 Former Art. 2B, §§ 12-112(a) and 12-201(a), which stated that this section
 11 applied only in specified jurisdictions, are deleted as unnecessary in light of
 12 the organization of this revised article.

13 Defined terms: "Beer" § 1-101

14 "Person" § 1-101

15 "Retail dealer" § 1-101

16 "State" § 1-101

17 "Wholesaler's license" § 1-101

18 **2-315. INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS.**

19 **(A) DEFINITIONS.**

20 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
 21 **INDICATED.**

22 **(2) "ADVERTISEMENT" INCLUDES A GRAPHIC OR NONGRAPHIC SIGN,**
 23 **DISPLAY, POSTER, AND PLACARD.**

24 **(3) "WHOLESALING ENTITY" MEANS:**

25 **(I) A HOLDER OF A WHOLESALER'S LICENSE OR A PERSON**
 26 **CONNECTED WITH THE BUSINESS OF THE HOLDER; OR**

27 **(II) A NONRESIDENT DEALER OR RESIDENT DEALER OF**
 28 **ALCOHOLIC BEVERAGES.**

29 **(B) RESTRICTIONS ON OWNERSHIP INTEREST IN RETAIL ESTABLISHMENT.**

30 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 31 **WHOLESALING ENTITY MAY NOT HAVE A FINANCIAL INTEREST IN:**

1 **(I) THE PREMISES ON OR IN WHICH A LICENSE HOLDER SELLS**
2 **ALCOHOLIC BEVERAGES AT RETAIL; OR**

3 **(II) A BUSINESS THAT A LICENSE HOLDER CONDUCTS.**

4 **(2) A HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE**
5 **MAY HAVE A FINANCIAL INTEREST IN NOT MORE THAN ONE CLASS A LICENSED**
6 **PREMISES.**

7 **(3) A WHOLESALING ENTITY MAY NOT LEND MONEY OR ANY OTHER**
8 **THING OF VALUE, MAKE A GIFT, OR OFFER A GRATUITY TO A RETAIL DEALER.**

9 **(4) A RETAIL DEALER MAY NOT ACCEPT, RECEIVE, OR MAKE USE OF**
10 **MONEY, A GIFT, OR AN ADVERTISEMENT PROVIDED BY A WHOLESALING ENTITY OR**
11 **BECOME INDEBTED TO A WHOLESALING ENTITY EXCEPT FOR THE PURCHASE OF**
12 **ALCOHOLIC BEVERAGES AND ALLIED PRODUCTS PURCHASED FOR RESALE.**

13 **(5) A WHOLESALING ENTITY OTHER THAN A WHOLESALER OF BEER**
14 **AND MALT BEVERAGES MAY NOT PROVIDE AN ADVERTISEMENT TO A RETAIL**
15 **DEALER.**

16 **(c) ADVERTISEMENTS ALLOWED – BREWED PRODUCTS.**

17 **(1) THIS SUBSECTION APPLIES ONLY TO BREWED PRODUCTS.**

18 **(2) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A**
19 **NONRESIDENT DEALER, RESIDENT DEALER, OR BEER WHOLESALER MAY NOT**
20 **PROVIDE TO A RETAIL LICENSE HOLDER AN ADVERTISEMENT THAT:**

21 **1. IS WORTH MORE THAN \$150; AND**

22 **2. ADVERTISES THE BEER OR MALT PRODUCTS OF A**
23 **PARTICULAR BREWER, NONRESIDENT DEALER, RESIDENT DEALER, OR BEER**
24 **WHOLESALER.**

25 **(II) AN ADVERTISEMENT PROVIDED IN ACCORDANCE WITH THIS**
26 **SUBSECTION SHALL CONTAIN BRAND INFORMATION THAT IS PROMINENT,**
27 **PERMANENT, AND EQUAL TO THE LIFE AND VALUE OF THE UTILITARIAN CHARACTER**
28 **OF THE ADVERTISING ITEM.**

29 **(III) AN ADVERTISEMENT THAT IS MANUFACTURED BY A BEER**
30 **WHOLESALER AND PROVIDED TO THE HOLDER OF A RETAIL LICENSE MAY NOT BE**

1 WORTH MORE THAN \$50 TO THE HOLDER OF THE RETAIL LICENSE WHERE THE
2 ADVERTISEMENT ADVERTISES THE BEER OR MALT PRODUCTS OF THE BEER
3 WHOLESALER.

4 (D) ADVERTISEMENTS ALLOWED – WINE AND LIQUOR.

5 (1) THIS SUBSECTION APPLIES ONLY TO WINE AND LIQUOR.

6 (2) AN ADVERTISEMENT FOR USE IN WINDOWS OR ELSEWHERE ON A
7 RETAIL LIQUOR ESTABLISHMENT MAY BE GIVEN TO A RETAILER BY A BRAND OWNER
8 WHO IS ENGAGED IN THE BUSINESS OF A MANUFACTURING ENTITY IF:

9 (I) THE UTILITARIAN VALUE IS SECONDARY AND ONLY
10 INCIDENTAL TO THE VALUE AS AN ADVERTISEMENT;

11 (II) THE TOTAL VALUE OF AN ITEM PROVIDED BY A BRAND
12 OWNER FOR EACH OF ITS INDIVIDUAL BRANDS FOR USE IN ANY ONE RETAIL
13 ESTABLISHMENT AT ANY ONE TIME IS NOT MORE THAN \$150 FOR EACH INDIVIDUAL
14 BRAND; AND

15 (III) THE COST OF INSTALLING THESE MATERIALS DOES NOT
16 EXCEED THE USUAL COST IN THE LOCALITY.

17 (3) (I) IN LIEU OF PREMANUFACTURED ADVERTISING MATERIAL,
18 MATERIALS AND LABOR MAY BE PROVIDED BY A BRAND OWNER FOR THE CUSTOM
19 MANUFACTURE OF AN ADVERTISING DISPLAY THAT:

20 1. IS WORTH NOT MORE THAN \$150;

21 2. IS TEMPORARY; AND

22 3. HAS NO OTHER UTILITARIAN VALUE.

23 (II) A NONRESIDENT DEALER, RESIDENT DEALER, OR BRAND
24 OWNER MAY NOT UNDERTAKE A PLAN THAT DIRECTLY OR INDIRECTLY RESULTS IN
25 THE PURCHASE OF ADVERTISING MATERIALS, SUPPLIES, OR SERVICES BY A HOLDER
26 OF A WHOLESALER'S LICENSE OR RETAIL LICENSE HOLDER.

27 (III) A HOLDER OF A WHOLESALER'S LICENSE OR RETAIL
28 LICENSE HOLDER MAY NOT PARTICIPATE DIRECTLY OR INDIRECTLY IN A
29 TRANSACTION IN WHICH THE LICENSE HOLDER PAYS FOR OR SHARES THE COST FOR
30 ANY OF THE ADVERTISING MATERIALS, SUPPLIES, SERVICES, OR MAILING EXPENSES
31 USED TO PROMOTE A BRAND OWNER'S PRODUCTS.

1 **(IV) THIS SUBSECTION DOES NOT PREVENT A HOLDER OF A**
2 **WHOLESALER’S LICENSE FROM PROVIDING BRAND OWNERS WITH DISPLAY**
3 **MATERIALS AND INSTALLATION SERVICES AT CHARGES COMPUTED AT NOT LESS**
4 **THAN THE FAIR MARKET VALUE FOR THESE SERVICES.**

5 REVISOR’S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 12–104(b), (f), and, except as they related to a
7 holder of a manufacturer’s license, (a), (c), and (d).

8 In subsection (a)(2) of this section, the defined term “advertisement” is
9 substituted for the former narrower term “[s]ign” for clarity.

10 In subsection (a)(3) of this section, the defined term “[w]holesaling entity” is
11 substituted for the former overly broad reference to a “[b]usiness entity” for
12 clarity.

13 In subsection (b)(4) of this section, the former phrase “[e]xcept as provided for”
14 is deleted as surplusage.

15 In subsection (b)(5) of this section, the phrase “to a retail dealer” is added for
16 clarity.

17 In subsection (c)(2)(i) of this section, the former reference to a holder of a retail
18 license “issued under the provisions of this article” is deleted as surplusage.

19 In subsection (d)(1) of this section, the reference to “liquor” is substituted for
20 the former reference to “distilled spirits” to conform to the terminology used
21 throughout this article.

22 In the introductory language of subsection (d)(2) of this section, the former
23 reference to an advertisement “bearing advertising matter or any other forms
24 of advertising” is deleted as surplusage.

25 Also in the introductory language of subsection (d)(2) of this section, the
26 former reference to “furnished” is deleted as included in the reference to
27 “given”.

28 In subsection (d)(2)(ii) of this section, the former reference to “the sum of” \$150
29 is deleted as surplusage.

30 In subsection (d)(2)(iii) of this section, the former reference to “customary” is
31 deleted as unnecessary in light of the reference to “usual”.

32 Also in subsection (d)(2)(iii) of this section, the former reference to the
33 “particular” locality is deleted as surplusage.

1 In subsection (d)(3)(i)2 of this section, the former reference to temporary “in
2 nature” is deleted as surplusage.

3 In subsection (d)(3)(ii) of this section, the former reference to “design” is
4 deleted as included in the reference to “plan”.

5 In subsection (d)(3)(iii) of this section, the former reference to the cost for any
6 “of the value” of the advertising materials is deleted as surplusage.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
8 the General Assembly, that in subsection (a)(3)(i) of this section, the reference
9 to a person “connected” with the business of the license holder is ambiguous
10 and may be overly broad.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “Beer” § 1–101

13 “License holder” § 1–101

14 “Person” § 1–101

15 “Retail dealer” § 1–101

16 “Wholesaler” § 1–101

17 “Wholesaler’s license” § 1–101

18 “Wine” § 1–101

19 **2–316. DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES.**

20 **(A) LEGISLATIVE PURPOSE.**

21 **THE PURPOSE OF THIS SECTION IS TO ELIMINATE THE UNDUE STIMULATION**
22 **OF THE SALE OF ALCOHOLIC BEVERAGES AND THE PRACTICE OF WHOLESALERS**
23 **GRANTING SECRET DISCOUNTS, REBATES, ALLOWANCES, FREE GOODS, OR OTHER**
24 **INDUCEMENTS TO SELECTED LICENSE HOLDERS THAT CONTRIBUTE TO A**
25 **DISORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

26 **(B) PROHIBITED ACTIONS.**

27 **(1) A LICENSED WHOLESALER, RESIDENT DEALER, OR NONRESIDENT**
28 **WINERY PERMIT HOLDER MAY NOT DISCRIMINATE DIRECTLY OR INDIRECTLY IN**
29 **PRICE, DISCOUNTS, OR THE QUALITY OF MERCHANDISE SOLD BETWEEN:**

30 **(I) ONE DISPENSARY AND ANOTHER DISPENSARY;**

31 **(II) ONE WHOLESALER AND ANOTHER WHOLESALER; OR**

1 **(III) ONE RETAILER AND ANOTHER RETAILER THAT PURCHASES**
 2 **ALCOHOLIC BEVERAGES THAT BEAR THE SAME BRAND AND TRADE NAME, AND ARE**
 3 **SIMILAR IN AGE AND QUALITY.**

4 **(2) A NONRESIDENT DEALER, RESIDENT DEALER, NONRESIDENT**
 5 **WINERY PERMIT HOLDER, OR NONRESIDENT UNLICENSED MANUFACTURER MAY**
 6 **NOT USE OR PROMOTE THE USE OF A PRACTICE PROHIBITED UNDER PARAGRAPH (1)**
 7 **OF THIS SUBSECTION TO SELL OR DISTRIBUTE ALCOHOLIC BEVERAGES TO OR**
 8 **THROUGH A LICENSED MANUFACTURER, LICENSED WHOLESALER, OR COUNTY**
 9 **DISPENSARY.**

10 **(C) DEPENDENT DISCOUNTING PROHIBITED.**

11 **A SUPPLIER, NONRESIDENT DEALER, RESIDENT DEALER, NONRESIDENT**
 12 **WINERY PERMIT HOLDER, OR WHOLESALER MAY NOT MAKE A DISCOUNT, REBATE,**
 13 **OR DEPLETION ALLOWANCE THAT IS OFFERED ON A PRODUCT DEPENDENT ON THE**
 14 **PRICING POLICY OR PRACTICE OF THE LICENSE HOLDER WHO IS INVOICED FOR THE**
 15 **PRODUCT.**

16 **(D) RATION PLAN ALLOWED.**

17 **(1) THIS SECTION DOES NOT RESTRICT A WHOLESALER,**
 18 **NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT**
 19 **HOLDER FROM LIMITING THE QUANTITY OF ALCOHOLIC BEVERAGES TO BE SOLD TO**
 20 **A LICENSE HOLDER UNDER A VOLUNTARY OR COMPULSORY RATIONING PLAN.**

21 **(2) A WHOLESALER, NONRESIDENT DEALER, RESIDENT DEALER, OR**
 22 **NONRESIDENT WINERY PERMIT HOLDER IS NOT REQUIRED TO SELL TO ALL LICENSE**
 23 **HOLDERS FROM WHOM ORDERS ARE RECEIVED.**

24 REVISOR'S NOTE: This section is new language derived without substantive
 25 change from former Art. 2B, § 12-102(b) and the first through third sentences
 26 of (a), except as they related to manufacturers.

27 In subsection (a) of this section, the reference to "[t]he purpose of this section"
 28 is added for clarity.

29 In subsection (d)(2) of this section, the reference to "[a] wholesaler ... is not
 30 required" to sell to all license holders is substituted for the former reference
 31 to "the word 'purchase' shall not imply that a ... wholesaler ... shall be
 32 required" to sell to all license holders for clarity.

33 Defined terms: "Alcoholic beverage" § 1-101

34 "County" § 1-101

35 "License holder" § 1-101

1 “Wholesaler” § 1–101

2 **2–317. RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS —**
 3 **PROHIBITED.**

4 **A HOLDER OF A WHOLESALER’S LICENSE MAY NOT ENTER INTO AN**
 5 **AGREEMENT WITH A RETAIL DEALER THAT LIMITS THE PURCHASES OR SALES OF**
 6 **THE RETAIL DEALER TO THE PRODUCTS OF ANY PRODUCER.**

7 REVISOR’S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 12–101, except as it related to manufacturers.

9 The phrase “that limits” is substituted for the former phrase “the effect or
 10 purpose of which is to limit” for brevity.

11 The former statement that “it being the intent and purpose of this article that
 12 every retail dealer shall at all times, be and remain free to purchase the
 13 alcoholic beverages sold by him, from any holder of a ... wholesaler’s license
 14 issued under the provisions of this article” is deleted as unnecessary.

15 Defined terms: “Retail dealer” § 1–101

16 “Wholesaler’s license” § 1–101

17 **SUBTITLE 4. WATER VESSEL, RAILROAD, AND AIRCRAFT LICENSES.**

18 **2–401. NO LICENSE OR PERMIT REQUIRED FOR CERTAIN PLANES OR SHIPS.**

19 **A LICENSE OR PERMIT IS NOT REQUIRED FOR A TRANSPORT PLANE**
 20 **FURNISHED WITH A COCKTAIL LOUNGE OR A WATER VESSEL CARRYING**
 21 **PASSENGERS OR CARGO TO A FOREIGN PORT IF:**

22 **(1) ALCOHOLIC BEVERAGES ARE PURCHASED FROM A**
 23 **MANUFACTURER OR WHOLESALER; AND**

24 **(2) SATISFACTORY EVIDENCE IS SUBMITTED IN WRITING TO THE**
 25 **COMPTROLLER THAT THE ALCOHOLIC BEVERAGES ARE FOR SALE OR USE BEYOND**
 26 **THE CONTINENTAL LIMITS AND POSSESSIONS OF THE UNITED STATES.**

27 REVISOR’S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 1–201(e).

29 In the introductory language of this section, the reference to “a water vessel”
 30 is substituted for the former reference to “ships” to conform to the terminology
 31 used in §§ 2–402 and 2–403 of this subtitle.

1 In item (2) of this section, the reference to submitting evidence “to the
2 Comptroller” is added for clarity.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that in the introductory language of this section, the
5 meaning of the reference to a “transport plane” is unclear.

6 Defined terms: “Alcoholic beverage” § 1-101
7 “Comptroller” § 1-101
8 “License” § 1-101
9 “Wholesaler” § 1-101

10 **2-402. CLASS E (WATER VESSEL) BEER, WINE, AND LIQUOR LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS E (WATER VESSEL) BEER, WINE, AND LIQUOR LICENSE**
13 **ISSUED BY THE COMPTROLLER.**

14 **(B) SCOPE OF LICENSE.**

15 **(1) THE LICENSE IS REQUIRED TO BE OBTAINED FOR EACH WATER**
16 **VESSEL ON WHICH BEER, WINE, OR LIQUOR IS SOLD.**

17 **(2) THE LICENSE IS VALID THROUGHOUT THE STATE.**

18 **(C) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF A WATER VESSEL TO**
20 **SELL BEER, WINE, OR LIQUOR FOR CONSUMPTION ON THE VESSEL IF THE WATER**
21 **VESSEL IS USED:**

22 **(1) FOR THE TRANSPORTATION FOR HIRE OF PASSENGERS FROM**
23 **PORTS IN THE STATE TO OTHER PORTS IN THE STATE, COASTAL PORTS IN OTHER**
24 **STATES, OR FOREIGN PORTS; OR**

25 **(2) TO OPERATE TOURS WITHIN STATE WATERWAYS.**

26 **(D) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$150.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 6-501(a) through (e).

1 In subsection (a) of this section, the former reference to the issuance of a
2 license “subject to the conditions and restrictions set forth in this section” is
3 deleted as unnecessary.

4 In subsection (b)(1) and the introductory language of subsection (c) of this
5 section, the former references to a “ferry boat” and “other vessel” are deleted
6 as included in the references to a “water vessel”.

7 In subsection (b)(1) of this section, the statement that a license “is required to
8 be obtained” for each water vessel is substituted for the former requirement
9 that a license “shall be issued” for each water vessel to avoid the implication
10 that the Comptroller has a duty to issue a license for each vessel.

11 Also in subsection (b)(1) of this section, the reference to “beer, wine, or liquor”
12 is substituted for the former reference to “such beverages” for clarity.

13 In the introductory language of subsection (c) of this section, the reference to
14 “beer, wine, or liquor” is substituted for the former reference to “all alcoholic
15 beverages” to conform to the terminology of the Class E beer, wine, and liquor
16 license.

17 In subsection (d) of this section, the former reference to the annual license fee
18 “be[ing] paid to the Office of the Comptroller before the license is issued” is
19 deleted as unnecessary.

20 Defined terms: “Beer” § 1–101
21 “Comptroller” § 1–101
22 “State” § 1–101
23 “Wine” § 1–101

24 **2–403. LOCAL PROHIBITION AGAINST SELLING ALCOHOLIC BEVERAGES ON WATER**
25 **VESSELS.**

26 **A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES WHILE THE**
27 **WATER VESSEL FOR WHICH THE LICENSE IS ISSUED IS DOCKED TO A WHARF OR PIER**
28 **IN A JURISDICTION WHERE LOCAL LAW PROHIBITS THE SALE.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 6–501(f).

31 The reference to “sell[ing] alcoholic beverages” is substituted for the former
32 reference to “mak[ing] any sale pursuant to the license” for clarity.

33 The defined term “jurisdiction” is substituted for the former word “county” for
34 accuracy.

1 The word “docked” is substituted for the former phrase “made fast” for clarity.

2 Defined terms: “Alcoholic beverage” § 1-101

3 “Jurisdiction” § 1-101

4 “License” § 1-101

5 “License holder” § 1-101

6 **2-404. CLASS F (RAILROAD) BEER AND LIGHT WINE LICENSE.**

7 **(A) “LIGHT WINE” DEFINED.**

8 **IN THIS SECTION, “LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE**
9 **THAN 15.5% OF ALCOHOL BY VOLUME.**

10 **(B) ESTABLISHED.**

11 **THERE IS A CLASS F (RAILROAD) BEER AND LIGHT WINE LICENSE ISSUED BY**
12 **THE COMPTROLLER.**

13 **(C) SCOPE OF LICENSE.**

14 **THE LICENSE IS VALID THROUGHOUT THE STATE.**

15 **(D) SCOPE OF AUTHORIZATION.**

16 **THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF A STEAM, A DIESEL,**
17 **OR AN ELECTRIC RAILROAD IN THE STATE OR A CAR ON A LINE OF THE RAILROAD**
18 **THAT IS A CLUB, A PARLOR, A BUFFET, AN OBSERVATION, A SLEEPING, OR A DINING**
19 **CAR TO SELL BEER AND LIGHT WINE IN THOSE CARS, FOR CONSUMPTION IN THOSE**
20 **CARS.**

21 **(E) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$60.**

23 **(F) EFFECT OF SECTION.**

24 **(1) OTHER PROVISIONS OF THIS ARTICLE MAY NOT BE CONSTRUED AS**
25 **APPLYING TO OR AFFECTING THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS**
26 **F BEER AND LIGHT WINE LICENSE.**

27 **(2) THIS SECTION MAY NOT BE CONSIDERED REPEALED BY A LOCAL**
28 **OR GENERAL LAW UNLESS THE LAW EXPRESSLY REFERS TO AND REPEALS THIS**
29 **SECTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
 2 change from former Art. 2B, §§ 5–501, 11–201, 1–102(a)(17), and, as it related
 3 to Class F licenses, 8–102.

4 In subsection (a) of this section, the term “light wine”, which formerly was
 5 used as a defined term for all of Article 2B, is used as a defined term for this
 6 section, the only section in Division I of this article where “light wine” is used.
 7 “Light wine” is further defined in each title of Division II where it is used.

8 Also in subsection (a) of this section, the former reference to “naturally
 9 fermented” wine is deleted as surplusage in light of the definition of “wine” in
 10 § 1–101 of this article.

11 In subsection (d) of this section and throughout this subtitle, the former
 12 references to “keep[ing] for sale” are deleted as implicit in the references to
 13 “sell[ing]”.

14 In subsection (e) of this section, the former reference to the annual license fee
 15 “be[ing] paid to the Comptroller for the use of the State before the license is
 16 issued” is deleted as unnecessary.

17 In subsection (f)(1) of this section, the reference to “[o]ther provisions of” this
 18 article is added for clarity.

19 Also in subsection (f)(1) of this section, the former statement that this article
 20 “does not restrict, limit, or prohibit the sale of alcoholic beverages on any day
 21 or during any period of hours on any day” is deleted as unnecessary in light of
 22 the statement that this article does not “appl[y] to or affec[t] the sale of
 23 alcoholic beverages”.

24 Also in subsection (f)(1) of this section, the former phrase “in any manner” is
 25 deleted as surplusage.

26 Also in subsection (f)(1) of this section, the former reference to a license “issued
 27 according to the provisions of this article” is deleted as surplusage.

28 Defined terms: “Alcoholic beverage” § 1–101

29 “Beer” § 1–101

30 “Comptroller” § 1–101

31 “State” § 1–101

32 “Wine” § 1–101

33 **2–405. CLASS F (RAILROAD) BEER, WINE, AND LIQUOR LICENSE.**

34 **(A) ESTABLISHED.**

1 **THERE IS A CLASS F (RAILROAD) BEER, WINE, AND LIQUOR LICENSE ISSUED**
2 **BY THE COMPTROLLER.**

3 **(B) SCOPE OF LICENSE.**

4 **THE LICENSE IS VALID THROUGHOUT THE STATE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF A STEAM, A DIESEL,**
7 **OR AN ELECTRIC RAILROAD IN THE STATE OR A CAR ON A LINE OF THE RAILROAD**
8 **THAT IS A CLUB, A PARLOR, A BUFFET, AN OBSERVATION, A SLEEPING, OR A DINING**
9 **CAR TO SELL BEER, WINE, AND LIQUOR IN THOSE CARS, FOR CONSUMPTION IN**
10 **THOSE CARS.**

11 **(D) LICENSE TO BE KEPT IN CHIEF OPERATING OFFICE.**

12 **THE LICENSE SHALL BE KEPT IN THE CHIEF OPERATING OFFICE OF THE**
13 **CORPORATION IN THE STATE.**

14 **(E) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$200.**

16 **(F) EFFECT OF SECTION.**

17 **(1) OTHER PROVISIONS OF THIS ARTICLE MAY NOT BE CONSTRUED AS**
18 **APPLYING TO OR AFFECTING THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS**
19 **F BEER, WINE, AND LIQUOR LICENSE.**

20 **(2) THIS SECTION MAY NOT BE CONSIDERED REPEALED BY A LOCAL**
21 **OR GENERAL LAW UNLESS THE LAW EXPRESSLY REFERS TO AND REPEALS THIS**
22 **SECTION.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, §§ 6–502, 11–201, and, as they related to Class F
25 licenses, 8–102 and 10–505.

26 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
27 substituted for the former reference to “all alcoholic beverages” to conform to
28 the terminology of the Class F beer, wine, and liquor license.

29 In subsection (e) of this section, the former reference to the annual license fee
30 “be[ing] paid to the Office of the Comptroller before the license is issued” is
31 deleted as unnecessary.

1 In subsection (f)(1) of this section, the reference to “[o]ther provisions of” this
2 article is added for clarity.

3 Also in subsection (f)(1) of this section, the former statement that this article
4 “does not restrict, limit, or prohibit the sale of alcoholic beverages on any day
5 or during any period of hours on any day” is deleted as unnecessary in light of
6 the statement that this article does not “appl[y] to or affec[t] the sale of
7 alcoholic beverages”.

8 Also in subsection (f)(1) of this section, the former phrase “in any manner” is
9 deleted as surplusage.

10 Also in subsection (f)(1) of this section, the former reference to a license “issued
11 according to the provisions of this article” is deleted as surplusage.

12 Former Art. 2B, § 8–213, which stated that “[n]othing contained in this article
13 as to Harford County shall apply to or affect Class F licenses issued under this
14 article, with respect to sales of beer, wine and liquor or other alcoholic
15 beverages on passenger trains, while said trains are in transit through
16 [Harford County]”, is deleted as unnecessary in light of subsection (f) of this
17 section and § 2–404 of this subtitle, which state that other provisions of this
18 article do not apply to or affect the sale of alcoholic beverages under a Class F
19 license.

20 Defined terms: “Alcoholic beverage” § 1–101

21 “Beer” § 1–101

22 “Comptroller” § 1–101

23 “State” § 1–101

24 “Wine” § 1–101

25 **2–406. CLASS G (AIRCRAFT) BEER, WINE, AND LIQUOR LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS G (AIRCRAFT) BEER, WINE, AND LIQUOR LICENSE ISSUED**
28 **BY THE COMPTROLLER.**

29 **(B) SCOPE OF LICENSE.**

30 **THE LICENSE IS VALID THROUGHOUT THE STATE.**

31 **(C) SCOPE OF AUTHORIZATION.**

32 **THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF AIRCRAFT**
33 **OPERATED ON REGULARLY SCHEDULED FLIGHTS OVER ANY PART OF THE STATE TO**

1 **SELL BEER, WINE, AND LIQUOR IN THE AIRCRAFT FOR CONSUMPTION IN THE**
2 **AIRCRAFT.**

3 **(D) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$200.**

5 **(E) EFFECT OF SECTION.**

6 **THIS SECTION MAY NOT BE CONSIDERED REPEALED BY A LOCAL OR GENERAL**
7 **LAW UNLESS THE LAW EXPRESSLY REFERS TO AND REPEALS THIS SECTION.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, §§ 6–503 and, as it related to Class G licenses,
10 8–102.

11 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
12 substituted for the former reference to “all alcoholic beverages” to conform to
13 the terminology of the Class G beer, wine, and liquor license.

14 Also in subsection (c) of this section, the former references to “airplanes” are
15 deleted as included in the references to “aircraft”.

16 In subsection (d) of this section, the former reference to the annual license fee
17 “be[ing] paid to the Office of the Comptroller before the license is issued” is
18 deleted as unnecessary.

19 Defined terms: “Beer” § 1–101

20 “Comptroller” § 1–101

21 “State” § 1–101

22 “Wine” § 1–101

23 **2–407. LICENSE APPLICATION — GENERALLY.**

24 **(A) APPLICATION TO BE FILED WITH COMPTROLLER.**

25 **(1) AN APPLICANT FOR A CLASS E, CLASS F, OR CLASS G LICENSE**
26 **SHALL SUBMIT TO THE COMPTROLLER AN APPLICATION IN THE FORM THAT THE**
27 **COMPTROLLER PROVIDES.**

28 **(2) AN APPLICATION SHALL BE MADE UNDER OATH.**

29 **(B) THREE OFFICER OR EMPLOYEE RULE.**

1 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**
2 **APPLICATION SHALL BE MADE ON BEHALF OF AN ENTITY THAT IS A CORPORATION,**
3 **A LIMITED LIABILITY COMPANY, OR AN INCORPORATED OR UNINCORPORATED CLUB**
4 **BY THREE OFFICERS OR EMPLOYEES RESIDING IN THE STATE WHO ARE**
5 **AUTHORIZED BY THE ENTITY TO APPLY FOR THE LICENSE.**

6 **(C) EXCEPTIONS TO APPLICATION REQUIREMENTS.**

7 **(1) IF THERE ARE FEWER THAN THREE OFFICERS, DIRECTORS, OR**
8 **AUTHORIZED INDIVIDUALS OF THE ENTITY, ALL OFFICERS, DIRECTORS, OR**
9 **AUTHORIZED INDIVIDUALS SHALL MAKE THE APPLICATION.**

10 **(2) A STOCKHOLDER ON BEHALF OF A CLOSE CORPORATION MAY**
11 **MAKE THE APPLICATION IF:**

12 **(I) THERE ARE NO OFFICERS OR DIRECTORS OF THE CLOSE**
13 **CORPORATION; AND**

14 **(II) THERE IS AN AFFIRMATIVE VOTE OF THE STOCKHOLDERS**
15 **HOLDING A MAJORITY OF THE STOCK.**

16 **(3) IF THREE PRINCIPAL OFFICERS OF AN ENTITY ARE APPLICANTS**
17 **FOR A CLASS G LICENSE, NO APPLICANT NEED BE A REGISTERED VOTER, TAXPAYER,**
18 **OR RESIDENT OF THE STATE.**

19 **(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IF**
20 **THE APPLICATION FOR A CLASS E OR CLASS F LICENSE IS MADE FOR THE USE OF A**
21 **LIMITED LIABILITY COMPANY:**

22 **(I) THE LICENSE SHALL BE APPLIED FOR AND ISSUED TO**
23 **THREE OF THE AUTHORIZED INDIVIDUALS FOR THE COMPANY, AS INDIVIDUALS; AND**

24 **(II) AT LEAST ONE OF THE APPLICANTS:**

25 **1. SHALL BE A REGISTERED VOTER AND TAXPAYER OF**
26 **THE STATE WHEN THE APPLICATION IS SUBMITTED; AND**

27 **2. SHALL HAVE RESIDED IN THE STATE FOR AT LEAST 2**
28 **YEARS BEFORE THE APPLICATION IS SUBMITTED.**

29 **(5) IN BALTIMORE CITY, AN AUTHORIZED INDIVIDUAL OF A LIMITED**
30 **LIABILITY COMPANY WHO HOLDS A LICENSE FOR THE USE OF THE LIMITED**

1 LIABILITY COMPANY THAT WAS GRANTED ON OR BEFORE JUNE 1, 2012, NEED NOT
2 BE A REGISTERED VOTER IN BALTIMORE CITY.

3 (D) CONTENTS OF APPLICATION.

4 (1) AN APPLICATION SHALL CONTAIN:

5 (I) THE NAME AND ADDRESS OF THE APPLICANT;

6 (II) THE AMOUNT OF TIME THE APPLICANT HAS RESIDED IN THE
7 STATE;

8 (III) THE NAME AND ADDRESS OF THE ENTITY ON WHOSE BEHALF
9 THE LICENSE IS SOUGHT;

10 (IV) THE CLASS OF LICENSE SOUGHT;

11 (V) A STATEMENT THAT THE APPLICANT:

12 1. IS A CITIZEN OF THE UNITED STATES;

13 2. IS AT LEAST 21 YEARS OLD;

14 3. HAS NOT BEEN CONVICTED OF A FELONY;

15 4. HAS NOT HAD A LICENSE FOR THE SALE OF
16 ALCOHOLIC BEVERAGES REVOKED; AND

17 5. IF ISSUED A LICENSE, WILL OBEY ALL LAWS RELATING
18 TO THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT;

19 (VI) A STATEMENT THAT THE ENTITY FOR WHICH THE LICENSE
20 IS SOUGHT:

21 1. CONSENTS TO THE ISSUANCE OF THE LICENSE; AND

22 2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
23 SUBSECTION, AUTHORIZES THE COMPTROLLER TO INSPECT AND SEARCH AT ANY
24 TIME, WITHOUT WARRANT, THE AIRCRAFT, RAILROAD CAR, OR WATER VESSEL TO
25 WHICH THE LICENSE APPLIES;

26 (VII) THE NAMES AND ADDRESSES OF ALL OF THE OFFICERS OF
27 THE ENTITY; AND

1 **(VIII) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT**
2 **OF THE ENTITY, AND THE THREE OFFICERS TO WHOM THE LICENSE SHALL BE**
3 **ISSUED.**

4 **(2) AN INSPECTION OR A SEARCH CONDUCTED UNDER PARAGRAPH**
5 **(1)(VI)2 OF THIS SUBSECTION MAY NOT BE AT A TIME OR IN A MANNER THAT DELAYS**
6 **OR INTERFERES WITH THE MOVEMENT OF AN AIRCRAFT, A TRAIN, OR A WATER**
7 **VESSEL.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, §§ 10–102, 9–101(c)(2) through (4), (1)(i) and (ii),
10 and (5)(ii) and (b)(2) through (4), (6), (7), and the second clause of (1)(i), and,
11 as it related to Class E, F, and G licenses, the first sentence of 10–101(a).

12 In subsection (a)(2) of this section, the reference to an application being “made
13 under oath” is substituted for the former reference to an application being
14 “sworn to by the applicant” to conform to the terminology used throughout this
15 article.

16 In subsection (b) of this section, the former reference to any officers or
17 employees “duly” authorized is deleted as surplusage.

18 Throughout subsection (c) of this section, the references to authorized
19 “individual[s]” are substituted for the former references to authorized
20 “person[s]” for clarity.

21 In subsection (c)(1) and (2) of this section, the former references to the making
22 of an application “as provided in this section” are deleted as surplusage.

23 In subsections (c)(1) and (3) and (d)(1)(viii) of this section, the references to an
24 “entity” are substituted for the former references to a “corporation”, a “limited
25 liability company”, and a “corporation or club” to conform to the terminology
26 used throughout this section.

27 In subsection (c)(4)(ii)1 of this section, the former reference to “county or city”
28 is deleted as unnecessary because a Class E, F, or G license is a statewide
29 license.

30 In subsection (d)(1)(iii) of this section, the reference to the “entity” is
31 substituted for the former references to the “corporation, partnership or
32 association”, the “limited liability company”, and the “particular company” for
33 brevity.

34 In subsection (d)(1)(v)5 of this section, the former reference to “regulations” is
35 deleted as included in the reference to “laws”.

1 In subsection (d)(1)(vi)1 of this section, the former reference to the license
2 “applied for” is deleted as surplusage.

3 In subsection (d)(1)(vi)2 of this section, the former reference to the
4 Comptroller’s “duly authorized deputies, inspectors and clerks” is deleted as
5 implicit in the reference to the “Comptroller”.

6 Also in subsection (d)(1)(vi)2 of this section, the former references to “any and
7 all” are deleted as surplusage.

8 The Alcoholic Beverages Article Review Committee notes, for consideration by
9 the General Assembly, that in subsection (b) of this section, reference is made
10 to “an entity that is a corporation, a limited liability company, or an
11 incorporated or unincorporated club”, but no mention is made of partnerships
12 or other forms of entities. The Committee wonders whether the reference is
13 intended to be a list for illustrative purposes rather than an exhaustive list.

14 Defined terms: “Alcoholic beverage” § 1–101

15 “Club” § 1–101

16 “Comptroller” § 1–101

17 “License” § 1–101

18 “State” § 1–101

19 **2–408. CLASS E, CLASS F, AND CLASS G LICENSES.**

20 **(A) LICENSE EXPIRATION.**

21 **A CLASS E, CLASS F, OR CLASS G LICENSE EXPIRES 10 DAYS AFTER THE LAST**
22 **REMAINING INDIVIDUAL TO WHOM THE LICENSE IS ISSUED DIES OR IS DECLARED**
23 **INCOMPETENT.**

24 **(B) REPLACEMENT LICENSE.**

25 **(1) BEFORE A LICENSE UNDER SUBSECTION (A) OF THIS SECTION**
26 **EXPIRES, THE COMPTROLLER SHALL ISSUE A REPLACEMENT LICENSE CONTAINING**
27 **THE PRIVILEGES CONFERRED BY THE ORIGINAL LICENSE IF:**

28 **(I) THE COMPTROLLER RECEIVES FROM AN INDIVIDUAL ON**
29 **BEHALF OF THE LICENSE HOLDER AN APPLICATION FOR THE REPLACEMENT**
30 **LICENSE WITHIN 10 DAYS AFTER THE LAST REMAINING INDIVIDUAL DIES OR IS**
31 **DECLARED INCOMPETENT; AND**

32 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
33 **SUBSECTION, THE APPLICATION IS ACCOMPANIED BY PAYMENT OF A FEE OF \$1.**

1 **(2) IN FREDERICK COUNTY, A FEE MAY NOT BE CHARGED FOR A NEW**
2 **LICENSE.**

3 **(3) A REPLACEMENT LICENSE EXPIRES AT THE END OF THE LICENSE**
4 **YEAR.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10–506(a)(8) and (9).

7 In subsection (a) of this section, the reference to “the last remaining
8 individual” is substituted for the former reference to “all of the persons” for
9 clarity.

10 Also in subsection (a) of this section, the reference to being “declared”
11 incompetent is substituted for the former reference to “becom[ing]”
12 incompetent for clarity.

13 Also in subsection (a) of this section, the former phrase “during its term” is
14 deleted as surplusage.

15 Also in subsection (a) of this section, the former language “[n]o Class E, Class
16 F or Class G license shall expire or become inoperative because of the death
17 and/or incompetency of one or more, but less than all, of the persons to whom
18 it is issued for a company” is deleted as surplusage.

19 Defined term: “Comptroller” § 1–101

20 **SUBTITLE 5. STATE CATERER'S LICENSES.**

21 **2–501. STATE CATERER'S LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A STATE CATERER'S LICENSE.**

24 **(B) GENERAL STATEWIDE OR LIMITED STATEWIDE LICENSE.**

25 **THE LICENSE MAY BE ISSUED AS A GENERAL STATEWIDE OR A LIMITED**
26 **STATEWIDE CATERER'S LICENSE.**

27 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
28 expressly what was only implied in the former law, that a statewide caterer's
29 license exists.

1 Subsection (b) of this section is new language derived without substantive
2 change from former Art. 2B, § 6-701(d)(1).

3 Former Art. 2B, § 6-701(a), which stated that former Art. 2B, § 6-701 applied
4 throughout the State, is deleted as unnecessary in light of the organization of
5 this revised article.

6 Defined term: "State" § 1-101

7 **2-502. AUTHORIZED HOLDER.**

8 **(A) IN GENERAL.**

9 **THE COMPTROLLER MAY ISSUE A STATE CATERER'S LICENSE TO A PERSON**
10 **THAT:**

11 **(1) IS ENGAGED IN THE BUSINESS OF CATERING;**

12 **(2) MEETS ALL STATE AND LOCAL REQUIREMENTS FOR AND HOLDS**
13 **ALL REQUIRED LICENSES RELATING TO THE CONDUCT OF THE CATERING BUSINESS;**

14 **(3) HOLDS ANY CATERING LICENSE THAT MAY BE REQUIRED UNDER**
15 **THIS ARTICLE IN THE JURISDICTION IN WHICH THE PERSON'S PRINCIPAL PLACE OF**
16 **BUSINESS IS LOCATED;**

17 **(4) (I) HOLDS A RETAIL LICENSE THAT MAY BE ANNUALLY**
18 **RENEWED OTHER THAN A CLASS C LICENSE; OR**

19 **(II) DOES NOT HOLD A LICENSE BUT HAS A PERMANENT OFFICE**
20 **AND STORAGE FACILITY FOR ALCOHOLIC BEVERAGES IN THE STATE; AND**

21 **(5) MEETS ALL OTHER REQUIREMENTS OF THIS SUBTITLE.**

22 **(B) CONDITIONS UNDER WHICH STATE CATERER'S LICENSE NOT**
23 **REQUIRED.**

24 **A LICENSED RETAIL DEALER THAT OPERATES ONLY IN THE JURISDICTION**
25 **UNDER AUTHORITY OF THE LOCAL LICENSING BOARD NEED NOT ACQUIRE A STATE**
26 **CATERER'S LICENSE.**

27 **REVISOR'S NOTE:** This section is new language derived without substantive
28 change from former Art. 2B, § 6-701(b) and (f)(2).

1 Throughout this section and subtitle, the references to a “State caterer’s”
2 license are substituted for the former references to a “SCAT” license for
3 clarity.

4 In subsections (a)(3) and (b) of this section, the defined term “jurisdiction” is
5 substituted for the former references to a “[local] political subdivision” to
6 conform to the terminology used throughout this article.

7 In subsection (a)(3) of this section, the reference to a person’s principal “place
8 of business” is substituted for the former reference to a person’s principal
9 “office” to conform to the terminology used throughout this article.

10 In subsection (a)(4) of this section and throughout this subtitle, the references
11 to a license “that may be annually renewed” are substituted for the former
12 references to a “permanent” license for clarity.

13 Also in subsection (a)(4) of this section, the former reference to an “existing”
14 license is deleted as surplusage.

15 In subsection (b) of this section, the defined term “retail dealer” is substituted
16 for the former reference to a “retailer” to conform to the terminology used
17 throughout this article.

18 Defined terms: “Alcoholic beverage” § 1–101

19 “Comptroller” § 1–101

20 “Jurisdiction” § 1–101

21 “License” § 1–101

22 “Local licensing board” § 1–101

23 “Person” § 1–101

24 “Retail dealer” § 1–101

25 “State” § 1–101

26 **2–503. SCOPE OF AUTHORIZATION.**

27 **(A) FOR ALL STATE CATERER’S LICENSES.**

28 **(1) A GENERAL STATEWIDE OR LIMITED STATEWIDE CATERER’S**
29 **LICENSE AUTHORIZES THE HOLDER TO:**

30 **(i) ACQUIRE ALCOHOLIC BEVERAGES:**

31 **1. IF THE HOLDER OPERATES UNDER A RETAIL LICENSE**
32 **THAT MAY BE ANNUALLY RENEWED, THROUGH A HOLDER OF A WHOLESALER’S**
33 **LICENSE; OR**

1 **2. EXCEPT AS PROVIDED IN §§ 25–307, 29–306,**
 2 **32–306, 32–309(E), AND 33–305 OF THIS ARTICLE, THROUGH A LICENSED RETAIL**
 3 **DEALER THAT HAS OFF–SALE PRIVILEGES;**

4 **(II) SERVE ALCOHOLIC BEVERAGES AT A CATERED EVENT**
 5 **ANYWHERE IN THE STATE TO INDIVIDUALS WHO HAVE ATTAINED THE LEGAL**
 6 **DRINKING AGE ON PREMISES THAT ARE UNLICENSED OR FOR WHICH A TEMPORARY**
 7 **LICENSE HAS BEEN ISSUED BY THE LOCAL LICENSING BOARD; AND**

8 **(III) EXCEPT AS PROVIDED IN § 2–504(B)(2) OF THIS SUBTITLE,**
 9 **STORE UNUSED ALCOHOLIC BEVERAGES AT THE HOLDER’S PRINCIPAL PLACE OF**
 10 **BUSINESS FOR USE AT OTHER CATERED EVENTS.**

11 **(2) THE HOLDER MAY SELL AND SERVE ALCOHOLIC BEVERAGES**
 12 **DURING THE HOURS AND ON THE DAYS THAT A HOLDER OF A CLASS B LICENSE MAY**
 13 **OPERATE IN THE JURISDICTION WHERE THE CATERED EVENT IS CONDUCTED.**

14 **(B) FOR GENERAL STATEWIDE CATERER’S LICENSES ONLY.**

15 **A GENERAL STATEWIDE CATERER’S LICENSE AUTHORIZES THE HOLDER TO**
 16 **PROVIDE CATERING SERVICES IN ANY JURISDICTION IN THE STATE.**

17 **(C) FOR LIMITED STATEWIDE CATERER’S LICENSES ONLY.**

18 **A LIMITED STATEWIDE CATERER’S LICENSE AUTHORIZES THE HOLDER TO**
 19 **PROVIDE CATERING SERVICES IN NOT MORE THAN THREE CONTIGUOUS AND**
 20 **DESIGNATED JURISDICTIONS IN THE STATE IF THE TOTAL POPULATION OF THE**
 21 **DESIGNATED JURISDICTIONS DOES NOT EXCEED 1,000,000, BASED ON THE MOST**
 22 **RECENT POPULATION RECORDS OF THE DEPARTMENT OF HEALTH AND MENTAL**
 23 **HYGIENE.**

24 REVISOR’S NOTE: This section is new language derived without substantive
 25 change from former Art. 2B, § 6–701(c), (l), (d)(2), (3), and (4), and (f)(1).

26 In the introductory language of subsection (a)(1) of this section, the reference
 27 to a “general statewide or limited statewide” license is added for clarity.

28 In subsection (a)(1)(i)2 of this section, the former reference to a licensed retail
 29 dealer “located in the State” is deleted as unnecessary.

30 In subsection (a)(1)(ii) of this section, the phrase “anywhere in the State” is
 31 substituted for the former phrase “throughout the State” for clarity.

1 Also in subsection (a)(1)(ii) of this section, the reference to individuals “who
 2 have attained the legal drinking age” is substituted for the former reference
 3 to individuals “21 years of age or older” for clarity and consistency throughout
 4 this article.

5 In subsection (a)(1)(iii) of this section, the phrase “except as provided in §
 6 2–504(b)(2) of this subtitle,” is added for clarity.

7 In subsections (b) and (c) of this section, the references to “provide catering
 8 services” are substituted for the former references to “operate” for clarity.

9 Also in subsections (b) and (c) of this section, the former references to the
 10 holder “compl[ying] with all other provisions of this subtitle” are deleted as
 11 implicit.

12 In subsection (b) of this section, the defined term “jurisdiction” is substituted
 13 for the former reference to a “political subdivision” to conform to the
 14 terminology used throughout this article. Similarly, in subsection (c) of this
 15 section, the defined term “jurisdictions” is substituted for the former
 16 references to “political subdivisions”.

17 In subsection (c) of this section, the former reference to “applicable” population
 18 records is deleted as surplusage.

19 Defined terms: “Alcoholic beverage” § 1–101
 20 “Jurisdiction” § 1–101
 21 “License” § 1–101
 22 “Local licensing board” § 1–101
 23 “Off-sale” § 1–101
 24 “Retail dealer” § 1–101
 25 “State” § 1–101
 26 “Wholesaler’s license” § 1–101

27 **2–504. DUTIES AND RESTRICTIONS.**

28 **(A) DUTIES.**

29 **AT EACH CATERED EVENT AT WHICH ALCOHOLIC BEVERAGES ARE SERVED,**
 30 **THE HOLDER OF A GENERAL STATEWIDE OR LIMITED STATEWIDE CATERER’S**
 31 **LICENSE SHALL:**

32 **(1) SUPPLY SERVICE PERSONNEL, INCLUDING BARTENDERS AND**
 33 **WAITERS;**

34 **(2) ENSURE THAT THE SERVICE PERSONNEL ARE PRESENT AT ALL**
 35 **TIMES DURING THE CATERED EVENT;**

1 **(3) HAVE AT LEAST ONE INDIVIDUAL AT THE CATERED EVENT WHO**
2 **HAS BEEN CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF**
3 **THIS ARTICLE;**

4 **(4) ENSURE THAT THE SALE OF FOOD REPRESENTS AT LEAST 70% OF**
5 **THE TOTAL COST OF THE CATERED EVENT; AND**

6 **(5) RETURN ALL UNOPENED CONTAINERS OF ALCOHOLIC BEVERAGES**
7 **TO THE HOLDER'S PRINCIPAL PLACE OF BUSINESS AT THE END OF THE CATERED**
8 **EVENT.**

9 **(B) RESTRICTIONS.**

10 **(1) THE HOLDER OF A GENERAL STATEWIDE OR LIMITED STATEWIDE**
11 **CATERER'S LICENSE MAY NOT:**

12 **(I) DELIVER ALCOHOLIC BEVERAGES TO A CATERED EVENT**
13 **WITHOUT SERVICE PERSONNEL PRESENT ON THE PREMISES OF THE CATERED**
14 **EVENT; AND**

15 **(II) EXCEPT WHEN OPERATING UNDER AN ON-PREMISES**
16 **RETAIL LICENSE THAT MAY BE ANNUALLY RENEWED ISSUED BY A LOCAL LICENSING**
17 **BOARD, SERVE ALCOHOLIC BEVERAGES AT:**

18 **1. THE HOLDER'S PRINCIPAL PLACE OF BUSINESS; OR**

19 **2. AN EVENT FOR WHICH THE HOLDER IS A SPONSOR OR**
20 **PROMOTER.**

21 **(2) TO ENSURE PRODUCT INTEGRITY, A PARTIALLY USED KEG OF A**
22 **MALT BEVERAGE MAY NOT BE USED AT ANOTHER CATERED EVENT.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 6-701(h), (i), (j), and (k).

25 In the introductory language of subsection (a) of this section, the former
26 reference to alcoholic beverages "products" is deleted as unnecessary.

27 In subsection (a)(3) of this section, the phrase "at the catered event" is
28 substituted for the former reference to "on-site" for clarity.

1 Also in subsection (a)(3) of this section, the reference to an alcohol awareness
2 program “under § 4–505 of this article” is substituted for the former reference
3 to a program “that is licensed by the State Comptroller” for clarity.

4 In subsection (a)(5) of this section, the reference to “unopened” containers is
5 substituted for the former reference to “full” containers for accuracy.

6 In subsection (b)(1)(i) of this section, the reference to service personnel
7 “present on the premises of the catered event” is substituted for the former
8 reference to “on the premises” for clarity.

9 Also in subsection (b)(1)(i) of this section, the former phrase “under the SCAT
10 license” is deleted as surplusage.

11 In subsection (b)(1)(ii)1 of this section, the reference to the license holder’s
12 principal “place of business” is substituted for the former reference to the
13 holder’s principal “office” to conform to the terminology used throughout this
14 article.

15 In subsection (b)(2) of this section, the reference to a “partially used” keg is
16 substituted for the former reference to a “partial” keg for clarity.

17 Defined terms: “Alcoholic beverage” § 1–101
18 “Local licensing board” § 1–101

19 **2–505. FEES.**

20 **(A) GENERAL STATEWIDE CATERER’S LICENSE.**

21 **THE ANNUAL FEE FOR A GENERAL STATEWIDE CATERER’S LICENSE IS \$2,000.**

22 **(B) LIMITED STATEWIDE CATERER’S LICENSE.**

23 **(1) THE ANNUAL FEES FOR A LIMITED STATEWIDE CATERER’S**
24 **LICENSE ARE:**

25 **(I) FOR DESIGNATED JURISDICTIONS THAT HAVE A TOTAL**
26 **POPULATION OF NOT MORE THAN 300,000, \$750;**

27 **(II) FOR DESIGNATED JURISDICTIONS THAT HAVE A TOTAL**
28 **POPULATION OF MORE THAN 300,000 BUT LESS THAN 600,000, \$1,000; AND**

29 **(III) FOR DESIGNATED JURISDICTIONS THAT HAVE A TOTAL**
30 **POPULATION OF AT LEAST 600,000, \$1,500.**

1 **(2) THE FEE FOR A LIMITED STATEWIDE CATERER’S LICENSE IS**
2 **BASED ON THE MOST RECENT POPULATION RECORDS OF THE DESIGNATED**
3 **JURISDICTIONS IN WHICH THE APPLICANT OR LIMITED STATEWIDE CATERER’S**
4 **LICENSE HOLDER PROVIDES CATERING SERVICES, AS COMPILED BY THE**
5 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

6 **(C) CREDIT AGAINST LICENSE FEE.**

7 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
8 **APPLICANT FOR A GENERAL STATEWIDE OR LIMITED STATEWIDE CATERER’S**
9 **LICENSE THAT HOLDS A RETAIL LICENSE THAT MAY BE ANNUALLY RENEWED AND A**
10 **SPECIAL CATERING LICENSE OR THAT IS REQUIRED TO PAY AN ADDITIONAL FEE TO**
11 **PROVIDE CATERING SERVICES IN THE APPLICANT’S JURISDICTION IS ENTITLED TO**
12 **A CREDIT AGAINST THE LICENSE FEE.**

13 **(2) THE CREDIT MAY BE GRANTED IF:**

14 **(I) THE CREDIT DOES NOT EXCEED THE ADDITIONAL CATERING**
15 **FEE REQUIRED TO BE PAID IN THE JURISDICTION; AND**

16 **(II) AFTER THE CREDIT IS APPLIED AGAINST THE LICENSE FEE,**
17 **AT LEAST A \$250 FEE REMAINS TO BE PAID.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 6–701(e).

20 In subsection (b)(1) of this section, the references to “total” population are
21 added for clarity and consistency with § 2–503(c) of this subtitle.

22 In subsection (b)(2) of this section, the reference to the jurisdictions “in which
23 the applicant or limited statewide caterer’s license holder provides catering
24 services” is substituted for the former reference to the “applicable” population
25 records of the jurisdiction for clarity.

26 In subsections (b)(2) and (c)(1) and (2)(i) of this section, the defined term
27 “jurisdictio[n]” is substituted for the former references to “political
28 subdivisio[n]” to conform to the terminology used throughout this article.

29 In subsection (c)(1) of this section, the reference to “provide catering services”
30 is substituted for the former reference to “the privilege of catering” to conform
31 to the terminology used throughout this subtitle.

32 In subsection (c)(2)(ii) of this section, the phrase “after the credit is applied
33 against the license fee, at least a \$250 fee remains to be paid” is substituted

1 for the former phrase “there is a minimum license fee payment of \$250 for a
2 general or limited SCAT license” for clarity.

3 Defined term: “Jurisdiction” § 1–101

4 **2–506. ENFORCEMENT OF PROHIBITIONS AGAINST UNLAWFUL SALES.**

5 **(A) INVESTIGATION BY LOCAL LICENSING BOARD.**

6 **A LOCAL LICENSING BOARD MAY CONDUCT AN INVESTIGATION AT A CATERED**
7 **EVENT TO ENFORCE THE PROHIBITIONS UNDER §§ 6–304 AND 6–307 OF THIS**
8 **ARTICLE AGAINST SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
9 **INDIVIDUALS WHO HAVE NOT ATTAINED THE LEGAL DRINKING AGE OR ARE VISIBLY**
10 **UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE.**

11 **(B) REPORT TO COMPTROLLER.**

12 **IF A LOCAL LICENSING BOARD DETERMINES THAT ALCOHOLIC BEVERAGES**
13 **WERE UNLAWFULLY SOLD OR PROVIDED AT A CATERED EVENT:**

14 **(1) THE LOCAL LICENSING BOARD SHALL REPORT ITS FINDINGS TO**
15 **THE COMPTROLLER; AND**

16 **(2) THE COMPTROLLER SHALL TAKE THE ACTION THE**
17 **COMPTROLLER DETERMINES IS APPROPRIATE.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 6–701(g).

20 In subsection (a) of this section, the reference to individuals who “have not
21 attained the legal drinking age” is substituted for the former reference to
22 individuals who “are under 21 years of age” for clarity and consistency
23 throughout this article.

24 In the introductory language of subsection (b) of this section, the reference to
25 “alcoholic beverages [that] were unlawfully sold or provided at a catered
26 event” is substituted for the former reference to “sales [that] have been made
27 unlawfully” for clarity.

28 Defined terms: “Alcoholic beverage” § 1–101

29 “Comptroller” § 1–101

30 “Local licensing board” § 1–101

31 GENERAL REVISOR’S NOTE TO SUBTITLE

1 Former Art. 2B, § 6–701(m), which authorized the Comptroller to adopt regulations
2 to establish reporting requirements and to carry out former Art. 2B, § 6–701, is
3 deleted as unnecessary in light of the Comptroller’s general authority to adopt
4 regulations under § 1–302 of this article.

5 TITLE 3. STATE LICENSING.

6 SUBTITLE 1. APPLICATIONS FOR STATE LICENSES.

7 3–101. APPLICATIONS TO BE FILED WITH COMPTROLLER.

8 AN APPLICATION FOR A MANUFACTURER’S LICENSE, WHOLESALER’S
9 LICENSE, CLASS E (WATER VESSEL) LICENSE, CLASS F (RAILROAD) LICENSE, CLASS
10 G (AIRPLANE) LICENSE, OR STATEWIDE CATERER’S LICENSE SHALL BE FILED WITH
11 THE COMPTROLLER.

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from the first sentence of former Art. 2B, § 10–101(a).

14 The reference to a “statewide caterer’s license” is added for accuracy.

15 The reference to a “water vessel” license is substituted for the former obsolete
16 reference to a “steamboat[s]” license.

17 Defined terms: “Comptroller” § 1–101
18 “Manufacturer’s license” § 1–101
19 “Wholesaler’s license” § 1–101

20 3–102. INDIVIDUAL APPLICANT FOR MANUFACTURER’S OR WHOLESALER’S 21 LICENSE.

22 TO BE ISSUED A MANUFACTURER’S LICENSE OR A WHOLESALER’S LICENSE, AN
23 INDIVIDUAL APPLICANT SHALL HAVE BEEN A RESIDENT OF THE STATE FOR 2 YEARS
24 IMMEDIATELY BEFORE THE APPLICATION IS FILED.

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 2–401(a), as it related to individual applicants.

27 The Alcoholic Beverages Article Review Committee notes, for consideration by
28 the General Assembly, that the requirement that an applicant shall have been
29 a resident in the State for 2 years immediately before the filing of the
30 application may violate the equal protection guarantees of the Fourteenth
31 Amendment to the United States Constitution and Article 24 of the Maryland
32 Declaration of Rights. Maryland courts look unfavorably on legislation that
33 classify persons by geography, which may be accomplished by residency or

1 registration requirements, if the primary purpose of the legislation is
2 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

3 Defined terms: "Manufacturer's license" § 1-101

4 "State" § 1-101

5 "Wholesaler's license" § 1-101

6 **3-103. NAMES AND ADDRESSES OF APPLICANTS REQUIRED.**

7 **AN APPLICATION FOR A LICENSE SHALL DISCLOSE THE NAME AND ADDRESS**
8 **OF THE BUSINESS ENTITY ON WHOSE BEHALF THE APPLICATION IS MADE AND THE**
9 **NAME AND ADDRESS OF EACH INDIVIDUAL APPLICANT.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from the second clause of former Art. 2B, § 9-101(b)(1) and the second
12 sentence of (2).

13 The reference to "business entity" is substituted for the former references to
14 "corporation, or a club, whether incorporated or unincorporated" and
15 "corporation, partnership or association" for brevity.

16 Defined term: "License" § 1-101

17 **3-104. APPLICATION ON BEHALF OF PARTNERSHIP.**

18 **(A) APPLICATION TO BE ISSUED TO THREE INDIVIDUALS.**

19 **(1) IF AN APPLICATION FOR A LICENSE IS MADE FOR THE USE OF A**
20 **PARTNERSHIP, THE LICENSE SHALL BE ISSUED TO THREE INDIVIDUALS.**

21 **(2) EACH OF THE INDIVIDUALS SHALL QUALIFY AS:**

22 **(I) AN INDIVIDUAL GENERAL PARTNER; OR**

23 **(II) IF A GENERAL PARTNER IS A CORPORATION, AN OFFICER OF**
24 **THE CORPORATION AS AN INDIVIDUAL.**

25 **(B) PARTNERSHIP WITH FEWER THAN THREE GENERAL PARTNERS.**

26 **(1) IF A PARTNERSHIP HAS FEWER THAN THREE GENERAL PARTNERS,**
27 **THE NAMES OF EACH GENERAL PARTNER SHALL BE ON THE LICENSE.**

28 **(2) EACH OF THE THREE GENERAL PARTNERS OR CORPORATE**
29 **OFFICERS SHALL:**

1 **(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 2**
 2 **YEARS BEFORE THE APPLICATION IS FILED; AND**

3 **(II) BE A REGISTERED VOTER OF THE STATE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 9–101(a)(6)(ii) through (iv) and, as it related to
 6 partnerships, the second sentence of § 2–401(a).

7 In subsection (b)(1) of this section, the reference to the requirement that “the
 8 names of each general partner shall be on the license” is substituted for the
 9 former reference to “a license may be issued to all of the general partners or
 10 officers qualified under subparagraph (ii)2 of this paragraph” for clarity.

11 Former Art. 2B, § 9–101(a)(6)(i), which stated that former Art. 2B, §
 12 9–101(a)(6) applied only to licenses issued by the Comptroller, is deleted as
 13 unnecessary in light of the organization of this revised article.

14 Former Art. 2B, § 9–101(b)(6)(v), which stated that former Art. 2B, §
 15 9–101(b)(6) may not be construed to waive any of the requirements under
 16 former Art. 2B, § 9–102, is deleted as unnecessary in light of the organization
 17 of this revised article.

18 Defined terms: “License” § 1–101
 19 “State” § 1–101

20 **3–105. APPLICATION ON BEHALF OF CORPORATION OR CLUB.**

21 **(A) SCOPE OF SECTION.**

22 **THIS SECTION APPLIES TO:**

23 **(1) A CORPORATION; AND**

24 **(2) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.**

25 **(B) THREE OFFICERS REQUIRED.**

26 **(1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS**
 27 **SECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED**
 28 **FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS**
 29 **INDIVIDUALS.**

30 **(2) AT LEAST ONE OF THE THREE OFFICERS SHALL:**

1 **(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 2**
 2 **YEARS BEFORE THE APPLICATION IS FILED; AND**

3 **(II) BE A REGISTERED VOTER AND TAXPAYER OF THE STATE**
 4 **WHEN THE APPLICATION IS FILED.**

5 **(C) CORPORATION WITH FEWER THAN THREE OFFICERS OR DIRECTORS.**

6 **IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR DIRECTORS, ALL**
 7 **OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.**

8 **(D) CLOSE CORPORATION.**

9 **IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL STOCKHOLDER MAY**
 10 **APPLY FOR A LICENSE IF:**

11 **(1) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR**
 12 **DIRECTORS; AND**

13 **(2) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE**
 14 **STOCKHOLDERS.**

15 **(E) CONTENTS OF APPLICATION.**

16 **AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL INCLUDE:**

17 **(1) THE NAME AND ADDRESS OF EACH OFFICER;**

18 **(2) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB; AND**

19 **(3) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE**
 20 **CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE LICENSE**
 21 **SHALL BE ISSUED.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 9–101(b)(6), (7), the first sentence of (2), and,
 24 except as it related to being a registered voter and taxpayer of a county or city,
 25 (1).

26 In subsections (c) and (d) of this section, the references to “apply[ing] for a
 27 license” are substituted for the former references to “mak[ing] the application
 28 as provided in this section” for brevity and clarity.

1 In the introductory language of subsection (d) of this section, the reference to
2 “one individual stockholder” is substituted for the former reference to “one
3 stockholder” for consistency within this title.

4 The Alcoholic Beverages Article Review Committee notes, for consideration by
5 the General Assembly, that the requirement in subsection (b)(2)(i) of this
6 section that at least one of the three officers who apply for a license on behalf
7 of a corporation or club shall have been a resident of the State for at least 2
8 years before the application is filed may violate the equal protection
9 guarantees of the Fourteenth Amendment to the United States Constitution
10 and Article 24 of the Maryland Declaration of Rights. Maryland courts look
11 unfavorably on legislation that classify persons by geography, which may be
12 accomplished by residency or registration requirements, if the primary
13 purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md.
14 411 (1994).

15 Defined terms: “Club” § 1-101

16 “License” § 1-101

17 “State” § 1-101

18 **3-106. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.**

19 **(A) IN GENERAL.**

20 **(1) A LICENSE FOR THE USE OF A LIMITED LIABILITY COMPANY**
21 **SHALL BE APPLIED FOR AND ISSUED TO, AS INDIVIDUALS:**

22 **(I) ALL OF THE AUTHORIZED INDIVIDUALS, IF THE LIMITED**
23 **LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED INDIVIDUALS; OR**

24 **(II) THREE AUTHORIZED INDIVIDUALS, IF THE LIMITED**
25 **LIABILITY COMPANY HAS THREE OR MORE AUTHORIZED INDIVIDUALS.**

26 **(2) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS SHALL:**

27 **(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 2**
28 **YEARS BEFORE THE APPLICATION IS FILED; AND**

29 **(II) BE A REGISTERED VOTER AND TAXPAYER OF THE STATE**
30 **WHEN THE APPLICATION IS FILED.**

31 **(B) CONTENTS OF APPLICATION.**

32 **AN APPLICATION FOR A LIMITED LIABILITY COMPANY LICENSE SHALL**
33 **INCLUDE:**

1 **(1) THE NAME, ADDRESS, AND SIGNATURE OF EACH AUTHORIZED**
 2 **INDIVIDUAL TO WHOM THE LICENSE SHALL BE ISSUED; AND**

3 **(2) THE NAME AND ADDRESS OF THE LIMITED LIABILITY COMPANY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 9-101(c)(2), (3)(i), (5)(ii), and, except as it
 6 related to being a registered voter and taxpayer of a county or city, (1)(i).

7 Throughout this section, the references to three authorized "individuals" are
 8 substituted for the former references to "persons" to clarify that they are
 9 human beings.

10 In subsection (b)(2) of this section, the former reference to "the name and
 11 address of the applicant" is deleted as duplicative of subsection (b)(1) of this
 12 section.

13 The Alcoholic Beverages Article Review Committee notes, for consideration by
 14 the General Assembly, that the requirement in subsection (a)(2)(i) of this
 15 section that at least one of the three authorized individuals who apply for a
 16 license on behalf of a corporation or club shall have been a resident of the State
 17 for at least 2 years before the application is filed may violate the equal
 18 protection guarantees of the Fourteenth Amendment to the United States
 19 Constitution and Article 24 of the Maryland Declaration of Rights. Maryland
 20 courts look unfavorably on legislation that classify persons by geography,
 21 which may be accomplished by residency or registration requirements, if the
 22 primary purpose of the legislation is economic. *See Verzi v. Baltimore County*,
 23 333 Md. 411 (1994).

24 Defined terms: "License" § 1-101
 25 "State" § 1-101

26 **3-107. DISPOSITION OF FEES.**

27 **THE COMPTROLLER MAY RETAIN FROM THE LICENSE AND PERMIT FEES THAT**
 28 **ARE COLLECTED AN AMOUNT TO PAY FOR:**

29 **(1) THE COST OF REFUNDS ISSUED IN ACCORDANCE WITH § 3-108(B)**
 30 **OF THIS SUBTITLE; AND**

31 **(2) THE ADMINISTRATIVE EXPENSES INCURRED BY THE**
 32 **COMPTROLLER TO DISCHARGE ITS DUTIES UNDER THIS ARTICLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-204(a)(3).

3 In the introductory language of this section, the former reference to license
4 and permit fees collected "by the office for the use of the State of Maryland" is
5 deleted as surplusage.

6 Defined terms: "Comptroller" § 1-101
7 "License" § 1-101

8 **3-108. REFUND OF LICENSE FEES.**

9 **(A) IN GENERAL.**

10 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE**
11 **HOLDER IS NOT ENTITLED TO A REFUND OF THE UNEARNED PORTION OF THE**
12 **LICENSE FEE.**

13 **(B) INSTANCES WHEN REFUNDS ARE AUTHORIZED.**

14 **A REFUND SHALL BE ISSUED TO A LICENSE HOLDER ON SURRENDER OF THE**
15 **LICENSE IF:**

16 **(1) RECEIVERSHIP OR BANKRUPTCY OF THE BUSINESS ENTITY ON**
17 **WHOSE BEHALF THE LICENSE WAS ISSUED OCCURS AND A LICENSE TRANSFER IS**
18 **NOT REQUESTED, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE CREDITORS**
19 **OF THE LICENSE HOLDER;**

20 **(2) THE LICENSE HOLDER DIES, WITH THE REFUND ISSUED FOR THE**
21 **BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER;**

22 **(3) THE LICENSE HOLDER VOLUNTEERS FOR OR HAS BEEN CALLED**
23 **INTO THE ARMED FORCES OF THE UNITED STATES OR THE ORGANIZED STATE**
24 **MILITIA;**

25 **(4) THE LICENSE HOLDER SURRENDERS A LICENSE AND OBTAINS A**
26 **NEW LICENSE OF ANOTHER CLASS CARRYING A HIGHER FEE, WITH THE REFUND**
27 **DEDUCTED FROM THE HIGHER FEE;**

28 **(5) THE LICENSE HOLDER, AGAINST WHOM CHARGES ARE PENDING**
29 **WHEN THE LICENSE IS RENEWED, IS FOUND GUILTY AND THE LICENSE IS REVOKED,**
30 **WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE**
31 **DATE THAT THE REVOCATION BECOMES FINAL;**

1 **(6) THE ISSUANCE OF A LICENSE BY THE COMPTROLLER IS REVERSED**
 2 **ON JUDICIAL REVIEW AND THE OPERATION OF THE ESTABLISHMENT IS PROHIBITED,**
 3 **WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE**
 4 **DATE THAT THE REFUSAL TO GRANT THE RENEWAL BECOMES FINAL; OR**

5 **(7) THE LICENSED PREMISES IS TAKEN BY THE FEDERAL**
 6 **GOVERNMENT, THE STATE, OR A MUNICIPALITY FOR PUBLIC USE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 10–205(a).

9 In subsection (b)(3) of this section, the reference to the “organized” State
 10 militia is substituted for the former obsolete reference to the “regular” State
 11 militia to conform to the terminology used in § 13–203 of the Public Safety
 12 Article.

13 In subsection (b)(4) of this section, the reference to the “higher fee” is
 14 substituted for the former reference to the “amount of the fee to be paid for
 15 the newly obtained license” for brevity.

16 In subsection (b)(6) of this section, the reference to “the operation of the
 17 establishment is prohibited” is added for clarity.

18 Also in subsection (b)(6) of this section, the reference to a “judicial review” is
 19 substituted for the former reference to an “appeal” for accuracy.

20 Also in subsection (b)(6) of this section, the reference to “the date that the
 21 refusal to grant the renewal becomes final” is substituted for the former
 22 reference to “the date the revocation becomes final” for accuracy.

23 In subsection (b)(7) of this section, the former reference to a “city” is deleted
 24 as included in the reference to a “municipality”.

25 Defined terms: “Comptroller” § 1–101

26 “License” § 1–101

27 “License holder” § 1–101

28 “State” § 1–101

29 **3–109. FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR.**

30 **(A) SCOPE OF SECTION.**

31 **THIS SECTION DOES NOT APPLY TO TEMPORARY OR MISCELLANEOUS**
 32 **LICENSES.**

33 **(B) FEE SCHEDULE.**

1 **THE FEE FOR A LICENSE ISSUED FOR LESS THAN 1 YEAR IS:**

2 **(1) THE FULL ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED**
3 **DURING THE FIRST QUARTER OF THE LICENSE YEAR;**

4 **(2) THREE-FOURTHS OF THE ANNUAL LICENSE FEE, IF THE LICENSE**
5 **IS ISSUED DURING THE SECOND QUARTER OF THE LICENSE YEAR;**

6 **(3) ONE-HALF OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS**
7 **ISSUED DURING THE THIRD QUARTER OF THE LICENSE YEAR; AND**

8 **(4) ONE-FOURTH OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS**
9 **ISSUED DURING THE FOURTH QUARTER OF THE LICENSE YEAR.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-207(a).

12 Defined term: "License" § 1-101

13 **SUBTITLE 2. ISSUANCE OR DENIAL OF STATE LICENSES.**

14 **3-201. STATE LICENSES ISSUED BY COMPTROLLER.**

15 **(A) IN GENERAL.**

16 **THE COMPTROLLER SHALL ISSUE EACH LICENSE THAT APPLIES STATEWIDE.**

17 **(B) LICENSES TO BE ISSUED ONLY TO INDIVIDUALS.**

18 **A LICENSE MAY NOT BE ISSUED TO A PARTNERSHIP, CORPORATION, OR**
19 **LIMITED LIABILITY COMPANY BUT ONLY TO AN INDIVIDUAL AUTHORIZED TO ACT**
20 **FOR A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY.**

21 **(C) LICENSE HOLDER SUBJECT TO PENALTIES, CONDITIONS, AND**
22 **RESTRICTIONS.**

23 **A LICENSE HOLDER SHALL ASSUME ALL RESPONSIBILITIES AS AN INDIVIDUAL**
24 **AND BE SUBJECT TO ALL PENALTIES, CONDITIONS, AND RESTRICTIONS IMPOSED ON**
25 **LICENSE HOLDERS UNDER THIS ARTICLE AND THE PROVISIONS OF THE TAX -**
26 **GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.**

1 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 2 expressly what was only implied in the former law, that all licenses that apply
 3 statewide are issued by the Comptroller.

4 Subsections (b) and (c) of this section are new language derived without
 5 substantive change from the first sentence of former Art. 2B, § 9–101(a)(1).

6 Although no provision in former Article 2B covers all statewide licenses,
 7 several provisions in the former law provided that the Comptroller issue
 8 certain statewide licenses: former Art. 2B, §§ 2–207(a)(1) (pub–brewery
 9 license), 2–208(b)(1) (micro–brewery license), 6–501(c) (Class E water vessels),
 10 6–502(c) (Class F railroads), 6–503(c) (Class G airplanes), 6–701(b) (statewide
 11 caterer's license), and 7–101(a)(2) (special licenses). Other statewide licenses
 12 that the Comptroller in fact issues are distillery, rectifying, winery, limited
 13 winery, brewery, and wholesaler's licenses. With respect to these licenses, this
 14 revision codifies current practice and various strong implications found under
 15 former Article 2B that the Comptroller issues all statewide licenses. *See, e.g.*
 16 former Art. 2B, § 2–402(a) (establishing fees for the initial issuance and
 17 renewal of alcoholic beverages licenses issued “by the Comptroller” under
 18 former Art. 2B, Title 2, Subtitles 2 and 3; and former Art. 2B, § 10–101(a),
 19 requiring that an application for some of these licenses be filed with the
 20 Comptroller).

21 Defined terms: “Comptroller” § 1–101

22 “License” § 1–101

23 “License holder” § 1–101

24 **3–202. APPROVAL OR DENIAL OF LICENSE APPLICATION.**

25 **(A) INVESTIGATION.**

26 **ON RECEIPT OF AN APPLICATION, THE COMPTROLLER SHALL ORDER AN**
 27 **INVESTIGATION OF:**

28 **(1) THE APPLICANT;**

29 **(2) THE BUSINESS TO BE OPERATED; AND**

30 **(3) THE STATEMENTS PRESENTED IN THE LICENSE APPLICATION.**

31 **(B) GROUNDS FOR DENIAL OF LICENSE APPLICATION.**

32 **ON COMPLETION OF THE INVESTIGATION, THE COMPTROLLER SHALL DENY**
 33 **THE LICENSE APPLICATION:**

1 **(1) IF THE COMPTROLLER DETERMINES THAT THE APPLICANT:**

2 **(I) IS NOT A FIT PERSON TO RECEIVE THE LICENSE;**

3 **(II) MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

4 **OR**

5 **(III) ACTED FRAUDULENTLY IN CONNECTION WITH THE**
6 **APPLICATION; OR**

7 **(2) FOR OTHER REASONS THAT THE COMPTROLLER CONSIDERS**
8 **SUFFICIENT.**

9 **(C) APPROVAL OF LICENSE APPLICATION.**

10 **IF THE COMPTROLLER DOES NOT FIND CAUSE TO DENY THE LICENSE, THE**
11 **COMPTROLLER SHALL APPROVE THE APPLICATION AND ISSUE THE LICENSE.**

12 **(D) FEE.**

13 **(1) IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER**
14 **THIS ARTICLE, AN APPLICANT FOR THE INITIAL ISSUANCE OF A MANUFACTURER'S**
15 **OR WHOLESALEER'S LICENSE UNDER TITLE 2, SUBTITLE 2 OR 3 OF THIS ARTICLE**
16 **SHALL PAY TO THE COMPTROLLER A NONREFUNDABLE APPLICATION FEE OF \$200.**

17 **(2) THE APPLICATION FEE UNDER THIS SUBSECTION DOES NOT**
18 **APPLY TO A LICENSE FOR WHICH PAYMENT OF AN ANNUAL LICENSE FEE IS NOT**
19 **OTHERWISE REQUIRED UNDER THIS ARTICLE.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, §§ 10–201, as it related to the issuance of
22 statewide licenses, and 2–402(a)(1) and, as it related to application fees, (b).

23 In the introductory language of subsection (a) of this section, the phrase “[o]n
24 receipt of an application” is substituted for the former phrase “[b]efore the
25 Comptroller shall approve any license” for clarity.

26 Also in the introductory language of subsection (a) of this section, the
27 requirement that the Comptroller “order an investigation of” an applicant is
28 substituted for the former requirement that the Comptroller “cause an
29 investigation to be made regarding” an applicant for brevity.

30 In subsection (a)(3) of this section, the reference to “statements” is substituted
31 for the former reference to “facts” for clarity.

1 In the introductory language of subsection (b) of this section, the phrase “[o]n
2 completion of” the investigation is substituted for the former reference to
3 “[a]fter” the investigation for clarity.

4 Also in the introductory language of subsection (b) of this section, the former
5 statement that “no such license ... shall be issued” is deleted as unnecessary
6 in light of the statement that the Comptroller “shall deny the license
7 application”.

8 In subsection (b)(1) of this section, the phrase “if the Comptroller determines”
9 is substituted for the former phrases “if the Comptroller is of the opinion” and
10 “in the discretion of the Comptroller” for brevity.

11 In subsection (b)(1)(i) of this section, the former reference to the license
12 “applied for” is deleted as surplusage.

13 In subsection (b)(1)(iii) of this section, the reference to “act[ing] fraudulently”
14 is substituted for the former reference to “practic[ing] fraud” for consistency
15 with terminology used throughout this article.

16 In subsection (b)(2) of this section, the reference to other reasons “that the
17 Comptroller considers sufficient” is substituted for the former reference to
18 other reasons “why the license ... should not be issued” to conform to
19 terminology used throughout this article.

20 In subsection (c) of this section, the reference to the Comptroller not “find[ing]
21 cause to deny the license” is substituted for the former phrase “[i]f no such
22 findings are made by the Comptroller” for clarity.

23 In subsection (d)(1) of this section, the reference to a “manufacturer’s or
24 wholesaler’s” license is added for clarity.

25 Also in subsection (d)(1) of this section, the former reference to a license
26 “issued by the Comptroller” is deleted as unnecessary because all
27 manufacturer’s licenses and wholesaler’s licenses are issued by the
28 Comptroller.

29 In subsection (d)(2) of this section, the reference to an “annual” license is
30 added for clarity.

31 Defined terms: “Comptroller” § 1–101

32 “License” § 1–101

33 “Person” § 1–101

34 “Wholesaler’s license” § 1–101

35 **3–203. FORMS; NUMBERING.**

1 **(A) FORMS.**

2 **A STATEWIDE LICENSE SHALL BE ON THE FORM THAT THE COMPTROLLER**
3 **PROVIDES.**

4 **(B) NUMBERING.**

5 **THE COMPTROLLER SHALL NUMBER EACH STATEWIDE LICENSE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, §§ 9–102(d) and, as it related to required forms
8 for statewide licenses, 10–206(a).

9 The references to a “statewide” license are substituted for the former broader
10 references to a license “issued under the provisions of this article” or “[e]very
11 license” because this title applies only to statewide licenses.

12 In subsection (a) of this section, the former phrase “as the case may be” is
13 deleted as unnecessary in light of the organization of this revised article.

14 In subsection (b) of this section, the former reference to “appropriately”
15 number is deleted as surplusage.

16 Defined terms: “Comptroller” § 1–101
17 “License” § 1–101

18 **3–204. EFFECTIVE DATE; EXPIRATION.**

19 **EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE ISSUED BY**
20 **THE COMPTROLLER SHALL BE DATED AS OF THE DATE OF ISSUANCE AND SHALL**
21 **EXPIRE ON THE NEXT APRIL 30 AFTER ITS ISSUANCE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10–206(a), as it related to the effective date for
24 and expiration of statewide licenses, other than temporary or special licenses.

25 The phrase “[e]xcept as otherwise provided in this article” is added for
26 accuracy to reflect the organization of this article.

27 The reference to a “license issued by the Comptroller” is substituted for the
28 former broader reference to a license “issued under the provisions of this
29 article” because this title applies only to licenses issued by the Comptroller.

30 Defined terms: “Comptroller” § 1–101
31 “License” § 1–101

1 **3-205. LICENSE NOT PROPERTY.**

2 **A LICENSE ISSUED BY THE COMPTROLLER:**

3 **(1) IS NOT PROPERTY AND DOES NOT CONFER PROPERTY RIGHTS;**
 4 **AND**

5 **(2) IS SUBJECT TO:**

6 **(I) SUSPENSION, REVOCATION, AND RESTRICTIONS**
 7 **AUTHORIZED BY LAW; AND**

8 **(II) REGULATIONS AUTHORIZED UNDER THIS ARTICLE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 10-501(a).

11 In the introductory language of this section, the reference to a "license issued
 12 by the Comptroller" is substituted for the former broader reference to a license
 13 "issued under provisions of this article" because this title applies only to
 14 licenses issued by the Comptroller.

15 Also in the introductory language of this section, the former phrase "[e]xcept
 16 as otherwise provided under this section" is deleted as unnecessary in light of
 17 the organization of this revised article.

18 In item (2)(i) of this section, the reference to suspension, revocation, and
 19 restrictions "authorized by law" is added for clarity.

20 In item (2)(ii) of this section, the reference to regulations "authorized under
 21 this article" is substituted for the former reference to regulations "that may be
 22 adopted as herein provided" for clarity.

23 Also in item (2)(ii) of this section, the former reference to "rules" is deleted as
 24 included in the reference to "regulations".

25 Defined terms: "Comptroller" § 1-101
 26 "License" § 1-101

27 **3-206. REPLACEMENT LICENSES.**

28 **(A) ISSUANCE.**

1 **THE COMPTROLLER MAY ISSUE A REPLACEMENT LICENSE TO A LICENSE**
2 **HOLDER WHOSE LICENSE IS LOST OR DESTROYED ON RECEIVING:**

3 **(1) AN APPLICATION UNDER OATH; AND**

4 **(2) PAYMENT OF A \$1 FEE.**

5 **(B) CONTENTS.**

6 **ON THE REPLACEMENT LICENSE, THE WORD “REPLACEMENT” SHALL APPEAR**
7 **WITH ALL OF THE INFORMATION THAT APPEARED ON THE ORIGINAL LICENSE.**

8 REVISOR’S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10–502(a).

10 Throughout this section, the references to a “replacement” license are
11 substituted for the former references to “another” license and a “duplicate”
12 license for clarity.

13 In subsection (a) of this section, the reference to the “Comptroller” is
14 substituted for the former reference to the “license issuing authority” because
15 only the Comptroller may issue a license under this subtitle.

16 Also in subsection (a) of this section, the former reference to a license “issued
17 under this article” is deleted as included in the defined term “license”.

18 Also in subsection (a) of this section, the former phrase “[e]xcept as otherwise
19 provided in this section,” is deleted as unnecessary in light of the organization
20 of this revised article.

21 In subsection (b) of this section, the reference to the word “appear[ing]” on the
22 replacement license is substituted for the former reference to “be[ing]
23 endorsed” for clarity.

24 Defined terms: “Comptroller” § 1–101

25 “License” § 1–101

26 “License holder” § 1–101

27 **3–207. WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS.**

28 **(A) IN GENERAL.**

29 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

1 **(1) IF A LICENSE IS DENIED, ANOTHER LICENSE APPLICATION MAY**
 2 **NOT BE CONSIDERED FROM THE SAME APPLICANT OR FOR THE SAME LOCATION FOR**
 3 **6 MONTHS AFTER THE DENIAL; AND**

4 **(2) IF A SUBSEQUENT APPLICATION BY THE SAME APPLICANT OR FOR**
 5 **THE SAME LOCATION IS DENIED WITHIN A 2-YEAR PERIOD IMMEDIATELY AFTER THE**
 6 **FIRST DENIAL, ANOTHER APPLICATION MAY NOT BE CONSIDERED FROM THAT**
 7 **APPLICANT OR FOR THAT LOCATION UNTIL THE 2-YEAR PERIOD EXPIRES.**

8 **(B) EXCEPTIONS.**

9 **THIS SECTION DOES NOT APPLY TO:**

10 **(1) AN APPLICANT, IF THE LICENSE WAS DENIED BECAUSE IT WAS NOT**
 11 **NECESSARY TO ACCOMMODATE THE PUBLIC OR THE LOCATION WAS NOT SUITABLE**
 12 **FOR THE SALE OF ALCOHOLIC BEVERAGES; OR**

13 **(2) THE LOCATION, IF THE LICENSE WAS DENIED BECAUSE THE**
 14 **COMPTROLLER DETERMINED THAT THE APPLICANT WAS NOT A PROPER PERSON TO**
 15 **BE ISSUED THE LICENSE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 10-208(a)(1) and (2)(i) and the first sentence of
 18 (ii).

19 Throughout this section, the references to the "location" are substituted for
 20 the former references to the "premises" for consistency with terminology used
 21 throughout this article.

22 In subsection (a) of this section, the former phrases "as the case may be" are
 23 deleted as surplusage.

24 In subsection (a)(1) of this section, the references to the "same" applicant and
 25 location are added for clarity.

26 Also in subsection (a)(1) of this section, the former phrase "a period of" 6
 27 months is deleted as surplusage.

28 In subsection (a)(2) of this section, the former reference to "the date of" the
 29 first refusal is deleted as surplusage.

30 In the introductory language of subsection (b) of this section, the reference to
 31 this section "not apply[ing]" is substituted for the former reference to this
 32 section "not hold[ing] against" for clarity.

1 In subsection (b)(1) of this section, the former phrase “under the license
2 applied for” is deleted as surplusage. Similarly, in subsection (b)(2) of this
3 section, the former references to the license “applied for” are deleted.

4 In subsection (b)(2) of this section, the reference to the “Comptroller” is added
5 for clarity.

6 Also in subsection (b)(2) of this section, the former reference to the premises
7 “set forth in an application” is deleted as surplusage.

8 Also in subsection (b)(2) of this section, the former reference to the applicant
9 “personally” is deleted as surplusage.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that the reference in subsection (b)(2) of this section to
12 a determination whether the applicant was “not a proper person” to be issued
13 the license is unclear as to whether the applicant was not fit, *i.e.* having
14 committed an immoral act, or the applicant did not meet technical
15 requirements. The General Assembly may want to clarify the requirements
16 necessary for a determination that an applicant is “not a proper person”.

17 Defined terms: “Alcoholic beverage” § 1–101

18 “Comptroller” § 1–101

19 “License” § 1–101

20 “Person” § 1–101

21 **SUBTITLE 3. TRANSFER OF STATE LICENSES; SUBSTITUTION OF NAMES ON**
22 **LICENSE.**

23 **3–301. TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY.**

24 **(A) IN GENERAL.**

25 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER OR A**
26 **RECEIVER OR TRUSTEE FOR THE BENEFIT OF CREDITORS MAY:**

27 **(1) TRANSFER THE LICENSE HOLDER’S PLACE OF BUSINESS TO SOME**
28 **OTHER LOCATION; OR**

29 **(2) TRANSFER THE LICENSE AND THE LICENSE HOLDER’S INVENTORY**
30 **TO ANOTHER PERSON.**

31 **(B) CONDITIONS OF TRANSFER.**

32 **A TRANSFER UNDER SUBSECTION (A) OF THIS SECTION MAY BE MADE IF:**

1 **(1) AN APPLICATION FOR THE TRANSFER HAS BEEN MADE;**

2 **(2) ALL SALES AND USE, AMUSEMENT, ADMISSION, AND**
 3 **WITHHOLDING TAXES HAVE BEEN PAID TO THE COMPTROLLER;**

4 **(3) A BULK TRANSFER PERMIT HAS BEEN OBTAINED IF THE**
 5 **INVENTORY OF ALCOHOLIC BEVERAGES IS TO BE TRANSFERRED:**

6 **(I) IN ANY MANNER, INCLUDING BY SALE, GIFT, INHERITANCE,**
 7 **AND ASSIGNMENT; AND**

8 **(II) REGARDLESS OF WHETHER CONSIDERATION IS PAID; AND**

9 **(4) THE COMPTROLLER APPROVES THE NEW LOCATION OR LICENSE**
 10 **HOLDER IN THE SAME WAY THE COMPTROLLER APPROVES THE ISSUANCE OF A**
 11 **LICENSE.**

12 **(C) TRANSFER OF LOCATION AND OWNERSHIP IN SAME APPLICATION.**

13 **AN APPLICANT MAY APPLY FOR A TRANSFER OF LOCATION AND A TRANSFER**
 14 **OF OWNERSHIP IN THE SAME APPLICATION.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 10-503(a)(2) and the second sentence of (3).

17 In the introductory language of subsection (a) of this section, the defined term
 18 "license holder" is substituted for the former reference to "[a]ny holder of a
 19 license under this article" for brevity.

20 In subsection (a)(2) of this section, the reference to "transfer[ring]" the license
 21 is substituted for the former reference to "sell[ing] or assign[ing]" the license
 22 for brevity and consistency with terminology used throughout this article.
 23 Similarly, in subsection (b)(1) of this section, the former reference to a "sale"
 24 is deleted as included in the reference to the "transfer".

25 Also in subsection (a)(2) of this section, the reference to "inventory" is
 26 substituted for the former reference to "stock in trade" for clarity. Similarly,
 27 in subsection (b)(3) of this section, the reference to "inventory" is substituted
 28 for the former reference to "stock".

29 In subsection (b)(4) of this section, the defined term "Comptroller" is
 30 substituted for the former reference to the "board" to state expressly what was
 31 only implied in the former law, that this subtitle applies to State licenses
 32 issued by the Comptroller.

1 Also in subsection (b)(4) of this section, the reference to “license holder” is
2 substituted for the former reference to “assignee” for consistency within this
3 section.

4 Also in subsection (b)(4) of this section, the phrase “in the same way the
5 Comptroller approves the issuance of a license” is substituted for the former
6 phrase “as in the case of an original application for such a license under §
7 10–202 of this title” for clarity.

8 In subsection (c) of this section, the phrase “[a]n applicant may apply for” a
9 transfer is substituted for the former phrase “[t]his section permits the”
10 transfer for clarity.

11 Also in subsection (c) of this section, the reference to a “transfer of ownership”
12 is substituted for the former reference to an “assignment of license” for
13 consistency.

14 Defined terms: “Alcoholic beverage” § 1–101

15 “Comptroller” § 1–101

16 “License” § 1–101

17 “License holder” § 1–101

18 “Person” § 1–101

19 **3–302. COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED.**

20 **THE COMPTROLLER MAY NOT ALLOW THE TRANSFER OF A LICENSE UNTIL**
21 **THE TRANSFEROR HAS:**

22 **(1) COMPLIED WITH THE BULK TRANSFERS ACT UNDER TITLE 6 OF**
23 **THE COMMERCIAL LAW ARTICLE; AND**

24 **(2) PROVIDED TO THE COMPTROLLER AN AFFIDAVIT THAT CERTIFIES**
25 **COMPLIANCE WITH THE BULK TRANSFERS ACT.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10–503(a)(4).

28 In item (2) of this section, the defined term “Comptroller” is substituted for
29 the former reference to the “board” to state expressly what was only implied
30 in the former law, that this subtitle applies to State licenses issued by the
31 Comptroller.

32 Defined terms: “License” § 1–101

33 “Comptroller” § 1–101

1 **3-303. FILING FEE AND ENDORSEMENT.**

2 (A) **PAYMENT TO COMPTROLLER.**

3 AN APPLICANT SHALL PAY TO THE COMPTROLLER A FEE OF \$20, IN ADDITION
4 TO THE COSTS OF PUBLICATION AND NOTICE, WHEN FILING AN APPLICATION FOR
5 THE TRANSFER OF A LICENSE.

6 (B) **ENDORSEMENT BY COMPTROLLER.**

7 THE COMPTROLLER SHALL ENDORSE ON THE LICENSE THE TRANSFER OF THE
8 LICENSE IF THE APPLICANT HAS PAID THE FEE REQUIRED UNDER SUBSECTION (A)
9 OF THIS SECTION.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from the first sentence of former Art. 2B, § 10-503(a)(3).

12 In subsection (a) of this section, the reference to the "Comptroller" is
13 substituted for the former reference to the "local collecting agent" for clarity.
14 Similarly, in subsection (b) of this section, the reference to the "Comptroller"
15 is substituted for the former reference to the "license issuing authority".

16 Also in subsection (a) of this section, the former reference to the "sale" of a
17 license is deleted as included in the reference to the "transfer" of a license.
18 Similarly, in subsection (b) of this section, the former reference to the
19 "assignment" of a license is deleted as included in the reference to the
20 "transfer" of a license.

21 In subsection (b) of this section, the former phrase " , when made," is deleted
22 as surplusage.

23 Defined terms: "Comptroller" § 1-101
24 "License" § 1-101

25 **3-304. SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE.**

26 (A) **CONDITIONS FOR SUBSTITUTION.**

27 FOR A LICENSE ISSUED BY THE COMPTROLLER FOR THE USE OF A
28 CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE
29 THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:

30 (1) HAS DIED;

31 (2) HAS RETIRED; OR

1 **(3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

2 **(B) AFFIDAVIT REQUIRED.**

3 **THE LICENSE HOLDER SHALL FILE WITH THE COMPTROLLER AN AFFIDAVIT**
4 **THAT CONTAINS:**

5 **(1) THE SUBSTITUTION OF THE OFFICER;**

6 **(2) AN EXPLANATION FOR THE SUBSTITUTION; AND**

7 **(3) IN THE CASE OF A CORPORATION, A STATEMENT THAT THE**
8 **OWNERSHIP OF THE CORPORATION HAS NOT CHANGED.**

9 **(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

10 **ON RECEIPT OF THE AFFIDAVIT AND AFTER DETERMINING THAT THE**
11 **APPLICANT QUALIFIES UNDER THIS ARTICLE, THE COMPTROLLER SHALL:**

12 **(1) AMEND ITS RECORDS; AND**

13 **(2) ISSUE A CORRECTED LICENSE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10-301(a)(2)(ii), (iii), and, as it related to
16 licenses issued by the Comptroller, (i).

17 In the introductory language of subsection (a) of this section, the reference to
18 "the license holder" is substituted for the former reference to "a corporation or
19 club holding an alcoholic beverages license" for brevity. Similarly, in the
20 introductory language of subsection (b) of this section, the reference to the
21 "license holder" is substituted for the former reference to the "corporation or
22 club".

23 Also in the introductory language of subsection (a) of this section, the reference
24 to "any officer who" is substituted for the former reference to "the deleted
25 officer" for clarity.

26 Also in the introductory language of subsection (a) of this section, the former
27 phrase "notwithstanding any other provision of this article to the contrary" is
28 deleted as surplusage.

29 Also in the introductory language of subsection (a) of this section, the former
30 phrase ", during the license year," is deleted as surplusage.

1 In subsection (a) of this section, the reference to an officer who “[h]as been
2 removed from office” is deleted as included in the reference to an officer who
3 “no longer holds an office in the corporation or club”.

4 In the introductory language of subsections (b) and (c) of this section, the
5 references to the “Comptroller” are substituted for the former references to the
6 “license issuing authority” because only the Comptroller may issue licenses
7 under this subtitle.

8 In subsection (b)(1) of this section, the former reference to “officers” is deleted
9 in light of the reference to “officer” and GP § 1–202, which provides that the
10 singular generally includes the plural.

11 In subsection (c)(2) of this section, the reference to a “corrected license” is
12 substituted for the former reference to a “new license in corrected form” for
13 brevity.

14 The Alcoholic Beverages Article Review Committee notes, for consideration by
15 the General Assembly, that the reference to a “corporation or club” may be too
16 narrow because a license may be held for the use of other types of business
17 entities, such as limited liability companies. The General Assembly may want
18 to consider using a term that encompasses all of the types of business entities
19 for the use of which a license may be held.

20 Defined terms: “Club” § 1–101
21 “Comptroller” § 1–101
22 “License” § 1–101
23 “License holder” § 1–101

24 **SUBTITLE 4. RENEWAL OF STATE LICENSES.**

25 **3–401. ELIGIBILITY FOR RENEWAL; PROCESS.**

26 **(A) ELIGIBILITY.**

27 **SUBJECT TO §§ 3–405 AND 3–406 OF THIS SUBTITLE, A HOLDER OF AN**
28 **EXPIRING LICENSE IS ENTITLED TO AN ANNUAL LICENSE RENEWAL:**

29 **(1) ON THE APPROVAL OF THE LICENSE RENEWAL APPLICATION BY**
30 **THE COMPTROLLER;**

31 **(2) ON PAYMENT OF THE ANNUAL LICENSE FEE; AND**

32 **(3) WITHOUT FILING OR PROVIDING MORE INFORMATION UNLESS**
33 **SPECIFICALLY REQUESTED BY THE COMPTROLLER.**

1 **(B) PROCESS.**

2 **EXCEPT AS PROVIDED IN §§ 3-406(A) AND 3-407(C) OF THIS SUBTITLE, THE**
3 **COMPTROLLER SHALL CONSIDER AN APPLICATION FOR LICENSE RENEWAL IN THE**
4 **SAME MANNER AS FOR AN ORIGINAL APPLICATION.**

5 **(C) FEE.**

6 **(1) IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER**
7 **THIS ARTICLE, AN APPLICANT FOR RENEWAL OF A MANUFACTURER'S OR**
8 **WHOLESALER'S LICENSE UNDER TITLE 2, SUBTITLE 2 OR 3 OF THIS ARTICLE SHALL**
9 **PAY TO THE COMPTROLLER A RENEWAL FEE OF \$30.**

10 **(2) THE RENEWAL FEE UNDER THIS SUBSECTION DOES NOT APPLY TO**
11 **A LICENSE FOR WHICH PAYMENT OF AN ANNUAL LICENSE FEE IS NOT OTHERWISE**
12 **REQUIRED UNDER THIS ARTICLE.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, §§ 10-301(a)(1)(ii)4 and the third sentence of (b)
15 and 2-402(a)(2) and, as it related to renewal fees, (b).

16 In the introductory language of subsection (a) of this section, the phrase
17 "[s]ubject to §§ 3-405 and 3-406 of this subtitle" is added for clarity.

18 Also in the introductory language of subsection (a) of this section, the reference
19 to an "annual license renewal" is substituted for the former reference to a "new
20 license for another year" for clarity and brevity.

21 In subsection (a)(1) of this section, the reference to the "approval of the license
22 renewal application by the Comptroller" is substituted for the former
23 misleading reference to the "filing of the renewal application" for clarity.

24 In subsection (a)(2) of this section, the reference to an annual "license" fee is
25 added for clarity.

26 In subsection (a)(3) of this section, the reference to the "Comptroller" is
27 substituted for the former reference to the "official authorized to approve the
28 license" for clarity and brevity.

29 In subsection (b) of this section, the reference to "license" renewal is added for
30 clarity.

31 Also in subsection (b) of this section, the requirement that the Comptroller
32 "consider an application ... in the same manner" as for an original application

1 is substituted for the former requirement that an application “be treated” as
2 an original application for clarity and consistency within this subtitle.

3 Also in subsection (b) of this section, the phrase “[e]xcept as provided in §§
4 3–406(a) and 3–407(c) of this subtitle” is substituted for the former reference
5 to a renewal application “received otherwise as herein stated” for clarity.

6 In subsection (c)(1) of this section, the reference to a “manufacturer’s or
7 wholesaler’s” license is added for clarity.

8 Also in subsection (c)(1) of this section, the former reference to a license
9 “issued by the Comptroller” is deleted as unnecessary because all
10 manufacturer’s licenses and wholesaler’s licenses are issued by the
11 Comptroller.

12 In subsection (c)(2) of this section, the reference to an “annual” license is added
13 for clarity.

14 Defined terms: “Comptroller” § 1–101
15 “License” § 1–101
16 “Manufacturer’s license” § 1–101
17 “Wholesaler’s license” § 1–101

18 **3–402. RENEWAL APPLICATION.**

19 **TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE A**
20 **WRITTEN APPLICATION, UNDER OATH, WITH THE COMPTROLLER.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10–301(a)(1)(i), except as it related to the filing
23 period for a renewal application.

24 The word “annually” is substituted for the former reference to “each and every
25 year” for brevity.

26 The reference to the “license holder” is substituted for the former reference to
27 the “holder of any expiring license” for brevity.

28 The reference to an application “under” oath is substituted for the former
29 reference to an application “duly verified by” oath for clarity and brevity.

30 The reference to the “Comptroller” is substituted for the former reference to
31 the “official authorized to approve the [license]” for clarity and brevity.

32 The former phrase “[e]xcept in Prince George’s County” is deleted as
33 potentially misleading, as the exception does not apply to licenses renewed by

1 the Comptroller under this subtitle. The Prince George's County exception
2 applies to locally issued licenses and is revised in Title 26, Subtitle 18 of this
3 article.

4 The former reference to "special licenses issued under the provisions of this
5 article" is deleted as unnecessary. The Comptroller does not issue "special"
6 licenses, that is, licenses of limited duration.

7 Defined terms: "Comptroller" § 1-101
8 "License" § 1-101
9 "License holder" § 1-101

10 **3-403. FILING PERIOD FOR RENEWAL APPLICATION.**

11 **AN APPLICATION TO RENEW A LICENSE SHALL BE FILED BETWEEN MARCH 2**
12 **AND APRIL 1, INCLUSIVE.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 10-301(a)(1)(i), as it related to the filing period
15 for a renewal application.

16 The reference to a license renewal period being "between March 2 and April
17 1, inclusive" is substituted for the former reference to a license renewal period
18 of "not less than 30 nor more than 60 days before the first day of May" for
19 clarity and brevity.

20 The Alcoholic Beverages Article Review Committee notes, for consideration by
21 the General Assembly, that the reference to the time period that is "not less
22 than 30 nor more than 60 days before the first day of May" is the period
23 "between March 2 and April 1, inclusive". It is not clear whether the intent
24 was to begin this period on March 1 instead of March 2.

25 Defined term: "License" § 1-101

26 **3-404. CONTENTS OF RENEWAL APPLICATION.**

27 **(A) REQUIRED.**

28 **TO BE APPROVED, A LICENSE RENEWAL APPLICATION SHALL:**

29 **(1) STATE WHETHER THE FACTS IN THE ORIGINAL APPLICATION**
30 **HAVE CHANGED AND, IF SO, THE MANNER IN WHICH THE FACTS HAVE CHANGED; AND**

31 **(2) BE ACCOMPANIED BY A STATEMENT SIGNED BY THE OWNER OF**
32 **THE LICENSED PREMISES CONSENTING TO:**

1 **(I) RENEWAL OF THE LICENSE; AND**

2 **(II) SEARCH AND SEIZURE IN THE SAME MANNER AS FOR AN**
 3 **ORIGINAL APPLICATION.**

4 **(B) CONSENT STATEMENT; EXCEPTION.**

5 **THE COMPTROLLER MAY NOT REQUIRE THE CONSENT STATEMENT UNDER**
 6 **SUBSECTION (A)(2) OF THIS SECTION FOR A RETAIL DEALER APPLYING FOR**
 7 **RENEWAL IF:**

8 **(1) THE OWNER SIGNED A COMPARABLE CONSENT STATEMENT IN**
 9 **CONNECTION WITH AN ORIGINAL OR PREVIOUS LICENSE RENEWAL APPLICATION;**

10 **(2) THE CONSENT STATEMENT UNDER ITEM (1) OF THIS SUBSECTION**
 11 **IS IN EFFECT FOR THE TERM OF THE OWNER’S LEASE WITH THE APPLICANT; AND**

12 **(3) THE LEASE DOES NOT EXPIRE DURING THE TERM OF THE LICENSE**
 13 **RENEWAL.**

14 REVISOR’S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 10–301(a)(1)(ii)1, 2, and 3.

16 Throughout this section, the references to a “license” renewal application are
 17 added for clarity.

18 In the introductory language of subsection (a) of this section, the phrase “[t]o
 19 be approved” is added for clarity.

20 In the introductory language of subsection (a)(2) of this section, the reference
 21 to the owner of the “licensed” premises is added for clarity.

22 In subsection (a)(2)(ii) of this section, the reference to search and seizure “in
 23 the same manner as for” an original application is substituted for the former
 24 reference to search and seizure “as in the case of” an original application for
 25 clarity.

26 In the introductory language of subsection (b) of this section, the reference to
 27 a consent statement “under subsection (a)(2) of this section” is substituted for
 28 the former reference to a consent statement “by the owner of the premises” for
 29 clarity.

30 Also in the introductory language of subsection (b) of this section, the reference
 31 to the “Comptroller” is added to state expressly what was only implicit in the

1 former law, that the Comptroller is the official that may not require a consent
2 statement under the circumstances stated in this subsection.

3 In subsection (b)(1) of this section, the reference to “a comparable consent”
4 statement is substituted for the former reference to “such a” statement for
5 clarity.

6 Also in subsection (b)(1) of this section, the former reference to a “previously”
7 signed consent statement is deleted as unnecessary.

8 In subsection (b)(2) of this section, the requirement that a previous consent
9 statement be “in effect” for the term of the owner’s lease with the applicant is
10 substituted for the former requirement that the previous consent statement
11 “giv[e] consent” for the term of the lease for clarity.

12 In subsection (b)(3) of this section, the former reference to a lease “renewal” is
13 deleted as included in the reference to the “lease”.

14 The Alcoholic Beverages Article Review Committee notes, for consideration by
15 the General Assembly, that in subsection (a)(1) of this section, the reference
16 to the requirement that a license renewal application “state whether the facts
17 in the original application have changed and, if so, the manner in which the
18 facts have changed” has been substituted for the former reference to the
19 requirement that a license renewal application “state that the facts in the
20 original application are unchanged”. The Committee believes this substitution
21 reflects the intent of the General Assembly.

22 The Alcoholic Beverages Article Review Committee also notes, for
23 consideration by the General Assembly, that in the introductory language of
24 subsection (b) of this section, the reference to a “retail dealer” may be too
25 restrictive. There may be other types of license holders to which this
26 subsection should apply.

27 Defined terms: “Comptroller” § 1-101

28 “License” § 1-101

29 “Retail dealer” § 1-101

30 **3-405. PROTESTS.**

31 **(A) AUTHORIZED.**

32 **A PROTEST AGAINST A LICENSE RENEWAL MAY BE MADE BY AT LEAST 10**
33 **SIGNATORIES WHO ARE:**

34 **(1) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF**
35 **OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND**

1 **(2) LOCATED IN THE IMMEDIATE VICINITY OF THE LICENSED**
2 **PREMISES.**

3 **(B) HEARING REQUIRED.**

4 **(1) IF A PROTEST AGAINST RENEWING A LICENSE IS FILED AT LEAST**
5 **30 DAYS BEFORE THE LICENSE EXPIRES, THE COMPTROLLER MAY NOT APPROVE**
6 **THE RENEWAL WITHOUT HOLDING A HEARING.**

7 **(2) THE COMPTROLLER SHALL HEAR AND DETERMINE THE PROTEST**
8 **IN THE SAME MANNER AS THE COMPTROLLER HEARS AND DETERMINES AN**
9 **ORIGINAL APPLICATION.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-301(a)(1)(iv)1, (iii)1, as it related to the
12 statewide governance of protests of license renewals, and the first clause of
13 (v).

14 In this section, the references to the "Comptroller" are substituted for
15 references to the "board of licensing commissioners" and "such official" for
16 clarity. This subtitle applies to the Comptroller and not to a local licensing
17 board.

18 In subsection (a) of this section, the reference to a protest being "made by at
19 least 10 signatories who are" residents is substituted for the former reference
20 to a protest being "[s]igned by not less than ten" residents for clarity.

21 In subsection (a)(1) of this section, the former reference to a license "issued
22 under this article" is deleted as included in the defined term "license".

23 In subsection (a)(2) of this section, the reference to the licensed "premises" is
24 substituted for the former reference to a licensed "place of business" for clarity
25 and consistency within this article.

26 In subsection (b)(1) of this section, the reference to "renewing a license" is
27 substituted for the former reference to the "granting of the new license" for
28 brevity.

29 Also in subsection (b)(1) of this section, the reference to "the renewal" is
30 substituted for the former reference to "a license by way of renewal" for
31 brevity.

32 Also in subsection (b)(1) of this section, the former reference to the license "for
33 which renewal is sought" is deleted as surplusage.

1 In subsection (b)(2) of this section, the reference to license renewal “in the
2 same manner as the Comptroller hears and determines” an original
3 application is substituted for the former reference to license renewal “as in the
4 case of” an original application for clarity and consistency within this subtitle.

5 Also in subsection (b)(2) of this section, the reference to a protest “[that] has
6 been filed” is deleted as surplusage.

7 Defined terms: “Comptroller” § 1–101
8 “License” § 1–101

9 **3–406. DENIAL OF RENEWAL APPLICATION.**

10 **(A) DISQUALIFICATION.**

11 **THE COMPTROLLER:**

12 **(1) MAY NOT RENEW A LICENSE IF THE COMPTROLLER DETERMINES**
13 **THAT THE LICENSE HOLDER IS NOT QUALIFIED TO OBTAIN A LICENSE RENEWAL; BUT**

14 **(2) SHALL ISSUE TO THE LICENSE HOLDER BY WAY OF RENEWAL THE**
15 **CLASS OR TYPE OF LICENSE FOR WHICH THE COMPTROLLER DETERMINES THE**
16 **LICENSE HOLDER IS QUALIFIED.**

17 **(B) CONVICTION.**

18 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
19 **COMPTROLLER SHALL DENY A LICENSE RENEWAL APPLICATION IF DURING THE**
20 **LICENSE YEAR THE LICENSE HOLDER WAS CONVICTED OF A STATE OR FEDERAL**
21 **OFFENSE THAT, IN THE JUDGMENT OF THE COMPTROLLER, RENDERS THE LICENSE**
22 **HOLDER UNFIT OR UNQUALIFIED TO OBTAIN A RENEWED LICENSE.**

23 **(2) THE COMPTROLLER:**

24 **(I) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A**
25 **LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS**
26 **SUBSECTION; AND**

27 **(II) MAY INQUIRE INTO ALL RELEVANT FACTS AND**
28 **CIRCUMSTANCES CONCERNING THE OFFENSE AT THE HEARING.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 10–301(c) and the first sentence of (b).

1 In this section, the references to the “Comptroller” are substituted for the
 2 former references to the “licensing official” and the “local licensing officials”
 3 for clarity. This subtitle applies only to the Comptroller and not to a local
 4 licensing official.

5 In subsection (a)(1) of this section, the former reference to qualifications to
 6 obtain renewal of an “expiring” license is deleted as unnecessary.

7 In subsection (a)(2) of this section, the reference to “the Comptroller” is
 8 substituted for the former reference to “they” for clarity.

9 In subsection (b)(1) of this section, the requirement that “the Comptroller shall
 10 deny” a license renewal is substituted for the former reference stating that
 11 “[n]o [license renewal] shall be granted” for clarity and brevity.

12 Also in subsection (b)(1) of this section, the references to a “license holder” are
 13 substituted for the former references to a “person” for clarity and consistency
 14 within this article.

15 Also in subsection (b)(1) of this section, the reference to a “State or federal
 16 offense” is substituted for the former reference to an “offense against the laws
 17 of the State or of the United States” for brevity.

18 Also in subsection (b)(1) of this section, the former reference to an offense that
 19 is “of such a nature as to” render the offender unfit for license renewal is
 20 deleted as unnecessary.

21 In subsection (b)(2)(i) of this section, the reference to license renewal “under
 22 the circumstances described in paragraph (1) of this subsection” is substituted
 23 for the former reference to license renewal “in such a case” for clarity.

24 Defined terms: “Comptroller” § 1–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “State” § 1–101

28 **3–407. ISSUANCE OF RENEWED LICENSES.**

29 **(A) ISSUANCE.**

30 **THE COMPTROLLER MAY ISSUE RENEWED LICENSES FOR THE FOLLOWING**
 31 **LICENSE YEAR BETWEEN APRIL 15 AND MAY 1, INCLUSIVE.**

32 **(B) EFFECTIVE DATE.**

33 **ALL RENEWED LICENSES SHALL BE DATED MAY 1.**

1 **(C) LICENSE SUBJECT TO RESTRICTION OR SUSPENSION.**

2 **IF AN EXPIRING LICENSE IS SUBJECT TO AN ORDER OF RESTRICTION OR**
3 **SUSPENSION, THE COMPTROLLER SHALL ISSUE THE CORRESPONDING LICENSE**
4 **RENEWAL SUBJECT TO THE SAME ORDER.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10–301(d)(1) and the second sentence of (b).

7 In subsection (a) of this section, the reference to between April 15 and May 1
8 “, inclusive” is added for clarity.

9 Also in subsection (a) of this section, the reference to the “Comptroller” is
10 substituted for the former reference to a “license issuing authority” for clarity.

11 Also in subsection (a) of this section, the reference to “renewed” licenses is
12 substituted for the former reference to “such new” licenses for clarity.

13 Also in subsection (a) of this section, the reference to the “following license”
14 year is substituted for the former reference to the “ensuing” year for clarity.

15 Also in subsection (a) of this section, the former reference to the issuance of
16 renewed licenses between April 15 and May 1 “of each and every year” is
17 deleted as unnecessary.

18 Also in subsection (a) of this section, the former reference to license renewal
19 “as hereinabove provided” is deleted as unnecessary.

20 Also in subsection (a) of this section, the former reference to license renewal
21 “at any time” between specific dates is deleted as unnecessary.

22 In subsection (c) of this section, the reference to the “corresponding license
23 renewal” is substituted for the former reference to the “new license” for clarity.

24 Also in subsection (c) of this section, the reference to license renewal subject
25 to “the same” order is substituted for the former reference to license renewal
26 subject to “said” order for clarity.

27 Defined terms: “Comptroller” § 1–101
28 “License” § 1–101

29 **SUBTITLE 5. CONDUCT OF STATE LICENSE HOLDERS.**

30 **3–501. STORAGE OF ALCOHOLIC BEVERAGES.**

A LICENSE HOLDER MAY STORE OR KEEP ALCOHOLIC BEVERAGES ONLY:

(1) ON THE PREMISES COVERED BY THE LICENSE; OR

(2) AT A PUBLIC WAREHOUSE, A GOVERNMENT-CONTROLLED WAREHOUSE, OR AN INDIVIDUAL WAREHOUSE FOR WHICH A PERMIT HAS BEEN ISSUED UNDER THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-105.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"License holder" § 1-101

3-502. SOLICITATIONS AND SALES OUTSIDE LICENSED PREMISES.

(A) IN GENERAL.

A RETAIL DEALER MAY NOT EMPLOY A SOLICITOR OR SALESPERSON OUTSIDE THE LICENSED PREMISES TO SOLICIT ORDERS FOR THE SALE OF ALCOHOLIC BEVERAGES.

(B) SALE OUTSIDE LICENSED PREMISES PROHIBITED.

THE SALE OF ALCOHOLIC BEVERAGES MAY NOT OCCUR OUTSIDE THE LICENSED PREMISES.

(C) ORDERS BY MAIL, TELEPHONE, OR MESSENGER ALLOWED.

THIS SECTION DOES NOT PROHIBIT:

(1) RECEIVING ORDERS BY MAIL, TELEPHONE, OR MESSENGER;

(2) THE FILLING OF ORDERS BY DELIVERY; OR

(3) THE PAYMENT FOR ORDERS AT THE PLACE OF DELIVERY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(a).

In subsections (a) and (b) of this section, the references to a licensed "premises" are substituted for the former references to a licensed "place of business" to conform to the terminology used throughout this article.

1 In subsection (a) of this section, the reference to a “salesperson” is substituted
2 for the former reference to a “salesman” to conform to the terminology used
3 throughout this article.

4 Also in subsection (a) of this section, the former phrase “within this State” is
5 deleted as implicit.

6 Also in subsection (b) of this section, the reference to “occur” is substituted for
7 the former reference to “be consummated” for clarity.

8 Defined terms: “Alcoholic beverage” § 1–101
9 “Retail dealer” § 1–101

10 **3–503. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

11 **(A) EMPLOYMENT OF INDIVIDUAL UNDER AGE OF 18 YEARS.**

12 **AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE ENGAGED IN THE**
13 **SALE OF ALCOHOLIC BEVERAGES.**

14 **(B) EMPLOYMENT OF INDIVIDUAL BETWEEN AGES OF 18 AND 21 YEARS.**

15 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
16 **AN INDIVIDUAL BETWEEN THE AGES OF 18 AND 21 YEARS MAY BE EMPLOYED IN THE**
17 **SALE OF BEER AND LIGHT WINE.**

18 **(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE**
19 **EMPLOYED BY A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE IN THE**
20 **SALE OF ALCOHOLIC BEVERAGES.**

21 **(C) EMPLOYMENT OF INDIVIDUAL AT LEAST 18 YEARS OLD.**

22 **AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED BY A HOLDER OF**
23 **A CLASS A LICENSE TO OPERATE A LOTTERY TICKET TERMINAL.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 12–302(a).

26 Throughout this section, the references to an “individual” are substituted for
27 the former, broader references to a “person” for accuracy, as all of the
28 references are to human beings.

29 In subsection (a) of this section, the former phrase “[u]nless provision is made
30 elsewhere, the following provisions apply statewide” is deleted as unnecessary
31 in light of the organization of this revised article.

1 Defined terms: "Alcoholic beverage" § 1-101

2 "Beer" § 1-101

3 "Wine" § 1-101

4 **3-504. ALCOHOL AWARENESS PROGRAM.**

5 **(A) "ALCOHOL AWARENESS PROGRAM" DEFINED.**

6 **IN THIS SECTION, "ALCOHOL AWARENESS PROGRAM" MEANS A PROGRAM**
7 **THAT:**

8 **(1) INCLUDES INSTRUCTION ON HOW ALCOHOL AFFECTS AN**
9 **INDIVIDUAL'S BEHAVIOR AND BODY;**

10 **(2) PROVIDES EDUCATION ON THE DANGERS OF DRINKING AND**
11 **DRIVING; AND**

12 **(3) DEFINES EFFECTIVE METHODS TO:**

13 **(I) DETERMINE WHETHER A CUSTOMER IS UNDER THE LEGAL**
14 **DRINKING AGE;**

15 **(II) SERVE CUSTOMERS TO MINIMIZE THE CHANCE OF**
16 **INTOXICATION; AND**

17 **(III) STOP SERVICE BEFORE A CUSTOMER BECOMES**
18 **INTOXICATED.**

19 **(B) SCOPE OF SECTION.**

20 **(1) THIS SECTION APPLIES TO:**

21 **(I) A LICENSED PREMISES THAT SELLS ALCOHOLIC BEVERAGES**
22 **TO A CUSTOMER FROM A BAR OR SERVICE BAR ON THE PREMISES; AND**

23 **(II) A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES**
24 **FOR OFF-PREMISES CONSUMPTION.**

25 **(2) THIS SECTION DOES NOT APPLY TO:**

26 **(I) A TEMPORARY LICENSE;**

27 **(II) A CLASS E (ON-SALE) WATER VESSEL LICENSE;**

1 (III) A CLASS F (ON-SALE) RAILROAD LICENSE; OR

2 (IV) A CLASS G (ON-SALE) AIRPLANE LICENSE.

3 (C) PROGRAM CERTIFICATION.

4 THE COMPTROLLER:

5 (1) SHALL APPROVE, CERTIFY, AND ISSUE AN ALCOHOL AWARENESS
6 PROGRAM PERMIT TO EACH ALCOHOL AWARENESS PROGRAM THAT COMPLIES WITH
7 THIS SECTION; AND

8 (2) MAY REQUIRE RECERTIFICATION OF THE APPROVED ALCOHOL
9 AWARENESS PROGRAM TO ENSURE COMPLIANCE WITH CHANGES IN THE PROGRAM.

10 (D) ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.

11 BEFORE AN INDIVIDUAL MAY TEACH AN ALCOHOL AWARENESS PROGRAM,
12 THE INDIVIDUAL SHALL OBTAIN AN ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.

13 (E) TRAINING REQUIRED.

14 A HOLDER OF ANY RETAIL ALCOHOLIC BEVERAGES LICENSE OR AN EMPLOYEE
15 DESIGNATED BY THE HOLDER SHALL COMPLETE TRAINING IN AN APPROVED
16 ALCOHOL AWARENESS PROGRAM.

17 (F) CERTIFICATE OF COMPLETION; NOTIFICATION OF LOCAL LICENSING
18 BOARD.

19 (1) (I) FOR EACH COMPLETION OF A CERTIFIED ALCOHOL
20 AWARENESS PROGRAM, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL
21 ISSUE A CERTIFICATE OF COMPLETION THAT IS VALID FOR 4 YEARS FROM THE DATE
22 OF ISSUANCE.

23 (II) THE HOLDER OR EMPLOYEE SHALL COMPLETE RETRAINING
24 IN AN APPROVED ALCOHOL AWARENESS PROGRAM FOR EACH SUCCESSIVE 4-YEAR
25 PERIOD.

26 (III) ON REQUEST, A VALID CERTIFICATE SHALL BE PRESENTED
27 TO THE PROPER AUTHORITY.

1 **(2) WITHIN 5 DAYS AFTER A LICENSE HOLDER, AN OWNER OF AN**
2 **UNLICENSED ESTABLISHMENT, OR AN EMPLOYEE OF A LICENSE HOLDER OR OWNER**
3 **OF AN UNLICENSED ESTABLISHMENT IS SENT A CERTIFICATE OF COMPLETION, THE**
4 **ALCOHOL AWARENESS PROGRAM PROVIDER SHALL INFORM THE APPROPRIATE**
5 **LOCAL LICENSING BOARD OF:**

6 **(I) THE INDIVIDUAL'S NAME, ADDRESS, AND CERTIFICATION**
7 **DATE; AND**

8 **(II) THE NAME AND ADDRESS OF THE LICENSED**
9 **ESTABLISHMENT OR UNLICENSED ESTABLISHMENT.**

10 **(G) DECERTIFICATION.**

11 **THE COMPTROLLER MAY DECERTIFY THE ALCOHOL AWARENESS PROGRAM**
12 **OF AN ALCOHOL AWARENESS PROGRAM PROVIDER WHO VIOLATES SUBSECTION (C),**
13 **(D), OR (F) OF THIS SECTION.**

14 **(H) ENFORCEMENT AND PENALTIES.**

15 **(1) EACH LOCAL LICENSING BOARD SHALL ENFORCE THIS SECTION.**

16 **(2) A LICENSE HOLDER WHO VIOLATES SUBSECTION (E) OF THIS**
17 **SECTION IS SUBJECT TO:**

18 **(I) FOR THE FIRST OFFENSE, A \$100 FINE; AND**

19 **(II) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT TO EXCEED**
20 **\$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

21 **(I) EFFECT OF SECTION.**

22 **(1) THIS SECTION DOES NOT CREATE OR ENLARGE A CIVIL CAUSE OF**
23 **ACTION OR CRIMINAL PROCEEDING AGAINST A LICENSE HOLDER.**

24 **(2) EVIDENCE OF A VIOLATION OF THIS SECTION:**

25 **(I) MAY ONLY BE USED AS EVIDENCE BEFORE THE LOCAL**
26 **LICENSING BOARD IN AN ACTION BROUGHT BEFORE THE LOCAL LICENSING BOARD**
27 **FOR A VIOLATION OF THIS SECTION; AND**

28 **(II) MAY NOT BE INTRODUCED IN A CIVIL OR CRIMINAL**
29 **PROCEEDING.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 13–101(a), (d) through (f), (b)(1)(i) and (ii) and
3 (2), and (c)(1).

4 In subsection (a)(3)(iii) of this section, the reference to “stop” is substituted for
5 the former reference to “ceasing” for clarity.

6 In subsection (b)(1)(i) of this section, the reference to a licensed premises that
7 “sells” is substituted for the former reference to licensed premises that “are
8 operated by selling” for brevity.

9 In subsection (b)(2)(ii) of this section, the reference to “water vessel” is
10 substituted for the former obsolete reference to “steamboat”. Similarly, in
11 subsection (b)(2)(iv) of this section, the reference to “airplane” is substituted
12 for the former obsolete reference to “aircraft”.

13 In subsection (d) of this section, the reference to “may” is substituted for the
14 former reference to “who is authorized or employed to” for brevity.

15 In subsection (e) of this section, the former reference to “class of” retail
16 alcoholic beverages license is deleted as surplusage.

17 In subsection (f)(1)(i) of this section, the phrase “the alcohol awareness
18 program provider shall issue” is substituted for the former phrase “[a]
19 certificate of completion shall be issued for each completion of” for clarity.

20 In subsection (f)(1)(iii) of this section, the former reference to “up-to-date” is
21 deleted as included in the reference to “valid”.

22 In subsection (f)(2) of this section, the references to an “unlicensed
23 establishment” are substituted for the former obsolete references to a “bottle
24 club” for clarity.

25 In subsection (h)(1) of this section, the reference to each local licensing board
26 “shall enforce” is substituted for the former reference to “is responsible for
27 enforcing” for brevity.

28 Also in subsection (h)(1) of this section, the former phrase “including the
29 penalty provision” is deleted as unnecessary.

30 Former Art. 2B, § 13–101(g), which stated that “[t]he Comptroller may issue
31 regulations to set standards and requirements pertaining to course content,
32 course duration, course format and any other course related activities the
33 Comptroller may require”, is deleted as unnecessary in light of the
34 requirement under § 1–302 of this article for the Comptroller to adopt
35 regulations to discharge the duties of this article.

1 Defined terms: "Alcoholic beverage" § 1-101
 2 "Comptroller" § 1-101
 3 "License" § 1-101
 4 "License holder" § 1-101
 5 "Local licensing board" § 1-101
 6 "On-sale" § 1-101

7 **3-505. EVIDENCE OF PURCHASER'S AGE.**

8 **(A) LICENSE HOLDER MAY KEEP RECORD OF EVIDENCE OF AGE.**

9 **A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY REQUIRE**
10 **AN INDIVIDUAL TO SIGN A BOOK THAT THE LICENSE HOLDER KEEPS IF:**

11 **(1) THE INDIVIDUAL HAS SHOWN DOCUMENTARY EVIDENCE THAT**
12 **SUBSTANTIATES THE INDIVIDUAL'S AGE TO ALLOW THE PURCHASE OF ALCOHOLIC**
13 **BEVERAGES; AND**

14 **(2) THE AGE OF THE INDIVIDUAL REMAINS IN QUESTION.**

15 **(B) REQUIRED FORM.**

16 **(1) THE BOOK AUTHORIZED UNDER SUBSECTION (A) OF THIS**
17 **SECTION SHALL CONTAIN COPIES OF THE FOLLOWING FORM:**

18 **DATE..... 20....**

19 **TO BE FILLED IN BY SELLER**

20 _____
21 _____

22 **IDENTIFICATION (CHECK ALL SHOWN)**

- 23 _____
- 24 **DRIVER'S LICENSE** **ARMY I.D. CARD**.....
 - 25 **BIRTH CERTIFICATE**..... **COAST GUARD I.D. CARD**.....
 - 26 **SERVICE DISCHARGE** **MARINE I.D. CARD**.....
 - 27 **DRAFT CARD** **NAVY I.D. CARD**
 - 28 **AIR FORCE I.D. CARD**
 - 29 **OTHER (SPECIFY)**.....

30 _____
31 _____

32 **DESCRIPTION OF PURCHASER**

1 _____
2 HEIGHT..... WEIGHT.....
3 COLOR OF EYES COLOR OF HAIR
4 OUTSTANDING FEATURES.....
5
6
7
8
9 SELLER'S SIGNATURE.....
10 _____
11 _____

TO BE FILLED IN BY PROSPECTIVE PURCHASER

I DECLARE I AM OF LEGAL AGE TO PURCHASE FERMENTED MALT BEVERAGES OR INTOXICATING LIQUOR, AND THAT I AM SUBJECT TO ARREST AND PROSECUTION FOR MISREPRESENTING MY AGE.

16 PRINT FULL NAME
17 STREET ADDRESS.....
18 CITY STATE.....
19 SIGNATURE.....

(2) THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER SHALL RECORD ALL INFORMATION REQUIRED BY EACH SECTION OF THE FORM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-109(1).

In the introductory language of subsection (a) of this section, the reference to the authority of a license holder or employee to "require an individual to sign a book" is substituted for the former reference to the authority of a license holder or employee to "cause a book to be kept" for clarity and brevity.

The Alcoholic Beverages Article Review Committee notes, for the consideration of the General Assembly, that the requirement to record information in subsection (b)(2) of this section is vague. The General Assembly may wish to clarify this requirement.

Defined terms: "Alcoholic beverage" § 1-101
"License holder" § 1-101

3-506. RETAIL DELIVERY OF ALCOHOLIC BEVERAGES.

(A) SCOPE OF SECTION.

1 **THIS SECTION DOES NOT APPLY TO:**

2 **(1) THE DELIVERY OF WINE FROM A DIRECT WINE SHIPPER TO A**
 3 **CONSUMER USING A COMMON CARRIER IN ACCORDANCE WITH TITLE 2, SUBTITLE 1,**
 4 **PART V OF THIS ARTICLE; OR**

5 **(2) THE HOLDER OF A COMMON CARRIER PERMIT IN THE COURSE OF**
 6 **DELIVERING DIRECTLY SHIPPED WINE IN ACCORDANCE WITH TITLE 2, SUBTITLE 1,**
 7 **PART V OF THIS ARTICLE.**

8 **(B) PROHIBITED UNLESS AUTHORIZED BY LOCAL LICENSING BOARD.**

9 **RETAIL DELIVERY TO A PURCHASER OF ALCOHOLIC BEVERAGES IS**
 10 **PROHIBITED UNLESS:**

11 **(1) A RETAIL LICENSE HOLDER OBTAINS A LETTER OF**
 12 **AUTHORIZATION FROM THE LOCAL LICENSING BOARD TO MAKE DELIVERIES; AND**

13 **(2) THE DELIVERY IS MADE FROM THE LICENSED PREMISES BY THE**
 14 **RETAIL LICENSE HOLDER OR AN EMPLOYEE OF THE RETAIL LICENSE HOLDER.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 12-301(b) and (f).

17 In subsection (b)(1) of this section, the former requirement that a retail license
 18 holder "compl[y] with any regulations promulgated by the local licensing
 19 authority pertaining to those deliveries" is deleted as unnecessary because a
 20 retail license holder would be expected in any case to comply with regulations
 21 adopted by the local licensing board.

22 In subsection (b)(2) of this section, the former reference to an employee
 23 "authorized to sell and distribute alcoholic beverages by the local licensing
 24 authority in the jurisdiction where the delivery is made" is deleted as
 25 unnecessary in light of subsection (b)(1) of this section, which requires the
 26 retail license holder to obtain a letter of authorization from the local licensing
 27 board to make deliveries.

28 Defined terms: "Alcoholic beverage" § 1-101
 29 "License holder" § 1-101
 30 "Local licensing board" § 1-101
 31 "Wine" § 1-101

32 **3-507. DISPLAY OF LICENSE.**

33 **(A) IN GENERAL.**

1 **A LICENSE HOLDER SHALL FRAME THE LICENSE UNDER GLASS AND DISPLAY**
 2 **THE LICENSE CONSPICUOUSLY IN THE LICENSED PREMISES.**

3 **(B) CLASS F LICENSES.**

4 **A CLASS F LICENSE SHALL BE KEPT IN THE CHIEF OPERATING OFFICE OF THE**
 5 **CORPORATION IN THE STATE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 10–505.

8 In subsection (a) of this section, the defined term “license holder” is
 9 substituted for the former reference to “[e]very person receiving a license
 10 under the provisions of this article” for brevity.

11 Also in subsection (a) of this section, the reference to “the licensed premises”
 12 is substituted for the former reference to “his place of business” to conform to
 13 the terminology used throughout this article.

14 Also in subsection (a) of this section, the former phrase “at all times” is deleted
 15 as surplusage.

16 Also in subsection (a) of this section, the former phrase “easily read” is deleted
 17 as implicit in the word “conspicuously”.

18 Defined terms: “License” § 1–101
 19 “License holder” § 1–101
 20 “State” § 1–101

21 **SUBTITLE 6. REVOCATION AND SUSPENSION OF STATE LICENSES AND PERMITS.**

22 **3–601. POWER OF COMPTROLLER.**

23 **THE COMPTROLLER MAY REVOKE OR SUSPEND A LICENSE OR PERMIT THAT**
 24 **THE COMPTROLLER ISSUES IN ACCORDANCE WITH THIS SUBTITLE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 10–403(a)(1), as it related to the general
 27 authority of the Comptroller to revoke or suspend a license.

28 The reference to the authority of the Comptroller to revoke or suspend a
 29 license “in accordance with this subtitle” is added for clarity.

1 In this section and throughout this subtitle, the references to a “permit” are
2 added to clarify that the Comptroller may revoke or suspend a permit as well
3 as a license that the Comptroller issues.

4 Defined terms: “Comptroller” § 1–101
5 “License” § 1–101

6 **3–602. REVOCATION AND SUSPENSION PROCEDURES.**

7 **(A) BY COMPLAINT OR ON COMPTROLLER’S INITIATIVE.**

8 **REVOCATION OR SUSPENSION PROCEDURES MAY BE STARTED:**

9 **(1) BY THE COMPTROLLER, AT THE COMPTROLLER’S INITIATIVE;**

10 **(2) ON THE COMPLAINT OF A DEPUTY OR AN INSPECTOR THAT THE**
11 **COMPTROLLER EMPLOYS TO ADMINISTER THIS ARTICLE;**

12 **(3) ON THE COMPLAINT OF A PEACE OFFICER;**

13 **(4) IF THE LICENSE HOLDER OR PERMIT HOLDER IS LOCATED IN A**
14 **MUNICIPALITY THAT IS WITHIN A COUNTY, ON THE COMPLAINT OF THE MAYOR AND**
15 **COUNCIL OF THE MUNICIPALITY; OR**

16 **(5) ON THE WRITTEN COMPLAINT OF AT LEAST 10 RESIDENTS, REAL**
17 **ESTATE OWNERS, OR VOTERS OF THE PRECINCT IN WHICH THE LICENSED PREMISES**
18 **IS LOCATED.**

19 **(B) HEARING.**

20 **SUBJECT TO SUBSECTION (C) OF THIS SECTION, A LICENSE HOLDER OR**
21 **PERMIT HOLDER AGAINST WHOM PROCEEDINGS UNDER THIS SECTION ARE**
22 **BROUGHT SHALL:**

23 **(1) BE ENTITLED TO A HEARING ON THE CHARGES IN THE**
24 **COMPLAINT; AND**

25 **(2) RECEIVE NOTICE OF THE HEARING AT LEAST 10 DAYS BEFORE THE**
26 **HEARING DATE.**

27 **(C) IMMEDIATE SUSPENSION BY COMPTROLLER.**

1 **THE COMPTROLLER MAY IMMEDIATELY SUSPEND A LICENSE OR PERMIT FOR**
2 **A VIOLATION OF RECORDKEEPING OR REPORTING REQUIREMENTS UNDER § 1-408**
3 **OF THIS ARTICLE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10-403(a)(2)(i) and, except as it related to a
6 local licensing board, (a)(1).

7 In subsection (a)(4) and the introductory language of (b) of this section, the
8 references to a "permit holder" are added to state expressly what was only
9 implied in the former law, that these subsections apply to permit holders.

10 In subsection (a)(4) of this section, the former reference to "the corporate
11 limits" of a municipality is deleted as surplusage.

12 In subsection (a)(5) of this section, the reference to licensed "premises" is
13 substituted for the former reference to licensed "place of business" for
14 consistency with terminology used throughout this article.

15 Also in subsection (a)(5) of this section, the former reference to "citizens" is
16 deleted as included in the reference to "residents".

17 In the introductory language of subsection (b) of this section, the reference to
18 a license holder "against whom proceedings under this section are brought" is
19 added for clarity.

20 In subsection (b)(1) of this section, the reference to charges "in the complaint"
21 is substituted for the former reference to charges "to be framed by the officer
22 ... or upon the complaint" for brevity.

23 In subsection (c) of this section, the phrase "for a violation of recordkeeping
24 and reporting requirements under § 1-408 of this article" is added to state
25 expressly what was only implied in the former law, *i.e.* that the power of the
26 Comptroller to immediately suspend a license or permit may be exercised only
27 under certain circumstances. No substantive change is intended.

28 Defined terms: "Comptroller" § 1-101
29 "County" § 1-101
30 "License" § 1-101
31 "License holder" § 1-101

32 **3-603. GROUNDS FOR REVOCATION OR SUSPENSION.**

33 **(A) DISCRETIONARY GROUNDS.**

34 **THE COMPTROLLER MAY REVOKE OR SUSPEND A LICENSE OR PERMIT:**

1 **(1) FOR ANY REASON TO PROMOTE THE PEACE OR SAFETY OF THE**
2 **COMMUNITY IN WHICH THE PREMISES ARE LOCATED; OR**

3 **(2) FOR OFFENSES AS PROVIDED IN THIS ARTICLE.**

4 **(B) MANDATORY GROUNDS.**

5 **THE COMPTROLLER SHALL REVOKE A LICENSE OR PERMIT OR, EXCEPT AS**
6 **PROVIDED IN § 3-606 OF THIS SUBTITLE, SUSPEND A LICENSE OR PERMIT FOR:**

7 **(1) CONVICTION OF THE LICENSE HOLDER OR PERMIT HOLDER FOR**
8 **VIOLATION OF THIS ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE**
9 **THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX;**

10 **(2) WILLFUL FAILURE OR REFUSAL OF THE LICENSE HOLDER OR**
11 **PERMIT HOLDER TO COMPLY WITH:**

12 **(I) THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL**
13 **ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR**

14 **(II) A REGULATION ADOPTED UNDER THIS ARTICLE OR UNDER**
15 **PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC**
16 **BEVERAGE TAX;**

17 **(3) MAKING A MATERIAL FALSE STATEMENT IN AN APPLICATION FOR**
18 **A LICENSE OR PERMIT;**

19 **(4) TWO OR MORE CONVICTIONS WITHIN 2 YEARS OF AN AGENT OR**
20 **EMPLOYEE OF A LICENSE HOLDER OR PERMIT HOLDER FOR ON-PREMISES**
21 **VIOLATIONS OF THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE**
22 **THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX;**

23 **(5) ON-PREMISES POSSESSION BY A RETAIL DEALER, OTHER THAN A**
24 **HOLDER OF A CLASS E, CLASS F, OR CLASS G LICENSE, OF AN ALCOHOLIC**
25 **BEVERAGE ON WHICH THE TAX IMPOSED BY § 5-102 OF THE TAX – GENERAL**
26 **ARTICLE HAS NOT BEEN PAID;**

27 **(6) VIOLATION OF § 2-216 OR § 3-315 OF THIS ARTICLE;**

28 **(7) WILLFUL FAILURE OF A LICENSE HOLDER OR PERMIT HOLDER TO:**

1 **(I) KEEP THE RECORDS REQUIRED UNDER THIS ARTICLE OR**
2 **UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE**
3 **ALCOHOLIC BEVERAGE TAX; OR**

4 **(II) ALLOW INSPECTION OF THE RECORDS BY AN AUTHORIZED**
5 **PERSON;**

6 **(8) ON-PREMISES POSSESSION OF AN ALCOHOLIC BEVERAGE THAT A**
7 **LICENSE HOLDER OR PERMIT HOLDER, OTHER THAN A HOLDER OF A CLASS E,**
8 **CLASS F, OR CLASS G LICENSE, IS NOT LICENSED TO SELL;**

9 **(9) REVOCATION OR SUSPENSION OF A PERMIT ISSUED TO A LICENSE**
10 **HOLDER OR PERMIT HOLDER BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND**
11 **TRADE BUREAU OR FOR CONVICTION OF VIOLATING A FEDERAL LAW RELATING TO**
12 **ALCOHOLIC BEVERAGES;**

13 **(10) FAILURE TO FURNISH BOND AS REQUIRED BY THIS ARTICLE**
14 **WITHIN 15 DAYS AFTER NOTICE FROM THE COMPTROLLER; AND**

15 **(11) VIOLATION OF § 3-604 OF THIS SUBTITLE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-401(a)(4) and, as they related to the
18 Comptroller and State-issued licenses and permits, (2) and (3).

19 In the introductory language of subsection (a) of this section, the reference to
20 the "Comptroller" is substituted for the former reference to the "issuing
21 authority" to reflect that this subtitle applies to licenses or permits issued only
22 by the Comptroller.

23 In subsection (a)(1) of this section, the reference to any "reason" is substituted
24 for the former reference to any "cause which in the judgment of [the
25 Comptroller] is necessary" for brevity.

26 Also in subsection (a)(1) of this section, the reference to the "premises" is
27 substituted for the former reference to the "place of business" for consistency
28 with terminology used throughout this article.

29 Also in subsection (a)(1) of this section, the former reference to the "official" is
30 deleted as included in the reference to the "Comptroller".

31 Also in subsection (a)(1) of this section, the former reference to the "court" is
32 deleted as unnecessary, as a court only decides on judicial review whether a
33 suspension or revocation is proper.

1 In subsection (b)(2)(ii) of this section, the former reference to a “rule” is deleted
 2 as included in the reference to a “regulation” and to conform to other similar
 3 provisions of the Code.

4 In subsection (b)(4) of this section, the former reference to “servants” of a
 5 license holder is deleted as included in the reference to an “employee” of a
 6 license holder. Similarly, the former reference to “clerks” is deleted.

7 Also in subsection (b)(4) of this section, the former reference to “one or more”
 8 agents or employees is deleted as surplusage.

9 Also in subsection (b)(4) of this section, the former reference to premises
 10 “subject to the license or permit” is deleted as surplusage.

11 In subsection (b)(7)(ii) of this section, the former reference to a “duly”
 12 authorized person is deleted as surplusage.

13 In subsection (b)(9) of this section, the reference to the “federal Alcohol and
 14 Tobacco Tax and Trade Bureau” is substituted for the former incorrect
 15 reference to the “Federal Bureau of Alcohol, Tobacco and Firearms”.

16 In subsection (b)(11) of this section, the reference to a “violation of § 3–604 of
 17 this subtitle” is added for accuracy.

18 Former Art. 2B, § 10–401(a)(1), which defined “issuing authority” for former
 19 Art. 2B, § 10–401, is deleted as unnecessary because “issuing authority” is not
 20 used in this revised article.

21 Defined terms: “Alcoholic beverage” § 1–101

22 “Comptroller” § 1–101

23 “License” § 1–101

24 “License holder” § 1–101

25 “Person” § 1–101

26 “Retail dealer” § 1–101

27 **3–604. NUDITY AND SEXUAL DISPLAYS.**

28 **(A) REVOCATION REQUIRED.**

29 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 30 **THE COMPTROLLER SHALL REVOKE A LICENSE OR PERMIT IF, AFTER A HEARING**
 31 **UNDER § 3–602(B) OF THIS SUBTITLE, AN ACTIVITY LISTED IN THIS SECTION IS**
 32 **FOUND TO HAVE OCCURRED ON THE LICENSED PREMISES.**

33 **(2) THE LICENSE OR PERMIT OF A PERSON MAY NOT BE REVOKED**
 34 **UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:**

1 **(I) THE PERSON OPERATES A THEATER, A CONCERT HALL, AN**
2 **ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY**
3 **DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES; AND**

4 **(II) THE PERFORMANCES EXPRESS MATTERS OF SERIOUS**
5 **LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.**

6 **(B) PROHIBITED ATTIRE AND CONDUCT.**

7 **AN INDIVIDUAL MAY NOT:**

8 **(1) BE EMPLOYED OR USED IN THE SALE OR SERVICE OF ALCOHOLIC**
9 **BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE INDIVIDUAL IS**
10 **UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO EXPOSE TO VIEW ANY**
11 **PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA OR ANY PORTION**
12 **OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS, VULVA, OR GENITALS;**

13 **(2) BE EMPLOYED OR ACT AS A HOSTESS OR ACT IN A SIMILAR**
14 **CAPACITY TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR INDIVIDUAL**
15 **ACTING IN A SIMILAR CAPACITY IS UNCLOTHED OR IN ATTIRE, COSTUME, OR**
16 **CLOTHING DESCRIBED IN ITEM (1) OF THIS SUBSECTION;**

17 **(3) ENCOURAGE OR ALLOW AN INDIVIDUAL ON THE LICENSED**
18 **PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR GENITALS OF**
19 **ANOTHER INDIVIDUAL; OR**

20 **(4) ALLOW AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE A**
21 **DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE**
22 **BREAST, GENITALS, ANUS, OR PUBIC HAIR.**

23 **(C) PROHIBITED ENTERTAINMENT.**

24 **WITH RESPECT TO ENTERTAINMENT PROVIDED, A PERSON MAY NOT:**

25 **(1) ALLOW AN INDIVIDUAL TO PERFORM AN ACT OF OR AN ACT THAT**
26 **SIMULATES:**

27 **(I) SEXUAL INTERCOURSE, MASTURBATION, SODOMY,**
28 **BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS**
29 **PROHIBITED BY LAW;**

1 **(II) THE CARESSING OR FONDLING OF THE BREAST, BUTTOCKS,**
2 **ANUS, OR GENITALS; OR**

3 **(III) THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR**
4 **GENITALS;**

5 **(2) SUBJECT TO ITEM (1) OF THIS SUBSECTION, ALLOW AN**
6 **ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER**
7 **THAN 6 FEET FROM THE NEAREST PATRON; OR**

8 **(3) ALLOW AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE OR**
9 **INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY PROHIBITED**
10 **UNDER ITEM (1) OF THIS SUBSECTION.**

11 **(D) PROHIBITED MOTION PICTURES, STILL PICTURES, ELECTRONIC**
12 **REPRODUCTION, OR OTHER VISUAL REPRODUCTION.**

13 **A PERSON MAY NOT SHOW A MOTION PICTURE, A STILL PICTURE, AN**
14 **ELECTRONIC REPRODUCTION, OR ANY OTHER VISUAL REPRODUCTION DEPICTING:**

15 **(1) AN ACT OR A SIMULATED ACT OF SEXUAL INTERCOURSE,**
16 **MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A**
17 **SEXUAL ACT THAT IS PROHIBITED BY LAW;**

18 **(2) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE BREAST,**
19 **BUTTOCKS, ANUS, OR GENITALS;**

20 **(3) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA, ANUS,**
21 **OR GENITALS; OR**

22 **(4) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE OBJECT**
23 **IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED ACT**
24 **DESCRIBED IN THIS SUBSECTION.**

25 **(E) INDIVIDUALS WHO MUST LEAVE PREMISES.**

26 **A PERSON MAY NOT ALLOW AN INDIVIDUAL TO REMAIN IN OR ON THE**
27 **LICENSED PREMISES WHO EXPOSES TO PUBLIC VIEW ANY PORTION OF THE**
28 **INDIVIDUAL'S GENITALS OR ANUS.**

29 **(F) EFFECTS OF OTHER STATUTES.**

1 **THIS SECTION DOES NOT ALLOW ANY CONDUCT OR FORM OF ATTIRE**
2 **PROHIBITED BY ANY OTHER STATUTE, ORDINANCE, RULE, OR REGULATION.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–405(b) through (g).

5 Throughout this section, references to an “individual” are substituted for the
6 former references to a “person” where the context clearly indicates that the
7 provision refers to a human being.

8 In subsection (a)(1) of this section, the reference to the “Comptroller” is added
9 to state explicitly what was only implied in the former law, that the
10 Comptroller is required to revoke licenses under this subtitle.

11 In the introductory language of subsection (b) of this section, the former
12 phrase “[w]ith respect to attire and conduct,” is deleted as surplusage.

13 In subsection (c)(2) of this section, the former reference to “the restrictions of”
14 paragraph (1) of this subsection is deleted as surplusage.

15 In the introductory language of subsection (d) of this section, the former
16 reference to “exhibit[ing]” is deleted as included in the reference to
17 “show[ing]”.

18 Also in the introductory language of subsection (d) of this section, the former
19 reference to a motion picture “film” is deleted as surplusage.

20 The Alcoholic Beverages Article Review Committee notes, for consideration by
21 the General Assembly, that it is not entirely clear whether this section was
22 intended to apply to licenses and permits issued by the Comptroller. The
23 Committee, however, revised it here in light of former Art. 2B, § 10–405(b)(1),
24 which stated that the provision applied to “a license issued under the
25 provisions of this article”.

26 Defined terms: “Alcoholic beverage” § 1–101
27 “Comptroller” § 1–101
28 “License” § 1–101
29 “Person” § 1–101

30 **3–605. EFFECTS OF REVOCATION.**

31 **(A) IN GENERAL.**

32 **AFTER REVOKING A LICENSE OR PERMIT, THE COMPTROLLER:**

1 **(1) MAY NOT ISSUE ANOTHER LICENSE OR PERMIT TO THE PERSON**
 2 **WHOSE LICENSE OR PERMIT IS REVOKED;**

3 **(2) MAY NOT ISSUE ANY LICENSE OR PERMIT FOR THE SAME**
 4 **PREMISES FOR 6 MONTHS AFTER THE REVOCATION; AND**

5 **(3) MAY DECIDE NOT TO ISSUE ANOTHER LICENSE OR PERMIT FOR**
 6 **THE SAME PREMISES.**

7 **(B) LICENSE OR PERMIT HELD ON BEHALF OF CORPORATION,**
 8 **PARTNERSHIP, OR UNINCORPORATED ASSOCIATION.**

9 **IF THE LICENSE OR PERMIT WAS HELD ON BEHALF OF A CORPORATION, A**
 10 **PARTNERSHIP, OR AN UNINCORPORATED ASSOCIATION, ANOTHER LICENSE OR**
 11 **PERMIT MAY NOT BE OBTAINED ON BEHALF OF THE CORPORATION, PARTNERSHIP,**
 12 **OR UNINCORPORATED ASSOCIATION TO SELL ALCOHOLIC BEVERAGES ON THE SAME**
 13 **PREMISES FOR 6 MONTHS AFTER THE REVOCATION.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 10-404(a), except as it related to the local
 16 licensing boards.

17 In the introductory language of subsection (a) of this section, the former
 18 reference to a "court" is deleted as misleading. A court does not revoke a
 19 license but overturns or upholds the decision of the Comptroller to do so.

20 Also in the introductory language of subsection (a) of this section, the former
 21 reference to the "State Appeal Board" is deleted as obsolete. The State Appeal
 22 Board was abolished in 1985.

23 Also in the introductory language of subsection (a) of this section, the former
 24 phrase "as the case may be" is deleted as surplusage.

25 Defined terms: "Alcoholic beverage" § 1-101
 26 "Comptroller" § 1-101
 27 "License" § 1-101
 28 "Person" § 1-101

29 **3-606. PAYMENT OF MONEY IN LIEU OF SUSPENSION.**

30 **(A) PETITION TO MAKE PAYMENT OFFER.**

31 **BEFORE THE EFFECTIVE DATE OF A SUSPENSION OF A LICENSE OR PERMIT,**
 32 **THE LICENSE HOLDER OR PERMIT HOLDER MAY MAKE AN OFFER OF COMPROMISE**
 33 **CONSISTING OF MONEY IN LIEU OF SERVING THE SUSPENSION.**

1 **(B) MAXIMUM AMOUNT OF OFFER.**

2 **AN OFFER OF COMPROMISE MAY NOT EXCEED:**

3 **(1) \$2,000 FOR RETAIL LICENSE HOLDERS; AND**

4 **(2) \$50,000 FOR OTHER LICENSE HOLDERS AND PERMIT HOLDERS.**

5 **(C) ACCEPTANCE OF OFFER.**

6 **THE COMPTROLLER MAY ACCEPT THE OFFER OF COMPROMISE IF:**

7 **(1) THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED BY**
8 **ALLOWING THE LICENSE HOLDER OR PERMIT HOLDER TO OPERATE DURING THE**
9 **PERIOD SET FOR THE SUSPENSION; AND**

10 **(2) THE PAYMENT OF THE MONEY WILL ACHIEVE THE DESIRED**
11 **DISCIPLINARY PURPOSES.**

12 **(D) DISPOSITION OF MONEY.**

13 **MONEY IN LIEU OF SUSPENSION SHALL BE PAID INTO THE GENERAL FUND OF**
14 **THE STATE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10–402(a) through (d).

17 In subsection (a) of this section, the reference to “mak[ing]” an offer of
18 compromise is substituted for the former reference to “petition[ing] the
19 Comptroller for permission to make” an offer of compromise for brevity.

20 Also in subsection (a) of this section, the former clause “[w]henver any license
21 or permit issued under the provisions of this article is suspended by the
22 Comptroller” is deleted as surplusage.

23 Former Art. 2B, § 10–402(e), which authorized the Comptroller to adopt rules
24 and regulations necessary to carry out the purposes of that section, is deleted
25 as redundant of § 1–302 of this article.

26 Defined terms: “Comptroller” § 1–101

27 “License” § 1–101

28 “License holder” § 1–101

29 “State” § 1–101

1 **SUBTITLE 7. EXPIRATION OF STATE LICENSES.**

2 **3-701. EXPIRATION OF LICENSES.**

3 **(A) ON DEATH OF LICENSE HOLDER.**

4 **A LICENSE EXPIRES ON THE DEATH OF A LICENSE HOLDER, SUBJECT TO**
5 **SUBTITLE 8 OF THIS TITLE.**

6 **(B) AFTER VACATION OR EVICTION FROM PREMISES.**

7 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSE ISSUED BY**
8 **THE COMPTROLLER EXPIRES ON THE 10TH DAY AFTER A LICENSE HOLDER HAS**
9 **VACATED OR BEEN EVICTED FROM THE LICENSED PREMISES.**

10 REVISOR'S NOTE: Subsection (a) of this section is new language added as a
11 convenient reference to provisions relating to the expiration of a license on the
12 death of a license holder.

13 Subsection (b) of this section is new language derived without substantive
14 change from the first clause of the first sentence of former Art. 2B, § 10-504(a),
15 except as it related to Baltimore County.

16 In subsection (b) of this section, the reference to a license issued by "the
17 Comptroller" is substituted for the former reference to a license issued "under
18 this article" to clarify that this section applies only to licenses that the
19 Comptroller issues and not to licenses the local licensing boards issue.

20 Defined terms: "Comptroller" § 1-101

21 "License" § 1-101

22 "License holder" § 1-101

23 **3-702. PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS.**

24 **SECTION 3-701 OF THIS SUBTITLE DOES NOT APPLY IF AN APPLICATION IS**
25 **PENDING OR HAS BEEN APPROVED FOR:**

26 **(1) A TRANSFER OF A LICENSE TO ANOTHER LOCATION OR ANOTHER**
27 **PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE; OR**

28 **(2) A CERTIFICATE OF PERMISSION, SUBJECT TO § 3-802 OF THIS**
29 **TITLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from the second clause of the first sentence of former Art. 2B, §
3 10-504(a).

4 In item (2) of this section, the reference to "a certificate of permission" is added
5 for clarity.

6 Defined terms: "License" § 1-101
7 "Person" § 1-101

8 **3-703. LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE.**

9 **A LICENSE ISSUED BY THE COMPTROLLER FOR A PREMISES ACQUIRED FOR**
10 **PUBLIC USE SHALL EXPIRE 180 DAYS AFTER ACQUISITION UNLESS AN APPLICATION**
11 **IS PENDING OR HAS BEEN APPROVED FOR:**

12 **(1) A TRANSFER OF THE LICENSE TO ANOTHER LOCATION OR**
13 **ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE; OR**

14 **(2) A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR**
15 **CONTINUATION OF BUSINESS, SUBJECT TO § 3-802 OF THIS TITLE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-504(c).

18 In the introductory language of this section, the reference to a license "issued
19 by the Comptroller" is added for clarity.

20 Also in the introductory language of this section, the former reference to a
21 license expiring "within" 180 days is deleted as surplusage.

22 In item (2) of this section, the reference to "a certificate of permission or a
23 renewal license for continuation of business" is added for clarity.

24 Former Art. 2B, § 10-504(b), which stated that Art. 2B, § 10-504 did not apply
25 to the holder of a license whose premises have been acquired for public use, is
26 deleted as erroneous. Former Art. 2B, § 10-504(c), now revised as this section,
27 contains provisions concerning a license for a premises acquired for public use.

28 Defined terms: "Comptroller" § 1-101
29 "License" § 1-101
30 "Person" § 1-101

31 **3-704. POSTPONEMENT TO AVOID HARDSHIP.**

32 **(A) ADDITIONAL PERIOD ALLOWED.**

1 **EXCEPT AS PROVIDED IN § 2-408 OF THIS ARTICLE, ON APPLICATION TO THE**
 2 **COMPTROLLER AND PAYMENT OF A FEE OF \$1 BY THE PERSONAL REPRESENTATIVE**
 3 **OR SPECIAL ADMINISTRATOR OF THE ESTATE OF A DECEASED LICENSE HOLDER,**
 4 **THE COMPTROLLER MAY GRANT A CERTIFICATE OF PERMISSION FOR THE**
 5 **CONTINUATION OF THE BUSINESS IN THE NAME OF THE PERSONAL**
 6 **REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR THE BENEFIT OF THE ESTATE**
 7 **OF THE DECEASED LICENSE HOLDER.**

8 **(B) TERM.**

9 **(1) THE CERTIFICATE OF PERMISSION MAY BE GRANTED FOR A**
 10 **PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DATE OF THE GRANTED**
 11 **PERMISSION UNLESS THE LICENSE EXPIRES EARLIER.**

12 **(2) IF THE LICENSE EXPIRES EARLIER THAN 18 MONTHS AFTER THE**
 13 **DATE OF THE GRANTED PERMISSION, THE COMPTROLLER MAY ISSUE A RENEWAL**
 14 **LICENSE ON APPLICATION BY THE PERSONAL REPRESENTATIVE OR SPECIAL**
 15 **ADMINISTRATOR FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DEATH OF**
 16 **THE LICENSE HOLDER.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 10-506(a)(3) and (4) and, as it related to the
 19 Comptroller, (2)(i).

20 In this section and throughout this subtitle, the references to "personal
 21 representative" and "special administrator" are substituted for the former
 22 references to "executor" and "administrator" to conform to terminology used
 23 in the Estates and Trusts Article.

24 In subsection (a) of this section, the reference to the personal representative
 25 or special administrator "of the estate" of a deceased license holder is added
 26 for clarity.

27 In subsection (b)(2) of this section, the reference to the "Comptroller" is added
 28 to clarify that the Comptroller issues the replacement license under this
 29 subtitle.

30 Also in subsection (b)(2) of this section, the reference to the license expiring
 31 "earlier than 18 months after the date of the granted permission" is
 32 substituted for the former reference to the license expiring "earlier" for clarity.

33 Defined terms: "Comptroller" § 1-101

34 "License" § 1-101

35 "License holder" § 1-101

1 **3-803. TRANSFER OR REINSTATEMENT OF LICENSE.**

2 (A) APPLICATION FOR TRANSFER.

3 THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR TO WHOM A
4 CERTIFICATE OF PERMISSION HAS BEEN GRANTED MAY APPLY TO THE
5 COMPTROLLER FOR THE TRANSFER OF THE LICENSE FOR THE BENEFIT OF THE
6 ESTATE OF THE LICENSE HOLDER.

7 (B) REINSTATEMENT OF LICENSE.

8 ON APPROVAL OF THE APPLICATION FOR TRANSFER OF THE LICENSE AND
9 PAYMENT OF THE BALANCE OF ANY LICENSE FEE DUE UNTIL THE EXPIRATION OF
10 THE LICENSE YEAR, THE LICENSE IS REINSTATED.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10-506(a)(6).

13 In subsection (a) of this section, the reference to the authority of a personal
14 representative or special administrator to "apply to the Comptroller" for the
15 transfer of a license is added to state expressly what only was implied in the
16 former law.

17 Also in subsection (a) of this section, the former reference to "assign[ing]" a
18 license is deleted as included in the reference to "transfer[ring]" a license.
19 Similarly, in subsection (b) of this section, the reference to "assignment" of a
20 license is deleted.

21 Defined terms: "Comptroller" § 1-101

22 "License" § 1-101

23 "License holder" § 1-101

24 **3-804. RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.**

25 (A) APPLICABILITY OF RIGHTS TO CERTIFICATE OF PERMISSION AND
26 RENEWAL LICENSE.

27 ON PAYMENT OF A PRO RATA LICENSE FEE FOR THE PERIOD OF
28 CONTINUATION, A CERTIFICATE OF PERMISSION AND A RENEWAL LICENSE ARE
29 SUBJECT TO THE RIGHT OF PROTEST, REVOCATION, SUSPENSION, AND
30 RESTRICTION.

31 (B) RENEWAL LICENSE, PERSONAL REPRESENTATIVE, AND SPECIAL
32 ADMINISTRATOR SUBJECT TO ALCOHOLIC BEVERAGES LAWS.

1 **DURING THE PERIOD OF CONTINUATION, THE RENEWAL LICENSE AND THE**
2 **PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF THE**
3 **DECEASED LICENSE HOLDER ARE SUBJECT TO THIS ARTICLE AND THE PROVISIONS**
4 **OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10–506(a)(5).

7 In subsection (a) of this section, the reference to the “period of continuation”
8 is substituted for the former reference to “such period” for clarity.

9 Also in subsection (a) of this section, the former phrase “as in other cases” is
10 deleted as surplusage.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “License” § 1–101

13 “License holder” § 1–101

14 **3–805. REFUND.**

15 **THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE**
16 **DECEASED LICENSE HOLDER MAY APPLY FOR AND OBTAIN ANY REFUND TO WHICH**
17 **THE DECEASED LICENSE HOLDER WOULD HAVE BEEN ENTITLED IF THE LICENSE**
18 **HAD BEEN SURRENDERED FOR CANCELLATION ON THE DATE OF THE LICENSE**
19 **HOLDER'S DEATH IF:**

20 **(1) THE BUSINESS OF THE LICENSE HOLDER IS NOT CONTINUED**
21 **UNDER § 3–802 OF THIS SUBTITLE; AND**

22 **(2) THE LICENSE IS NOT TRANSFERRED UNDER § 3–803 OF THIS**
23 **SUBTITLE.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10–506(a)(7).

26 In item (2) of this section, the former reference to the license being “assigned”
27 is deleted as included in the reference to the license being “transferred”.

28 Defined terms: “License” § 1–101

29 “License holder” § 1–101

30 **SUBTITLE 9. JUDICIAL REVIEW.**

31 **3–901. JUDICIAL REVIEW OF COMPTROLLER'S FINAL DECISION.**

1 **(2) THE ALCOHOLIC BEVERAGE LAWS OF THE JURISDICTION WHERE**
2 **THE MAJOR PORTION OF THE BUSINESS IS LOCATED GOVERN THE LICENSING,**
3 **REGULATION, AND OPERATION OF THE ENTIRE BUSINESS.**

4 **(C) LICENSE FOR BUSINESS THAT IS EQUALLY IN MORE THAN ONE**
5 **JURISDICTION.**

6 **(1) IF AN APPLICATION FOR A LICENSE IS FOR A BUSINESS THAT IS**
7 **LOCATED EQUALLY IN MORE THAN ONE JURISDICTION:**

8 **(I) THE BUSINESS SHALL BE CONSIDERED TO BE ENTIRELY IN**
9 **THE JURISDICTION IN WHICH THE LICENSE FEE IS HIGHEST; AND**

10 **(II) THE ALCOHOLIC BEVERAGE LAWS OF THE JURISDICTION**
11 **WHERE THE LICENSE FEE IS HIGHEST GOVERN THE LICENSING, REGULATION, AND**
12 **OPERATION OF THE ENTIRE BUSINESS.**

13 **(2) THE LOCAL COLLECTING AGENT THAT COLLECTS THE LICENSE**
14 **FEE SHALL REMIT AN EQUAL PORTION OF THE FEE TO THE LOCAL COLLECTING**
15 **AGENT IN EACH JURISDICTION WHERE THE BUSINESS IS LOCATED.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10–101(b), (c), and the second sentence of (a).

18 In this section, the references to a “jurisdiction” are substituted for the former
19 references to a “county” so that the section will apply to the City of Annapolis.

20 In subsections (b) and (c) of this section, the former references to “a place of”
21 business are deleted as surplusage.

22 Also in subsections (b) and (c) of this section, the former references to “the City
23 of Baltimore” are deleted as included in the defined term “jurisdiction”.

24 In subsection (c)(2) of this section, the former phrase “under this subsection”
25 is deleted as surplusage.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “Jurisdiction” § 1–101

28 “License” § 1–101

29 “Local collecting agent” § 1–101

30 “Local licensing board” § 1–101

31 **4–103. APPLICATION ON BEHALF OF PARTNERSHIP.**

32 **(A) APPLICATION TO BE MADE BY ALL PARTNERS.**

1 **AN APPLICATION FOR A LICENSE FOR THE USE OF A PARTNERSHIP SHALL BE**
 2 **MADE BY AND THE LICENSE ISSUED TO ALL OF THE PARTNERS AS INDIVIDUALS.**

3 **(B) RESIDENCY REQUIREMENT FOR APPLICANTS.**

4 **EACH OF THE PARTNERS SHALL HAVE RESIDED IN THE COUNTY OR CITY**
 5 **WHERE THE BUSINESS IS LOCATED FOR AT LEAST 2 YEARS BEFORE THE**
 6 **APPLICATION IS FILED.**

7 **(C) NAMES AND ADDRESSES TO BE DISCLOSED.**

8 **THE APPLICATION FOR A LICENSE SHALL STATE THE NAME AND ADDRESS OF**
 9 **THE PARTNERSHIP AND THE NAME AND ADDRESS OF EACH APPLICANT.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from the second sentence of former Art. 2B, § 9–101(a)(1) and the
 12 second sentence of (b)(2), as it related to partnerships.

13 In subsections (b) and (c) of this section, the word “each” is added for clarity.

14 The Alcoholic Beverages Article Review Committee notes, for consideration by
 15 the General Assembly, that in subsection (b) of this section, the requirement
 16 that each of the partners shall have been a resident in the county or city where
 17 the business is located for 2 years immediately before the filing of the
 18 application may violate the equal protection guarantees of the Fourteenth
 19 Amendment to the United States Constitution and Article 24 of the Maryland
 20 Declaration of Rights. Maryland courts look unfavorably on legislation that
 21 classify persons by geography, which may be accomplished by residency or
 22 registration requirements, if the primary purpose of the legislation is
 23 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

24 Defined terms: “County” § 1–101

25 “License” § 1–101

26 **4–104. APPLICATION ON BEHALF OF CORPORATION OR CLUB.**

27 **(A) SCOPE OF SECTION.**

28 **THIS SECTION APPLIES TO:**

29 **(1) A CORPORATION; AND**

30 **(2) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.**

1 **(B) THREE OFFICERS REQUIRED.**

2 **(1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS**
3 **SECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED**
4 **FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS**
5 **INDIVIDUALS.**

6 **(2) AT LEAST ONE OF THE THREE OFFICERS SHALL:**

7 **(I) HAVE BEEN A RESIDENT OF THE JURISDICTION OR**
8 **MUNICIPALITY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

9 **(II) BE A REGISTERED VOTER AND TAXPAYER OF THE**
10 **JURISDICTION OR MUNICIPALITY WHEN THE APPLICATION IS FILED.**

11 **(C) CORPORATION WITH FEWER THAN THREE OFFICERS OR DIRECTORS.**

12 **IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR DIRECTORS, ALL**
13 **OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.**

14 **(D) CLOSE CORPORATION.**

15 **IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL STOCKHOLDER MAY**
16 **APPLY FOR A LICENSE IF:**

17 **(1) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR**
18 **DIRECTORS; AND**

19 **(2) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE**
20 **STOCKHOLDERS.**

21 **(E) CONTENTS OF APPLICATION.**

22 **AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL INCLUDE:**

23 **(1) THE NAME AND ADDRESS OF EACH OFFICER;**

24 **(2) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB; AND**

25 **(3) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE**
26 **CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE LICENSE**
27 **SHALL BE ISSUED.**

1 REVISOR'S NOTE: This section is new language derived without substantive
 2 change from former Art. 2B, § 9–101(b)(6) and (7), as it related to a corporation
 3 or club, (2), and, except as it related to an application filed with the
 4 Comptroller, (1)(i).

5 In subsections (c) and (d) of this section, the references to “apply[ing] for a
 6 license” are substituted for the former references to “mak[ing] the application
 7 as provided in this section” for clarity.

8 In the introductory language of subsection (d) of this section, the reference to
 9 one “individual” stockholder is added for clarity.

10 In subsection (e)(2) of this section, the former reference to “the name and
 11 address of the applicant” is deleted as duplicative of subsection (e)(1) of this
 12 section.

13 In subsection (e)(3) of this section, the defined term “club” is substituted for
 14 the former reference to an “association” to conform to the terminology used in
 15 this section.

16 The Alcoholic Beverages Article Review Committee notes, for consideration by
 17 the General Assembly, that in subsection (b)(2)(i) of this section, the
 18 requirement that at least one of the three officers shall have been a resident
 19 in the State for 2 years immediately before the filing of the application may
 20 violate the equal protection guarantees of the Fourteenth Amendment to the
 21 United States Constitution and Article 24 of the Maryland Declaration of
 22 Rights. Maryland courts look unfavorably on legislation that classify persons
 23 by geography, which may be accomplished by residency or registration
 24 requirements, if the primary purpose of the legislation is economic. *See Verzi*
 25 *v. Baltimore County*, 333 Md. 411 (1994).

26 Defined terms: “Club” § 1–101

27 “Jurisdiction” § 1–101

28 “License” § 1–101

29 **4–105. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.**

30 **(A) IN GENERAL.**

31 **(1) A LICENSE FOR THE USE OF A LIMITED LIABILITY COMPANY**
 32 **SHALL BE APPLIED FOR AND ISSUED TO, AS INDIVIDUALS:**

33 **(i) ALL OF THE AUTHORIZED INDIVIDUALS, IF THE LIMITED**
 34 **LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED INDIVIDUALS; OR**

1 **(II) THREE AUTHORIZED INDIVIDUALS, IF THE LIMITED**
2 **LIABILITY COMPANY HAS THREE OR MORE AUTHORIZED INDIVIDUALS.**

3 **(2) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS SHALL:**

4 **(I) HAVE BEEN A RESIDENT OF THE JURISDICTION OR**
5 **MUNICIPALITY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

6 **(II) BE A REGISTERED VOTER AND TAXPAYER OF THE**
7 **JURISDICTION OR MUNICIPALITY WHEN THE APPLICATION IS FILED.**

8 **(B) CONTENTS OF APPLICATION.**

9 **AN APPLICATION FOR A LIMITED LIABILITY COMPANY LICENSE SHALL**
10 **INCLUDE:**

11 **(1) THE NAME, ADDRESS, AND SIGNATURE OF EACH AUTHORIZED**
12 **INDIVIDUAL TO WHOM THE LICENSE SHALL BE ISSUED; AND**

13 **(2) THE NAME AND ADDRESS OF THE LIMITED LIABILITY COMPANY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9-101(c)(2), (3)(i), (5)(ii), and, except as it
16 related to an application filed with the Comptroller, (1)(i).

17 Throughout this section, the references to three authorized "individuals" are
18 substituted for the former references to "persons" to clarify that they are
19 human beings.

20 In subsection (a) of this section, the reference to a license "applied for" is
21 substituted for the former reference to "make the application as provided in
22 this section" for clarity.

23 In subsection (b)(2) of this section, the former reference to "the name and
24 address of the applicant" is deleted as duplicative of subsection (b)(1) of this
25 section.

26 The Alcoholic Beverages Article Review Committee notes, for consideration by
27 the General Assembly, that in subsection (a)(2)(i) of this section, the
28 requirement that at least one of the authorized individuals shall have been a
29 resident in the State for 2 years immediately before the filing of the
30 application may violate the equal protection guarantees of the Fourteenth
31 Amendment to the United States Constitution and Article 24 of the Maryland
32 Declaration of Rights. Maryland courts look unfavorably on legislation that
33 classify persons by geography, which may be accomplished by residency or

1 registration requirements, if the primary purpose of the legislation is
2 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

3 Defined terms: "Jurisdiction" § 1-101
4 "License" § 1-101

5 **4-106. PAYMENT OF NOTICE EXPENSES.**

6 **(A) TO BE PAID BY APPLICANT.**

7 **AN APPLICANT FOR A LICENSE SHALL PAY THE EXPENSES TO PROVIDE:**

8 **(1) PUBLICATION OF THE NOTICE OF APPLICATION; AND**

9 **(2) NOTICE TO THE APPLICANT AND TO PERSONS THAT OPPOSE THE**
10 **APPLICATION.**

11 **(B) MONEY DEPOSITED WITH LOCAL COLLECTING AGENT.**

12 **THE APPLICANT SHALL DEPOSIT MONEY IN ADVANCE WITH THE LOCAL**
13 **COLLECTING AGENT TO COVER THE EXPENSES.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10-105.

16 In subsection (b) of this section, the reference to "money" is substituted for the
17 former reference to a "sufficient sum" for brevity.

18 Defined terms: "License" § 1-101
19 "Local collecting agent" § 1-101
20 "Person" § 1-101

21 **4-107. CRIMINAL HISTORY RECORDS CHECK.**

22 **(A) APPLICATION TO CENTRAL REPOSITORY.**

23 **A LOCAL LICENSING BOARD MAY APPLY TO THE CENTRAL REPOSITORY FOR A**
24 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT**
25 **FOR A LICENSE.**

26 **(B) ITEMS REQUIRED TO BE SUBMITTED.**

27 **AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, A**
28 **LOCAL LICENSING BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

1 (1) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE
2 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL
3 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

4 (2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
5 PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

6 (3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL
7 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

8 (C) RECIPIENTS OF CRIMINAL HISTORY RECORD INFORMATION.

9 IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE
10 ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT FOR A
11 LICENSE AND THE LOCAL LICENSING BOARD THE APPLICANT'S CRIMINAL HISTORY
12 RECORD INFORMATION.

13 (D) CONFIDENTIALITY OF INFORMATION.

14 INFORMATION OBTAINED BY THE LOCAL LICENSING BOARD FROM THE
15 CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE:

16 (1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

17 (2) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS
18 SECTION.

19 (E) PROCEDURE TO CONTEST CONTENTS OF STATEMENT.

20 THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS
21 SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY
22 THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
23 PROCEDURE ARTICLE.

24 (F) PROVIDING REVISED CRIMINAL HISTORY RECORD INFORMATION.

25 (1) WHEN CRIMINAL HISTORY RECORD INFORMATION OF AN
26 APPLICANT OR LICENSE HOLDER IS REPORTED TO THE CENTRAL REPOSITORY
27 AFTER THE INITIAL CRIMINAL HISTORY RECORDS CHECK IS COMPLETED, THE
28 CENTRAL REPOSITORY SHALL PROVIDE THE LOCAL LICENSING BOARD WITH A
29 REVISED PRINTED STATEMENT OF THE CRIMINAL RECORD OF THE APPLICANT OR
30 LICENSE HOLDER.

1 **(2) IF THE LOCAL LICENSING BOARD INFORMS THE CENTRAL**
2 **REPOSITORY THAT AN INDIVIDUAL IS NO LONGER AN APPLICANT OR LICENSE**
3 **HOLDER, THE CENTRAL REPOSITORY SHALL STOP PROVIDING THE LOCAL**
4 **LICENSING BOARD WITH REVISED PRINTED STATEMENTS OF THE CRIMINAL RECORD**
5 **OF THE INDIVIDUAL.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10–103(a–1)(2) through (8), (b)(9)(v)3 and, as it
8 related to disseminating information to the public, 4, and (13)(ii)2, (iv)1, (v)1,
9 (vi)2A, B, and the first sentence of C, (vii)2, (viii)1, (ix)1, (x)3A, B, and C, (xi)1,
10 as it related to applications, (xii)1 and 3A, (xiii)3 and, as it related to
11 disseminating information to the public, 4, (xiv)1, (xv)2 through 6, (c)(1)(i)
12 through (iii), (d)(3), (4), and (7)(ii), and (e)(3), (5)(i) and (ii), and (7).

13 This section follows the standard language of the Department of Public Safety
14 and Correctional Services and the Federal Bureau of Investigation to be used
15 for the process of applying for and receiving a State and federal background
16 check. Provisions in the former law that vary substantively from the standard
17 language are found in the appropriate titles in Division II of this article.

18 In the introductory language of subsection (d) of this section, the phrase “by
19 the local licensing board” is added for clarity.

20 Former Art. 2B, § 10–103(a–1)(1), which provided for the application of
21 subsection (f) of this section, is deleted as unnecessary in light of the
22 organization of this revised article.

23 Former Art. 2B, § 10–103(b)(9)(v)1A and B and (13)(xiii)1A and B and (e)(1)(i)
24 and (ii), which contained the standard introductory language for a definition
25 provision and defined “applicant” to mean, in part, an applicant for an
26 alcoholic beverages license, are deleted as unnecessary in light of the
27 organization of this revised article.

28 Former Art. 2B, § 10–103(b)(9)(v)1C, which defined “Board” to mean the Board
29 of License Commissioners of Somerset County, is deleted as included in the
30 defined term “local licensing board”. Similarly, former Art. 2B, §
31 10–103(b)(13)(xiii)1C, which defined “Board” to mean the Board of Liquor
32 License Commissioners of Talbot County, is deleted. Similarly, former Art. 2B,
33 § 10–103(b)(13)(xv)1, which defined “Board” to mean the Anne Arundel
34 County Board of License Commissioners, is deleted. Similarly, former Art. 2B,
35 § 10–103(d)(1), which defined “Board” to mean the St. Mary’s County Alcoholic
36 Beverage Board, is deleted. Similarly, former Art. 2B, § 10–103(e)(1)(iii),
37 which defined “Board” to mean the Board of License Commissioners of
38 Washington County, is deleted.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that subsection (a) of this section merely states that a
3 local licensing board may apply for a State and national criminal history
4 records check, but does not require a check to be made. In fact, the Federal
5 Bureau of Investigation does not comply with the request if the check is not
6 required. In Division II of this article, however, several jurisdictions are
7 required to apply for a check. In those cases, the Federal Bureau of
8 Investigation will routinely perform the check.

9 Defined terms: “Central Repository” § 1–101

10 “License” § 1–101

11 “License holder” § 1–101

12 “Local licensing board” § 1–101

13 “State” § 1–101

14 **4–108. APPLICATION FORM REQUIRED BY COMPTROLLER.**

15 **AN APPLICANT SHALL FILE A SWORN APPLICATION FOR A LICENSE WITH THE**
16 **APPLICABLE LOCAL LICENSING BOARD ON THE FORM THAT THE COMPTROLLER**
17 **REQUIRES.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from the first sentence of the introductory language of former Art. 2B,
20 § 10–103(b).

21 The former phrase “[e]xcept as otherwise provided in this subtitle” is deleted
22 as unnecessary in light of the organization of this revised article.

23 Defined terms: “Comptroller” § 1–101

24 “License” § 1–101

25 “Local licensing board” § 1–101

26 **4–109. REQUIRED INFORMATION ON APPLICATION — IN GENERAL.**

27 **(A) STATEMENTS OF APPLICANT.**

28 **ON A LICENSE APPLICATION, AN APPLICANT SHALL STATE:**

29 **(1) THE CLASS OF LICENSE FOR WHICH THE APPLICANT IS APPLYING;**

30 **(2) THE NAME AND ADDRESS OF THE APPLICANT AND HOW LONG THE**
31 **APPLICANT HAS RESIDED AT THAT ADDRESS;**

32 **(3) THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES;**

1 **(4) THAT FOR THE 2 YEARS IMMEDIATELY BEFORE FILING THE**
2 **APPLICATION THE APPLICANT HAS BEEN A RESIDENT OF THE JURISDICTION IN**
3 **WHICH THE APPLICANT PROPOSES TO OPERATE UNDER THE LICENSE FOR WHICH**
4 **THE APPLICANT IS APPLYING;**

5 **(5) THE AGE AND SEX OF THE APPLICANT;**

6 **(6) THE BIRTH PLACE OF THE APPLICANT, AND IF THE APPLICANT IS**
7 **A NATURALIZED CITIZEN, THE DATE AND PLACE THE APPLICANT WAS NATURALIZED;**

8 **(7) A DESCRIPTION OF THE PLACE FOR WHICH THE LICENSE IS**
9 **SOUGHT, INCLUDING:**

10 **(I) THE STREET AND NUMBER, IF PRACTICABLE, OR OTHER**
11 **DESCRIPTION THAT DEFINITELY LOCATES THE PLACE; AND**

12 **(II) A DESCRIPTION OF THE PORTION OF THE BUILDING IN**
13 **WHICH THE BUSINESS WILL BE CONDUCTED;**

14 **(8) THE NAME OF THE OWNER OF THE LOCATION WHERE THE**
15 **BUSINESS TO BE LICENSED IS TO BE CONDUCTED;**

16 **(9) THAT THE APPLICANT HAS NEVER BEEN CONVICTED OF A FELONY;**

17 **(10) WHETHER THE APPLICANT HAS EVER BEEN FOUND GUILTY OF**
18 **VIOLATING A LAW IN THE STATE GOVERNING THE SALE OF ALCOHOLIC BEVERAGES**
19 **OR THE PREVENTION OF GAMBLING;**

20 **(11) THAT THE APPLICANT HAS A FINANCIAL INTEREST IN THE**
21 **BUSINESS TO BE CONDUCTED UNDER THE LICENSE;**

22 **(12) THAT THE APPLICANT HAS NOT HAD A LICENSE FOR THE SALE OF**
23 **ALCOHOLIC BEVERAGES REVOKED;**

24 **(13) THAT THE APPLICANT OR A PERSON ON BEHALF OF WHOM THE**
25 **APPLICATION IS FILED DOES NOT HAVE A FINANCIAL INTEREST IN THE**
26 **JURISDICTION IN ANY OTHER PLACE OF BUSINESS IN THE JURISDICTION FOR WHICH**
27 **AN ALCOHOLIC BEVERAGE LICENSE HAS BEEN APPLIED FOR OR ISSUED;**

28 **(14) WHETHER THE APPLICANT HAS BEEN FOUND GUILTY OF**
29 **VIOLATING A STATE OR FEDERAL LAW;**

1 **(15) WHETHER THE APPLICANT HAS HELD A LICENSE FOR THE SALE OF**
2 **ALCOHOLIC BEVERAGES AND, IF SO, THE NAME OF THE STATE AND THE LOCATION**
3 **WHERE THE LICENSE WAS HELD;**

4 **(16) THAT DURING THE TERM OF THE LICENSE, A PERSON OTHER THAN**
5 **THE APPLICANT WILL NOT HAVE A FINANCIAL INTEREST IN THE LICENSE OR IN THE**
6 **BUSINESS TO BE CONDUCTED UNDER THE LICENSE;**

7 **(17) THAT A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER,**
8 **DIRECTLY OR INDIRECTLY, DOES NOT HAVE A FINANCIAL INTEREST IN THE**
9 **PREMISES OR BUSINESS OF THE APPLICANT;**

10 **(18) THAT AFTER RECEIPT OF A LICENSE, THE APPLICANT WILL NOT**
11 **CONVEY OR GRANT AN INTEREST IN THE LOCATION OR BUSINESS TO A**
12 **MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER, EXCEPT AS AUTHORIZED**
13 **UNDER THIS ARTICLE;**

14 **(19) THAT, EXCEPT FOR THE PURCHASE OF ALCOHOLIC BEVERAGES,**
15 **WHEN APPLYING FOR THE LICENSE, THE APPLICANT DOES NOT HAVE**
16 **INDEBTEDNESS OR OTHER FINANCIAL OBLIGATION TO A MANUFACTURER, BREWER,**
17 **DISTILLER, OR WHOLESALER;**

18 **(20) THAT AFTER THE LICENSE IS ISSUED, THE APPLICANT WILL NOT**
19 **INCUR, DIRECTLY OR INDIRECTLY, INDEBTEDNESS OR OTHER FINANCIAL**
20 **OBLIGATION OTHER THAN FOR THE PURCHASE OF ALCOHOLIC BEVERAGES TO A**
21 **MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER; AND**

22 **(21) THAT, IF ISSUED A LICENSE, THE APPLICANT WILL CONFORM TO**
23 **ALL LAWS AND REGULATIONS RELATING TO THE BUSINESS IN WHICH THE**
24 **APPLICANT PROPOSES TO ENGAGE.**

25 **(B) STATEMENTS OF OWNER OF PREMISES.**

26 **THE APPLICATION SHALL ALSO INCLUDE A STATEMENT EXECUTED AND**
27 **ACKNOWLEDGED BY THE OWNER OF THE LOCATION WHERE THE BUSINESS IS TO BE**
28 **CONDUCTED THAT:**

29 **(1) AGREES TO THE ISSUANCE OF THE LICENSE; AND**

30 **(2) AUTHORIZES A WARRANTLESS INSPECTION AND SEARCH OF THE**
31 **PREMISES AT ANY TIME IN ANY PART OF THE BUILDING IN WHICH THE BUSINESS IS**
32 **TO BE CONDUCTED BY:**

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(I) THE COMPTROLLER;

(II) THE LOCAL LICENSING BOARD AND ITS AUTHORIZED AGENTS AND EMPLOYEES; OR

(III) A PEACE OFFICER OF THE COUNTY OR MUNICIPALITY WHERE THE BUSINESS IS TO BE LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(1), (2), (3)(i), (4)(i), (5), (6), (7), (8), (9)(i), (10), (11), (12), (13)(i)1, (14), (15), (16), and (17)(i).

Throughout this section, the references to “financial” are substituted for the former references to “pecuniary” and “pecuniarily” for clarity.

In subsection (a)(4) of this section, the reference to the 2 years “immediately before” filing the application is substituted for the former reference to 2 years “next preceding” the filing for clarity.

Also in subsection (a)(4) of this section, the former phrase “[e]xcept as otherwise provided in subparagraphs (iii) and (iv) of this paragraph” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a)(4) of this section, the former reference to the “City of Baltimore” is deleted as included in the defined term “jurisdiction”.

In the introductory language of subsection (a)(7) of this section, the reference to a “description” is added for clarity.

Also in the introductory language of subsection (a)(7) of this section, the former reference to a “particular” place is deleted as surplusage.

In subsection (a)(7)(i) of this section, the former reference to an “apt” description is deleted as surplusage.

In subsection (a)(13) of this section, the former phrase “except as otherwise permitted in this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a)(13) of this section, the former phrase “under this article” is deleted as surplusage.

In subsection (a)(14) of this section, the reference to a “State or federal law” is substituted for the former phrase “offense against the laws of the State or of the United States” for brevity.

1 In subsection (a)(16) of this section, the reference to the “term” of the license
2 is substituted for the former reference to the “continuance” of the license for
3 clarity.

4 In subsection (a)(18) of this section, the reference to “location” is substituted
5 for the former reference to “premises” to conform to the terminology used
6 throughout this article.

7 In subsection (a)(21) of this section, the former reference to “granted” is
8 deleted as redundant of the reference to “issued”.

9 In subsection (b)(2)(i) of this section, the former reference to the Comptroller’s
10 “duly authorized deputies, inspectors and clerks” is deleted as included in the
11 defined term “Comptroller”.

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
13 the General Assembly, that the residency requirement under subsection (a)(4)
14 of this section may be unconstitutional. The requirement states that for the 2
15 years immediately before filing a license application the applicant must be a
16 resident of the jurisdiction in which the applicant proposes to operate under
17 the license. This requirement may violate the equal protection guarantees of
18 the Fourteenth Amendment to the United States Constitution and Article 24
19 of the Maryland Declaration of Rights. Maryland courts look unfavorably on
20 legislation that classify persons by geography, which may be accomplished by
21 residency requirements, if the primary purpose of the legislation is economic.
22 *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Comptroller” § 1–101

25 “County” § 1–101

26 “Jurisdiction” § 1–101

27 “License” § 1–101

28 “Local licensing board” § 1–101

29 “Person” § 1–101

30 “State” § 1–101

31 “Wholesaler” § 1–101

32 **4–110. REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT.**

33 **THE APPLICATION SHALL ALSO INCLUDE A PETITION OF SUPPORT SIGNED BY**
34 **AT LEAST 10 RESIDENTS WHO ARE OWNERS OF REAL ESTATE AND REGISTERED**
35 **VOTERS OF THE PRECINCT IN WHICH THE BUSINESS IS TO BE CONDUCTED STATING:**

36 **(1) THE LENGTH OF TIME EACH OF THE RESIDENTS HAS BEEN**
37 **ACQUAINTED WITH THE APPLICANT OR, IF THE APPLICANT IS A CORPORATION,**
38 **ACQUAINTED WITH THE INDIVIDUALS MAKING THE APPLICATION;**

1 **(2) THAT THEY HAVE EXAMINED THE APPLICATION, HAVE GOOD**
 2 **REASON TO BELIEVE THAT THE STATEMENTS CONTAINED IN THE APPLICATION ARE**
 3 **TRUE, AND IN THEIR JUDGMENT THE APPLICANT IS A SUITABLE PERSON TO OBTAIN**
 4 **THE LICENSE; AND**

5 **(3) THAT THEY ARE FAMILIAR WITH THE PREMISES ON WHICH THE**
 6 **PROPOSED BUSINESS IS TO BE CONDUCTED AND THAT THEY BELIEVE THE PREMISES**
 7 **ARE SUITABLE FOR THE CONDUCT OF BUSINESS AS A RETAIL DEALER.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 10-103(b)(18)(i).

10 In the introductory language of this section, the reference to a "petition of
 11 support" is substituted for the former reference to a "certificate" to conform to
 12 terminology used throughout this subtitle.

13 Also in the introductory language of this section, the reference to "residents"
 14 is substituted for the former reference to "citizens" for clarity.

15 In item (3) of this section, the former reference to a retail dealer "in alcoholic
 16 beverages" is deleted as included in the defined term "retail dealer".

17 Defined terms: "License" § 1-101
 18 "Person" § 1-101
 19 "Retail dealer" § 1-101

20 **4-111. PAYMENT OF LICENSE FEES.**

21 **THE ANNUAL FEE FOR ALL LICENSES SHALL BE PAID TO THE LOCAL**
 22 **COLLECTING AGENT BEFORE THE LICENSE IS ISSUED.**

23 REVISOR'S NOTE: This section is new language derived without substantive
 24 change from former Art. 2B, §§ 3-101(a)(2), 3-201(a)(2), 3-301(a)(2),
 25 3-401(a)(2), 5-101(a)(2), 5-201(a)(2), 5-202(b)(2), 5-301(a)(2), 5-401(a)(2),
 26 6-101(a)(2), 6-201(a)(2), 6-301(a)(2), and 6-401(a)(2).

27 The general reference to "all licenses" is substituted for the former references
 28 to each specific license for brevity.

29 Defined terms: "License" § 1-101
 30 "Local collecting agent" § 1-101

31 **4-112. DISPOSITION OF LICENSE FEES.**

1 **THE LOCAL COLLECTING AGENT SHALL REMIT ALL LICENSE FEES COLLECTED**
2 **UNDER THIS ARTICLE TO:**

3 **(1) THE BOARD OF COUNTY COMMISSIONERS OR THE FISCAL OFFICER**
4 **FOR THE COUNTY; OR**

5 **(2) THE ANNAPOLIS CITY COUNCIL.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10–204(a)(1).

8 In this section, the reference to “the Annapolis City Council” is added to reflect
9 that the City of Annapolis has authority to regulate alcoholic beverages under
10 this article, just as a county and the City of Baltimore do.

11 Also in this section, the former obsolete reference to “the Mayor and City
12 Council of Baltimore” is deleted in light of § 12–205 of this article, which
13 requires that revenue from license fees be payable to the Director of Finance.

14 In the introductory language of this section, the former phrase “[e]xcept as
15 otherwise provided in this section” is deleted as unnecessary in light of the
16 organization of this revised article.

17 Former Art. 2B, § 10–204(k), which stated that former § 10–204(a) applied in
18 Dorchester County, is deleted as unnecessary in light of the organization of
19 this revised article.

20 Defined terms: “County” § 1–101

21 “License” § 1–101

22 “Local collecting agent” § 1–101

23 **4–113. REFUND OF LICENSE FEES.**

24 **(A) IN GENERAL.**

25 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE**
26 **HOLDER IS NOT ENTITLED TO A REFUND OF THE UNEARNED PORTION OF THE**
27 **LICENSE FEE.**

28 **(B) INSTANCES WHEN REFUNDS ARE AUTHORIZED.**

29 **A REFUND SHALL BE ISSUED TO A LICENSE HOLDER ON SURRENDER OF THE**
30 **LICENSE IF:**

1 **(1) RECEIVERSHIP OR BANKRUPTCY OF THE BUSINESS ENTITY ON**
 2 **WHOSE BEHALF THE LICENSE WAS ISSUED OCCURS AND A LICENSE TRANSFER IS**
 3 **NOT REQUESTED, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE CREDITORS**
 4 **OF THE LICENSE HOLDER;**

5 **(2) THE LICENSE HOLDER DIES, WITH THE REFUND ISSUED FOR THE**
 6 **BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER;**

7 **(3) THE LICENSE HOLDER VOLUNTEERS FOR OR HAS BEEN CALLED**
 8 **INTO THE ARMED FORCES OF THE UNITED STATES OR THE ORGANIZED STATE**
 9 **MILITIA;**

10 **(4) THE LICENSE HOLDER SURRENDERS A LICENSE AND OBTAINS A**
 11 **NEW LICENSE OF ANOTHER CLASS CARRYING A HIGHER FEE, WITH THE REFUND**
 12 **DEDUCTED FROM THE HIGHER FEE;**

13 **(5) A LICENSE HOLDER, AGAINST WHOM CHARGES ARE PENDING**
 14 **WHEN THE LICENSE IS RENEWED, IS FOUND GUILTY AND THE LICENSE IS REVOKED,**
 15 **WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE**
 16 **DATE THAT THE REVOCATION BECOMES FINAL;**

17 **(6) THE ISSUANCE OF A LICENSE BY A LOCAL LICENSING BOARD IS**
 18 **REVERSED ON JUDICIAL REVIEW AND THE OPERATION OF THE ESTABLISHMENT IS**
 19 **PROHIBITED, WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT**
 20 **BASED ON THE DATE THAT THE REFUSAL TO GRANT THE RENEWAL BECOMES FINAL;**
 21 **OR**

22 **(7) THE LICENSED PREMISES IS TAKEN BY THE FEDERAL**
 23 **GOVERNMENT, THE STATE, OR A MUNICIPALITY FOR PUBLIC USE.**

24 REVISOR'S NOTE: This section is new language derived without substantive
 25 change from former Art. 2B, § 10–205(a).

26 In subsection (b)(3) of this section, the reference to the “organized” State
 27 militia is substituted for the former obsolete reference to the “regular” State
 28 militia to conform to the terminology of § 13–203(b) of the Public Safety
 29 Article.

30 In subsection (b)(4) of this section, the reference to the “higher fee” is
 31 substituted for the former reference to the “amount of the fee to be paid for
 32 the newly obtained license” for brevity.

33 In subsection (b)(6) of this section, the reference to the “operation of the
 34 establishment” is added for clarity.

1 Also in subsection (b)(6) of this section, the reference to a “judicial review” is
2 substituted for the former reference to an “appeal” for accuracy.

3 Also in subsection (b)(6) of this section, the reference to “the date that the
4 refusal to grant the renewal becomes final” is substituted for the former
5 reference to “the date the revocation becomes final” for accuracy.

6 In subsection (b)(7) of this section, the former reference to a “city” is deleted
7 as included in the reference to a “municipality”.

8 Defined terms: “License” § 1–101

9 “License holder” § 1–101

10 “Local licensing board” § 1–101

11 “State” § 1–101

12 **4–114. FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR.**

13 **(A) SCOPE OF SECTION.**

14 **THIS SECTION DOES NOT APPLY TO TEMPORARY LICENSES.**

15 **(B) FEE SCHEDULE.**

16 **THE FEE FOR A LICENSE ISSUED FOR LESS THAN 1 YEAR IS:**

17 **(1) THE FULL ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED**
18 **DURING THE FIRST QUARTER OF THE LICENSE YEAR;**

19 **(2) THREE–FOURTHS OF THE ANNUAL LICENSE FEE, IF THE LICENSE**
20 **IS ISSUED DURING THE SECOND QUARTER OF THE LICENSE YEAR;**

21 **(3) ONE–HALF OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS**
22 **ISSUED DURING THE THIRD QUARTER OF THE LICENSE YEAR; AND**

23 **(4) ONE–FOURTH OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS**
24 **ISSUED DURING THE FOURTH QUARTER OF THE LICENSE YEAR.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10–207(a).

27 In subsection (a) of this section, the former reference to “special” licenses is
28 deleted as included in the reference to “temporary” licenses.

29 Defined term: “License” § 1–101

SUBTITLE 2. ISSUANCE OR DENIAL OF LOCAL LICENSES.

4-201. SCOPE OF SUBTITLE.

SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.

REVISOR'S NOTE: This section is new language added to clarify that the provisions of this subtitle prevail unless they conflict with other provisions in Division II of this article.

4-202. AUTHORITY OF LOCAL LICENSING BOARDS.

(A) IN GENERAL.

A LOCAL LICENSING BOARD IS AUTHORIZED TO ISSUE LICENSES IN ITS JURISDICTION.

(B) LICENSES TO BE ISSUED ONLY TO INDIVIDUALS.

A LICENSE MAY NOT BE ISSUED TO A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY BUT ONLY TO AN INDIVIDUAL AUTHORIZED TO ACT FOR A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY.

(C) LICENSE HOLDER SUBJECT TO PENALTIES, CONDITIONS, AND RESTRICTIONS.

A LICENSE HOLDER SHALL ASSUME ALL RESPONSIBILITIES AS AN INDIVIDUAL AND BE SUBJECT TO ALL PENALTIES, CONDITIONS, AND RESTRICTIONS IMPOSED ON LICENSE HOLDERS UNDER THIS ARTICLE AND THE PROVISIONS OF THE TAX - GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.

(D) REGULATORY POWERS OF LOCAL LICENSING BOARD.

A LOCAL LICENSING BOARD BY REGULATION MAY:

(1) RESTRICT, IN ACCORDANCE WITH A DEFINITE STANDARD, THE NUMBER OF LICENSES THAT THE LOCAL LICENSING BOARD CONSIDERS SUFFICIENT FOR A NEIGHBORHOOD;

(2) REGULATE THE USE OF MECHANICAL MUSIC BOXES AND OTHER SOUND-MAKING DEVICES;

(3) DIVIDE A MUNICIPALITY OR COUNTY INTO DISTRICTS; AND

1 **(4) ESTABLISH AREAS IN WHICH A LICENSE MAY NOT BE ISSUED.**

2 **(E) JUDICIAL REVIEW.**

3 **AN APPLICANT FOR A LICENSE OR A LICENSE HOLDER WHO IS AGGRIEVED BY**
 4 **A REGULATION ADOPTED UNDER THIS SECTION MAY SEEK JUDICIAL REVIEW AS**
 5 **PROVIDED IN SUBTITLE 9 OF THIS TITLE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, §§ 9–201, 15–112(a)(1), and the first sentence of
 8 9–101(a)(1).

9 In subsection (d)(1) of this section, the former reference to the authority to
 10 “limit” the number of licenses is deleted as included in the reference to the
 11 authority to “restrict” the number of licenses.

12 In subsection (d)(2) of this section, the former reference authorizing a board to
 13 “limit” the use of mechanical music boxes is deleted as included in the
 14 reference authorizing a board to “regulate” the boxes.

15 In subsection (d)(3) of this section, the reference to “a municipality” is
 16 substituted for the former reference to “the city” to conform to the terminology
 17 used throughout this article.

18 In subsection (e) of this section, the reference to “a regulation adopted under
 19 this section” is substituted for the former reference to “any limitation,
 20 restriction or prohibition imposed by any board” for clarity.

21 Also in subsection (e) of this section, the reference to “judicial review” is
 22 substituted for the former reference to “appeal” for accuracy. Appeals properly
 23 refer only to the process of seeking and obtaining review of a decision by a
 24 lower court.

25 Former Art. 2B, § 15–112(a)(3), which defined “Board” to mean “the Board of
 26 License Commissioners, unless otherwise noted”, is deleted as unnecessary in
 27 light of the defined term “local licensing board”.

28 Defined terms: “County” § 1–101

29 “Jurisdiction” § 1–101

30 “License” § 1–101

31 “License holder” § 1–101

32 “Local licensing board” § 1–101

33 **4–203. PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR**
 34 **FOR USE OF ENTITY.**

1 (A) IN GENERAL.

2 EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE OR TITLE
3 3, TITLE 4, OR TITLE 5 OF THIS DIVISION, MORE THAN ONE LICENSE MAY NOT BE
4 ISSUED:

5 (1) TO AN INDIVIDUAL; OR

6 (2) FOR THE USE OF A PARTNERSHIP, A CORPORATION, AN
7 UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY.

8 (B) ISSUANCE OF MULTIPLE CLASS A, C, OR D LICENSES THROUGHOUT THE
9 STATE.

10 EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE OR TITLE
11 3, TITLE 4, OR TITLE 5 OF THIS DIVISION, AN INDIVIDUAL MAY NOT BE ISSUED IN
12 THE STATE MORE THAN ONE CLASS A, CLASS C, OR CLASS D LICENSE FOR THE USE
13 OF:

14 (1) THAT INDIVIDUAL; OR

15 (2) A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED
16 ASSOCIATION, OR A LIMITED LIABILITY COMPANY.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 9–102(a)(1) and 9–107(a), except as they
19 related to license renewals.

20 In the introductory language of subsections (a) and (b) of this section, the
21 references to “Division II of this article or Title 3, Title 4, or Title 5 of this
22 division” are substituted for the former references to “this section” and “§
23 9–102(j)(4) of this subtitle” for accuracy.

24 In the introductory language of subsection (a) of this section, the former
25 references to “any county or Baltimore City” and “Baltimore City or any
26 county of the State” are deleted as implicit.

27 Former Art. 2B, § 9–102(a)(3), which exempted certain licenses from the
28 prohibition against holding multiple licenses, is deleted as included in the
29 phrase “[e]xcept as otherwise provided in Division II of this article or Title 3,
30 Title 4, or Title 5 of this division”. The licenses exempted in former §
31 9–102(a)(3) were Class B–CC licenses, Class B licenses, and Class MEC
32 licenses in Frederick County, Class BH licenses, Class B–DD licenses, Class
33 B–CC licenses, and Class B–AE licenses in Prince George’s County, Class C

1 beer and Class C beer and wine licenses, airport concessionaire licenses,
 2 certain restaurant licenses in Prince George's County, a golf course license in
 3 Baltimore City, a beer tasting license in Washington County, certain Class B
 4 licenses in Montgomery County, certain Class A licenses in Prince George's
 5 County, and certain Class B, Class C, Class D, and Class H licenses in Anne
 6 Arundel County.

7 Former Art. 2B, § 9–107(b), which stated that former § 9–107 “may not be
 8 construed to abrogate or alter any restrictions on the issuance of any class of
 9 license otherwise contained in former Art. 2B, § 9–102”, is deleted as
 10 unnecessary in light of the organization of this revised article.

11 Former Art. 2B, § 9–107(c), which stated that former § 9–107 “may not be
 12 construed to prohibit the issuance of any license otherwise expressly
 13 permitted under this article”, is deleted because it merely restated the normal
 14 rule of statutory interpretation.

15 Former Art. 2B, § 9–107(d), which stated that former § 9–107 “may not be
 16 construed to prohibit the issuance of any license to any individual for that
 17 individual or for the use of any partnership, corporation, unincorporated
 18 association, or limited liability company if the license is issued for premises
 19 which are outdoor amphitheaters, centers for the performing arts, stadiums,
 20 or sports arenas”, is deleted as unnecessary in light of the organization of this
 21 revised article.

22 Defined terms: “License” § 1–101
 23 “State” § 1–101

24 **4–204. PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES.**

25 **EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE, A LOCAL**
 26 **LICENSING BOARD MAY NOT ISSUE MORE THAN ONE LICENSE FOR USE AT THE SAME**
 27 **PREMISES.**

28 REVISOR'S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 9–102(a)(2).

30 The reference to a “local licensing board” is added for clarity.

31 The reference to “Division II of this article” is substituted for the former
 32 reference to “§§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this
 33 article” for brevity.

34 Defined terms: “License” § 1–101
 35 “Local licensing board” § 1–101

1 **4-205. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

2 **(A) SCOPE OF SECTION.**

3 **THIS SECTION DOES NOT APPLY TO:**

4 **(1) AN ESTABLISHMENT THAT ALREADY HOLDS A CLASS A, CLASS B,**
 5 **OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR**
 6 **LICENSE; OR**

7 **(2) A LICENSE HOLDER THAT SELLS ALCOHOLIC BEVERAGES AT**
 8 **DISCOUNT PRICES.**

9 **(B) ISSUANCE PROHIBITED.**

10 **A LOCAL LICENSING BOARD MAY NOT ISSUE A CLASS A, CLASS B, OR CLASS D**
 11 **BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE FOR**
 12 **USE IN CONJUNCTION WITH OR ON THE PREMISES OF:**

13 **(1) A CHAIN STORE;**

14 **(2) A SUPERMARKET; OR**

15 **(3) A DISCOUNT HOUSE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 9-102(a-1), except as it related to the transfer
 18 or renewal of a license for a chain store, supermarket, or discount house.

19 In the introductory language of subsection (a) of this section, the former
 20 reference to not "affect[ing]" an establishment is deleted as surplusage.

21 In subsection (a)(2) of this section, the reference to a license holder that sells
 22 "alcoholic beverages" is added for clarity.

23 In subsection (b) of this section, the former reference to the issuance of a
 24 license on the premises of "any business establishment of the type commonly
 25 known as" a chain store, supermarket, or discount house is deleted as
 26 unnecessary.

27 Also in subsection (b) of this section, the reference to prohibiting "[a] local
 28 licensing board" from issuing a license under certain circumstances is added
 29 for clarity.

1 Also in subsection (b) of this section, the former reference to a license “granted”
2 is deleted as included in the reference to a license “issue[d]”.

3 Defined terms: “Alcoholic beverage” § 1–101

4 “Beer” § 1–101

5 “License holder” § 1–101

6 “Local licensing board” § 1–101

7 “Wine” § 1–101

8 **4–206. LIMITATIONS ON RETAIL SALES FLOOR SPACE.**

9 **(A) “FLOOR SPACE” DEFINED.**

10 **(1) IN THIS SECTION, “FLOOR SPACE” MEANS THE SPACE DEVOTED TO**
11 **THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF–PREMISES CONSUMPTION**
12 **THAT:**

13 **(I) FOR A LICENSE WITHOUT ON–PREMISES CONSUMPTION**
14 **PRIVILEGES, IS WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE**
15 **LICENSED BUSINESS OPERATES; OR**

16 **(II) FOR A LICENSE WITH ON–PREMISES CONSUMPTION AND**
17 **OFF–PREMISES CONSUMPTION PRIVILEGES, IS USED TO SELL, DISPLAY, OR STORE**
18 **ALCOHOLIC BEVERAGES.**

19 **(2) “FLOOR SPACE” INCLUDES:**

20 **(I) A BASEMENT IN A LICENSED PREMISES; AND**

21 **(II) ANY AREA OFF THE LICENSED PREMISES WHERE THE**
22 **ALCOHOLIC BEVERAGES ARE LAWFULLY STORED.**

23 **(B) FLOOR SPACE RESTRICTION.**

24 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

25 **(1) A LOCAL LICENSING BOARD MAY NOT ISSUE A LICENSE FOR USE IN**
26 **AN ESTABLISHMENT IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE**
27 **IS TO BE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF–PREMISES**
28 **CONSUMPTION; AND**

29 **(2) A FOOD STORE ISSUED A LICENSE ON OR BEFORE OCTOBER 1,**
30 **1997, MAY NOT EXPAND THE FLOOR SPACE OF ITS ALCOHOLIC BEVERAGES**

1 DEPARTMENT BEYOND A TOTAL OF 10,000 SQUARE FEET, WITHOUT REGARD TO THE
2 TOTAL AREA AVAILABLE WITHIN THE FOUR WALLS OF THE BUSINESS PREMISES.

3 (C) APPLICATION FOR MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE.

4 (1) A LOCAL LICENSING BOARD MAY ISSUE A LICENSE FOR USE IN
5 PREMISES IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS DEVOTED
6 TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, IF THE
7 LOCAL LICENSING BOARD:

8 (I) HOLDS A PUBLIC HEARING;

9 (II) DETERMINES THAT THE ISSUANCE OF THE LICENSE:

10 1. WOULD SERVE THE PUBLIC NEED; AND

11 2. WOULD NOT ADVERSELY IMPACT EXISTING RETAIL
12 LICENSE HOLDERS IN THE IMMEDIATE VICINITY OF THE PREMISES, INCLUDING
13 THOSE LICENSE HOLDERS THAT MAY BE IN A CONTIGUOUS COUNTY OR CITY; AND

14 (III) OBTAINS FROM THE COMPTROLLER A WRITTEN REPORT IN
15 WHICH THE COMPTROLLER DETERMINES THAT THE ISSUANCE OF THE LICENSE:

16 1. WOULD NOT ADVERSELY AFFECT THE ORDERLY
17 DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE STATE; AND

18 2. WOULD COMPLY WITH ALL APPLICABLE PROVISIONS
19 OF THIS ARTICLE RELATING TO THE ISSUANCE OF MULTIPLE LICENSES.

20 (2) IF THE COMPTROLLER DETERMINES THAT AN APPLICATION
21 SUBMITTED UNDER THIS SUBSECTION DOES NOT MEET THE CRITERIA PROVIDED
22 UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE LOCAL LICENSING BOARD
23 MAY NOT ISSUE THE LICENSE.

24 (D) APPLICATION TO EXPAND EXISTING FLOOR SPACE UP TO 10,000
25 SQUARE FEET.

26 THERE IS NO PRESUMPTION IN FAVOR OF OR WHICH OTHERWISE REQUIRES A
27 LOCAL LICENSING BOARD TO APPROVE A REQUEST BY A LICENSE HOLDER TO
28 EXPAND THE AMOUNT OF SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC
29 BEVERAGES FOR OFF-PREMISES CONSUMPTION UP TO 10,000 SQUARE FEET,
30 UNLESS THE LOCAL LICENSING BOARD FINDS THAT:

1 **(1) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE PUBLIC;**
2 **AND**

3 **(2) THE LICENSE HOLDER OTHERWISE CONTINUES TO MEET THE**
4 **CRITERIA FOR THE ISSUANCE OR TRANSFER OF A LICENSE AND ANY OTHER**
5 **CONDITION THAT THE LOCAL LICENSING BOARD IMPOSES.**

6 **(E) EFFECT OF SECTION.**

7 **THIS SECTION DOES NOT PROHIBIT THE RENEWAL OR TRANSFER OF**
8 **OWNERSHIP OR LOCATION OF A LICENSE ISSUED FOR USE BY AN ESTABLISHMENT**
9 **THAT ON OR BEFORE OCTOBER 1, 1997, HAD MORE THAN 10,000 SQUARE FEET OF**
10 **FLOOR SPACE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR**
11 **OFF-PREMISES CONSUMPTION.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 9–108(c) through (g).

14 In the introductory language of subsection (a)(1) of this section, the word
15 “means” is substituted for the former phrase “shall be considered” to conform
16 to the terminology used in revised articles to introduce a definition.

17 Also in the introductory language of subsection (a)(1) of this section, the
18 former phrase “[e]xcept as to food stores that had an alcoholic beverages
19 license on or before October 1, 1997” is deleted as unnecessary in light of
20 subsection (e) of this section.

21 In subsection (a)(1)(ii) of this section, the former reference to space “actually”
22 used is deleted as surplusage.

23 In the introductory language of subsection (a)(2) of this section, the former
24 phrase “[i]n all cases” is deleted as surplusage.

25 In subsection (a)(2)(ii) of this section, the former phrase “at any time” is
26 deleted as surplusage.

27 In subsections (b) through (e) of this section, the references to “the sale of
28 alcoholic beverages for off–premises consumption” are substituted for the
29 former references to “off–sale” for clarity.

30 In subsections (b) through (d) of this section, the defined term “local licensing
31 board” is substituted for the former reference to a “Board” for clarity.

32 In subsection (b)(1) of this section, the reference to “an establishment” is
33 substituted for the former reference to “premises” because in this revised

1 article “premises” applies only to an establishment for which a license has
2 already been issued.

3 Also in subsection (b)(1) of this section, the former reference to floor space
4 “used for the sale, display, or storage of the beverages” is deleted as redundant
5 of the definition of “floor space”. Similarly, in subsection (b)(2) of this section,
6 the former reference to floor space of an alcoholic beverages department,
7 “including sales, display, and storage areas,” is deleted.

8 In subsection (b)(2) of this section, the defined term “floor space” is substituted
9 for the former reference to “actual square footage” for clarity.

10 In subsection (c)(1)(iii) of this section, the reference to a written “report” is
11 substituted for the former reference to a written “review and approval” for
12 brevity.

13 In subsection (d) of this section, the former reference to a local licensing board
14 that finds “based on the evidence presented to it” that expansion is necessary
15 to accommodate the public is deleted as implicit in the reference to “finds”.

16 In subsection (e) of this section, the phrase “for use by” is substituted for the
17 former phrase “in conjunction with” to conform to the terminology used
18 throughout this article.

19 Also in subsection (e) of this section, the reference to “an establishment” is
20 substituted for the former reference to “any business” to conform to the
21 terminology used throughout this article.

22 Former Art. 2B, § 9–108(b)(1), which was the introductory language to a
23 definition subsection, is deleted as unnecessary because there is no longer a
24 list of defined terms for this revised section.

25 Former Art. 2B, § 9–108(b)(2), which defined “Board”, is deleted as
26 unnecessary because that term is not used in this revised section.

27 Former Art. 2B, § 9–108(b)(3), which defined “food stores” to include
28 supermarkets, is deleted as surplusage.

29 The Alcoholic Beverages Article Review Committee notes, for consideration by
30 the General Assembly, that this section leaves unclear the answer to the
31 following question: if a license holder with more than 10,000 square feet of
32 floor space before October 1, 1997 – and thus grandfathered under subsection
33 (e) of this section – wishes to expand the licensed premises even further, would
34 the license holder be subject to the hearing and approval procedures under
35 subsection (c) of this section?

36 Defined terms: “Alcoholic beverage” § 1–101

1 “Comptroller” § 1–101
 2 “County” § 1–101
 3 “License” § 1–101
 4 “License holder” § 1–101
 5 “Local licensing board” § 1–101
 6 “State” § 1–101

7 **4–207. LICENSES ISSUED TO MINORS.**

8 **(A) PROHIBITED WITHOUT JUDICIAL SPECIAL ORDER.**

9 **A LOCAL LICENSING BOARD MAY NOT ISSUE A LICENSE TO A MINOR WITHOUT**
 10 **A SPECIAL ORDER GRANTED BY A JUDGE.**

11 **(B) RECOMMENDATION OF LOCAL RESIDENTS REQUIRED.**

12 **A JUDGE MAY GRANT A SPECIAL ORDER FOR THE LOCAL LICENSING BOARD TO**
 13 **ISSUE A LICENSE TO A MINOR ONLY ON THE RECOMMENDATION OF AT LEAST 10**
 14 **RESIDENTS OF THE DISTRICT IN WHICH THE LICENSE WILL BE OPERATIVE.**

15 **(C) RESPONSIBILITY OF LICENSE HOLDER.**

16 **IF A LOCAL LICENSING BOARD ISSUES A LICENSE TO A MINOR, THE MINOR:**

17 **(1) IS RESPONSIBLE FOR EACH CONTRACT MADE IN CONDUCTING**
 18 **BUSINESS UNDER THE LICENSE; AND**

19 **(2) MAY BE SUED UNDER EACH CONTRACT IN A STATE COURT.**

20 **(D) RESPONSIBILITY OF PARENT OF LICENSE HOLDER.**

21 **THE RESPONSIBILITY OF THE MINOR DOES NOT AFFECT THE RESPONSIBILITY**
 22 **OF THE PARENT OF THE MINOR UNDER STATE AND LOCAL LAW.**

23 **REVISOR’S NOTE:** This section is new language derived without substantive
 24 change from former Art. 2B, § 9–106.

25 In subsection (a) of this section, the defined term “local licensing board” is
 26 substituted for the former reference to a “license issuing authority” because
 27 only local licensing boards may issue licenses under this subtitle.

28 Also in subsection (a) of this section, the reference to a special order “granted
 29 by” a judge is added for clarity.

1 In subsection (b) of this section, the reference to a special order “for the local
2 licensing board” to issue a license is added for clarity.

3 Also in subsection (b) of this section, the reference authorizing a judge to
4 “grant” a special order is substituted for the former reference authorizing a
5 judge to “pass” a special order for clarity.

6 In the introductory language of subsection (c) of this section, the reference to
7 “a local licensing board” issuing a license is added for clarity.

8 In subsection (d) of this section, the reference to “State and local law” is
9 substituted for the former reference to “existing law” for clarity.

10 Also in subsection (d) of this section, the former reference to “impair[ing]”
11 responsibility is deleted as included in the reference to “affect[ing]”
12 responsibility.

13 Defined terms: “License” § 1–101
14 “Local licensing board” § 1–101
15 “State” § 1–101

16 **4–208. NOTICE OF LICENSE APPLICATION REQUIRED.**

17 **(A) PUBLICATION.**

18 **BEFORE A LOCAL LICENSING BOARD MAY APPROVE AN APPLICATION FOR A**
19 **LICENSE, THE LOCAL LICENSING BOARD SHALL PUBLISH NOTICE OF THE**
20 **APPLICATION TWO TIMES IN 2 SUCCESSIVE WEEKS:**

21 **(1) IN TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE**
22 **JURISDICTION; OR**

23 **(2) IF ONLY ONE NEWSPAPER OF GENERAL CIRCULATION EXISTS IN**
24 **THE JURISDICTION, IN THAT NEWSPAPER.**

25 **(B) CONTENTS.**

26 **THE NOTICE SHALL STATE:**

27 **(1) THE NAME OF THE APPLICANT;**

28 **(2) THE TYPE OF LICENSE FOR WHICH THE APPLICATION IS MADE;**

29 **(3) THE LOCATION DESCRIBED IN THE APPLICATION; AND**

1 **(4) THE DATE, TIME, AND PLACE SET BY THE LOCAL LICENSING**
2 **BOARD FOR A HEARING ON THE APPLICATION.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–202(a)(1)(iii) and (i)2.

5 In the introductory language of subsection (a) of this section, the requirement
6 that a local licensing board “publish” a notice of a license application is
7 substituted for the former requirement that a local licensing board “shall
8 cause a notice of the application to be published” for brevity.

9 In subsection (a)(1) and (2) of this section, the references to the “jurisdiction”
10 are substituted for the former references to “county” for accuracy.

11 In subsection (a)(1) of this section, the former reference to a county “where two
12 newspapers are published” is deleted as unnecessary.

13 In the introductory language of subsection (b) of this section, the requirement
14 that the notice “state” certain information is substituted for the former
15 requirement that the notice “specify” certain information for clarity.

16 In subsection (b)(3) of this section, the reference to the location “described in
17 the application” is substituted for the former reference to the location “of the
18 place of business proposed to be licensed” for consistency with terminology
19 used throughout this article.

20 In subsection (b)(4) of this section, the reference to the “date” set for a hearing
21 is added for clarity.

22 Defined terms: “Jurisdiction” § 1–101

23 “License” § 1–101

24 “Local licensing board” § 1–101

25 **4–209. HEARING.**

26 **(A) TIME.**

27 **THE HEARING ON THE APPLICATION MAY NOT OCCUR LESS THAN 7 DAYS OR**
28 **MORE THAN 30 DAYS AFTER THE DATE OF THE LAST PUBLICATION OF THE NOTICE**
29 **OF THE LICENSE APPLICATION.**

30 **(B) PROCEEDINGS.**

31 **ANY PERSON MAY ADDRESS ANY RELEVANT ISSUE AT THE HEARING.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–202(a)(1)(iv) and (v).

3 In subsection (a) of this section, the reference to a hearing “on the application”
4 is added for clarity. Similarly, in subsection (a) of this section, the reference to
5 the publication “of the notice of the license application” is added.

6 In subsection (b) of this section, the reference to a person “address[ing] any
7 relevant issue” at a hearing is substituted for the former reference to a person
8 “be[ing] heard on either side of the question” for clarity and brevity.

9 Also in subsection (b) of this section, the former phrase “[a]t the time fixed by
10 the notice for a hearing on the application or on any postponement of the time”
11 is deleted as surplusage.

12 Defined terms: “License” § 1–101
13 “Person” § 1–101

14 **4–210. APPROVAL OR DENIAL OF LICENSE APPLICATION.**

15 **(A) FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.**

16 **BEFORE DECIDING WHETHER TO APPROVE AN APPLICATION AND ISSUE A**
17 **LICENSE, A LOCAL LICENSING BOARD SHALL CONSIDER:**

18 **(1) THE PUBLIC NEED AND DESIRE FOR THE LICENSE;**

19 **(2) THE NUMBER AND LOCATION OF EXISTING LICENSE HOLDERS;**

20 **(3) THE POTENTIAL EFFECT ON EXISTING LICENSE HOLDERS OF THE**
21 **LICENSE FOR WHICH APPLICATION IS MADE;**

22 **(4) THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE**
23 **SERVICES AND PRODUCTS TO BE OFFERED BY THE BUSINESS OF THE APPLICANT;**

24 **(5) THE IMPACT OF THE LICENSE FOR WHICH APPLICATION IS MADE**
25 **ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, INCLUDING ISSUES**
26 **RELATING TO CRIME, TRAFFIC, PARKING, OR CONVENIENCE; AND**

27 **(6) ANY OTHER FACTOR THAT THE LOCAL LICENSING BOARD**
28 **CONSIDERS NECESSARY.**

29 **(B) GROUNDS FOR DENIAL OF LICENSE APPLICATION.**

30 **THE LOCAL LICENSING BOARD SHALL DENY A LICENSE APPLICATION:**

1 **(1) IF THE LOCAL LICENSING BOARD DETERMINES THAT:**

2 **(I) THE GRANTING OF THE LICENSE IS NOT NECESSARY TO**
3 **ACCOMMODATE THE PUBLIC;**

4 **(II) THE APPLICANT IS NOT A FIT PERSON TO RECEIVE THE**
5 **LICENSE;**

6 **(III) THE APPLICANT HAS MADE A MATERIAL FALSE STATEMENT**
7 **IN THE APPLICATION;**

8 **(IV) THE APPLICANT HAS ACTED FRAUDULENTLY IN**
9 **CONNECTION WITH THE APPLICATION; OR**

10 **(V) IF THE LICENSE IS ISSUED, THE OPERATION AUTHORIZED**
11 **BY THE LICENSE WOULD UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE**
12 **NEIGHBORHOOD OF THE LOCATION DESCRIBED IN THE APPLICATION; OR**

13 **(2) FOR OTHER REASONS THAT THE LOCAL LICENSING BOARD**
14 **CONSIDERS SUFFICIENT.**

15 **(C) APPROVAL OF LICENSE APPLICATION.**

16 **SUBJECT TO SUBSECTION (A) OF THIS SECTION, IF A LOCAL LICENSING BOARD**
17 **DOES NOT FIND GROUNDS LISTED UNDER SUBSECTION (B) OF THIS SECTION TO**
18 **DENY A LICENSE APPLICATION, THE APPLICATION SHALL BE APPROVED AND THE**
19 **LOCAL LICENSING BOARD SHALL ISSUE THE LICENSE FOR WHICH APPLICATION IS**
20 **MADE ON PAYMENT OF THE FEE REQUIRED TO THE LOCAL COLLECTING AGENT.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10-202(a)(2).

23 In subsection (a)(5) of this section, the former reference to traffic "conditions"
24 is deleted as surplusage.

25 Also in subsection (a)(5) of this section, the former reference to the "general"
26 health of the community is deleted as surplusage.

27 In the introductory language of subsection (b) of this section, the reference to
28 "[t]he local licensing board ... deny[ing] a license application" is substituted
29 for the former reference to "[t]he application [being] disapproved and the
30 license for which application is made [being] refused" for brevity and clarity.

1 In subsection (b)(1)(ii) of this section, the former reference to the license “for
2 which application is made” is deleted as surplusage.

3 In subsection (b)(1)(iv) of this section, the reference to “act[ing] fraudulently”
4 is substituted for the former reference to “practic[ing] fraud” for consistency
5 with the terminology used throughout this article.

6 In subsection (b)(1)(v) of this section, the reference to the neighborhood “of the
7 location described in the application” is substituted for the former reference to
8 the neighborhood “in which the place of business is to be located” for
9 consistency with terminology used throughout this article.

10 In subsection (b)(2) of this section, the reference to a reason “that the local
11 licensing board considers sufficient” is substituted for the former reference to
12 a reason “in the discretion of the board, why the license should not be issued”
13 for brevity.

14 In subsection (c) of this section, the reference to “grounds listed under
15 subsection (b) of this section” is substituted for the former reference to “no
16 such findings” for clarity.

17 Also in subsection (c) of this section, the defined term “local licensing board”
18 is substituted for the former broader term “license issuing authority” because
19 only local licensing boards may issue licenses under this subtitle.

20 Also in subsection (c) of this section, the phrase “[s]ubject to subsection (a) of
21 this section” is substituted for the former phrase “[e]xcept as otherwise
22 provided in this section” for clarity.

23 Defined terms: “License” § 1–101
24 “License holder” § 1–101
25 “Local collecting agent” § 1–101
26 “Local licensing board” § 1–101
27 “Person” § 1–101

28 **4–211. LICENSE FORMS; EFFECTIVE DATE; EXPIRATION.**

29 **(A) FORMS TO BE PROVIDED BY LOCAL LICENSING BOARD.**

30 **A LICENSE ISSUED BY A LOCAL LICENSING BOARD SHALL BE ON THE FORM**
31 **THAT THE LOCAL LICENSING BOARD PROVIDES.**

32 **(B) NUMBERING.**

33 **A LOCAL LICENSING BOARD SHALL NUMBER EACH LICENSE.**

1 **(C) EFFECTIVE DATE; EXPIRATION.**

2 **EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE ISSUED BY A**
 3 **LOCAL LICENSING BOARD SHALL BE DATED AS OF THE DATE OF ISSUE AND SHALL**
 4 **EXPIRE ON THE NEXT APRIL 30 AFTER ITS ISSUANCE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, §§ 9–102(d) and, as it related to licenses issued
 7 by local licensing boards, 10–206(a).

8 In subsection (a) of this section, the reference to a license issued “by a local
 9 licensing board” is substituted for the former broader phrase “under the
 10 provisions of this article” because the provisions of this title apply only to
 11 licenses issued by local licensing boards.

12 Also in subsection (a) of this section, the former phrase “as the case may be”
 13 is deleted as surplusage.

14 In subsection (b) of this section, the reference to a “local licensing board” is
 15 substituted for the former reference to the “official issuing the same [license]”
 16 for clarity and brevity.

17 Also in subsection (b) of this section, the former reference to “appropriately”
 18 number is deleted as surplusage.

19 In subsection (c) of this section, the reference to a license issued “by a local
 20 licensing board” is substituted for the former reference to a license issued
 21 “under the provisions of this article” because this title applies only to licenses
 22 issued by local licensing boards.

23 Also in subsection (c) of this section, the former phrase “except temporary
 24 licenses and special licenses, which shall expire as otherwise provided” is
 25 deleted as included in the introductory phrase “[e]xcept as otherwise provided
 26 in this article”.

27 Defined terms: “License” § 1–101

28 “Local licensing board” § 1–101

29 **4–212. LICENSE NOT PROPERTY.**

30 **A LICENSE ISSUED BY A LOCAL LICENSING BOARD:**

31 **(1) IS NOT PROPERTY AND DOES NOT CONFER PROPERTY RIGHTS;**

32 **AND**

33 **(2) IS SUBJECT TO:**

1 **(I) SUSPENSION, REVOCATION, AND RESTRICTIONS**
 2 **AUTHORIZED BY LAW; AND**

3 **(II) REGULATIONS AUTHORIZED UNDER THIS ARTICLE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 10–501(a).

6 In the introductory language of this section, the reference to a license issued
 7 “by a local licensing board” is substituted for the former reference to a license
 8 issued “under provisions of this article” because this title applies only to
 9 licenses issued by local licensing boards.

10 Also in the introductory language of this section, the former phrase “[e]xcept
 11 as otherwise provided under this section” is deleted as unnecessary in light of
 12 the organization of this revised article.

13 In item (2)(i) of this section, the reference to suspension, revocation, and
 14 restrictions “authorized by law” is added for clarity.

15 In item (2)(ii) of this section, the reference to regulations “authorized under
 16 this article” is substituted for the former reference to regulations “that may be
 17 adopted as herein provided” for clarity.

18 Also in item (2)(ii) of this section, the reference to “rules” is deleted as included
 19 in the reference to “regulations”.

20 Defined terms: “License” § 1–101
 21 “Local licensing board” § 1–101

22 **4–213. REPLACEMENT LICENSES.**

23 **(A) ISSUANCE.**

24 **A LOCAL LICENSING BOARD MAY ISSUE A REPLACEMENT LICENSE TO A**
 25 **LICENSE HOLDER WHOSE LICENSE IS LOST OR DESTROYED ON RECEIVING:**

26 **(1) AN APPLICATION UNDER OATH; AND**

27 **(2) PAYMENT OF A \$1 FEE.**

28 **(B) CONTENTS.**

1 **ON THE REPLACEMENT LICENSE, THE WORD “REPLACEMENT” SHALL APPEAR**
2 **WITH ALL OF THE INFORMATION THAT APPEARED ON THE ORIGINAL LICENSE.**

3 REVISOR’S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–502(a).

5 Throughout this section, the references to a “replacement” license are
6 substituted for the former references to “another” license and a “duplicate”
7 license for clarity.

8 In subsection (a) of this section, the reference to “a local licensing board” is
9 substituted for the former reference to the “license issuing authority” because
10 only the local licensing board may issue a license under this subtitle.

11 Also in subsection (a) of this section, the former phrase “[e]xcept as otherwise
12 provided in this section,” is deleted as unnecessary in light of the organization
13 of this article.

14 In subsection (b) of this section, the reference to the word “appear[ing]” on the
15 replacement license is substituted for the former reference to “be[ing]
16 endorsed” for clarity.

17 Defined terms: “License” § 1–101

18 “License holder” § 1–101

19 “Local licensing board” § 1–101

20 **4–214. WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS.**

21 **(A) IN GENERAL.**

22 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

23 **(1) IF A LICENSE IS DENIED, ANOTHER LICENSE APPLICATION MAY**
24 **NOT BE CONSIDERED FROM THE SAME APPLICANT OR FOR THE SAME LOCATION FOR**
25 **6 MONTHS AFTER THE DENIAL; AND**

26 **(2) IF A SUBSEQUENT APPLICATION BY THE SAME APPLICANT OR FOR**
27 **THE SAME LOCATION IS DENIED WITHIN A 2–YEAR PERIOD IMMEDIATELY AFTER THE**
28 **FIRST DENIAL, ANOTHER APPLICATION MAY NOT BE CONSIDERED FROM THAT**
29 **APPLICANT OR FOR THAT LOCATION UNTIL THE 2–YEAR PERIOD EXPIRES.**

30 **(B) EXCEPTIONS.**

31 **THIS SECTION DOES NOT APPLY TO:**

1 **(1) AN APPLICANT, IF THE LICENSE WAS DENIED BECAUSE IT WAS NOT**
2 **NECESSARY TO ACCOMMODATE THE PUBLIC OR THE LOCATION WAS NOT SUITABLE**
3 **FOR THE SALE OF ALCOHOLIC BEVERAGES; OR**

4 **(2) THE LOCATION, IF THE LICENSE WAS DENIED BECAUSE THE**
5 **LOCAL LICENSING BOARD DETERMINED THAT THE APPLICANT WAS NOT A PROPER**
6 **PERSON TO BE ISSUED THE LICENSE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 10–208(a)(1) and (2)(i) and the first sentence of
9 (ii).

10 Throughout this section, the references to the “location” are substituted for
11 the former references to the “premises” for consistency with terminology used
12 throughout this article.

13 In subsection (a)(1) of this section, the former phrase “as the case may be” is
14 deleted as surplusage.

15 Also in subsection (a)(1) of this section, the former phrase “a period of” 6
16 months is deleted as surplusage.

17 In subsection (a)(2) of this section, the former reference to “the date of” the
18 first refusal is deleted as surplusage.

19 In the introductory language of subsection (b) of this section, the reference to
20 this section “not apply[ing]” is substituted for the former reference to this
21 section “not hold[ing] against” for clarity.

22 In subsection (b)(1) of this section, the former phrase “under the license
23 applied for” is deleted as surplusage. Similarly, in subsection (b)(2) of this
24 section, the former references to the license “applied for” are deleted.

25 In subsection (b)(2) of this section, the reference to the “local licensing board”
26 is added for clarity.

27 Also in subsection (b)(2) of this section, the former reference to the premises
28 “set forth in an application” is deleted as surplusage.

29 Also in subsection (b)(2) of this section, the former reference to the applicant
30 “personally” is deleted as surplusage.

31 The Alcoholic Beverages Article Review Committee notes, for consideration by
32 the General Assembly, that the reference in subsection (b)(2) of this section to
33 a determination whether the applicant was not fit, *i.e.* having committed an
34 immoral act, or the applicant did not meet technical requirements. The

1 General Assembly may want to clarify the requirements necessary for a
2 determination that an applicant is “not a proper person”.

3 Defined terms: “Alcoholic beverage” § 1–101

4 “License” § 1–101

5 “Local licensing board” § 1–101

6 “Person” § 1–101

7 **SUBTITLE 3. TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON**
8 **LICENSE.**

9 **4–301. SCOPE OF SUBTITLE.**

10 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
11 **STATEWIDE.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 10–503(a)(5).

14 The reference to “this subtitle applies statewide” is substituted for the former
15 reference to “[t]he provisions of this section apply in every county and in
16 Baltimore City” for brevity.

17 **4–302. TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY.**

18 **(A) IN GENERAL.**

19 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER OR A**
20 **RECEIVER OR TRUSTEE FOR THE BENEFIT OF CREDITORS, MAY:**

21 **(1) TRANSFER THE LICENSE HOLDER’S PLACE OF BUSINESS TO SOME**
22 **OTHER LOCATION; OR**

23 **(2) TRANSFER THE LICENSE AND THE LICENSE HOLDER’S INVENTORY**
24 **TO ANOTHER PERSON.**

25 **(B) CONDITIONS OF TRANSFER.**

26 **A TRANSFER UNDER SUBSECTION (A) OF THIS SECTION MAY BE MADE IF:**

27 **(1) AN APPLICATION FOR THE TRANSFER HAS BEEN MADE;**

28 **(2) ALL SALES AND USE, AMUSEMENT, ADMISSION, AND**
29 **WITHHOLDING TAXES HAVE BEEN PAID TO THE COMPTROLLER;**

1 **(3) A BULK TRANSFER PERMIT HAS BEEN OBTAINED IF THE**
 2 **INVENTORY OF ALCOHOLIC BEVERAGES IS TO BE TRANSFERRED:**

3 **(I) IN ANY MANNER, INCLUDING BY SALE, GIFT, INHERITANCE,**
 4 **AND ASSIGNMENT; AND**

5 **(II) REGARDLESS OF WHETHER CONSIDERATION IS PAID; AND**

6 **(4) THE LOCAL LICENSING BOARD APPROVES THE NEW LOCATION OR**
 7 **LICENSE HOLDER IN THE SAME WAY THE LOCAL LICENSING BOARD APPROVES THE**
 8 **ISSUANCE OF A LICENSE.**

9 **(C) TRANSFER OF LOCATION AND OWNERSHIP IN SAME APPLICATION.**

10 **AN APPLICANT MAY APPLY FOR A TRANSFER OF LOCATION AND TRANSFER OF**
 11 **OWNERSHIP IN THE SAME APPLICATION.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 10-503(a)(2) and the second sentence of (3).

14 In the introductory language of subsection (a) of this section, the defined term
 15 "license holder" is substituted for the former reference to "[a]ny holder of a
 16 license under this article" for brevity.

17 In subsection (a)(2) of this section, the reference to "transfer[ring]" the license
 18 is substituted for the former reference to "sell[ing] or assign[ing]" the license
 19 for brevity and consistency with terminology and throughout this article.
 20 Similarly, in subsection (b)(1) of this section, the former reference to a "sale"
 21 is deleted as included in the reference to the "transfer".

22 Also in subsection (a)(2) of this section, the reference to "inventory" is
 23 substituted for the former reference to "stock in trade" for clarity. Similarly,
 24 in subsection (b)(3) of this section, the reference to "inventory" is substituted
 25 for the former reference to "stock".

26 In subsection (b)(4) of this section, the phrase "in the same way the local
 27 licensing board approves the issuance of a license" is substituted for the
 28 former phrase "as in the case of an original application for such a license under
 29 § 10-202 of this title" for clarity.

30 Also in subsection (b)(4) of this section, the reference to "license holder" is
 31 substituted for the former reference to "assignee" for consistency within this
 32 section.

1 In subsection (c) of this section, the phrase “[a]n applicant may apply for” a
2 transfer is substituted for the former phrase “[t]his section permits the”
3 transfer for clarity.

4 Also in subsection (c) of this section, the reference to a “transfer of ownership”
5 is substituted for the former reference to an “assignment of license” for
6 consistency.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Comptroller” § 1–101

9 “License” § 1–101

10 “License holder” § 1–101

11 “Local licensing board” § 1–101

12 “Person” § 1–101

13 **4–303. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

14 **A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE,**
15 **OR BEER, WINE, AND LIQUOR LICENSE MAY NOT BE TRANSFERRED FOR USE IN**
16 **CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR**
17 **DISCOUNT HOUSE UNLESS:**

18 **(1) THE ESTABLISHMENT ALREADY HOLDS A CLASS A, CLASS B, OR**
19 **CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR**
20 **LICENSE; OR**

21 **(2) THE LICENSE IS TRANSFERRED TO A SIMILAR TYPE OF**
22 **ESTABLISHMENT.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from the second sentence of former Art. 2B, § 9–102(a–1) and, as it
25 related to the transfer of a license for a chain store, supermarket, or discount
26 house, the first sentence.

27 The former reference to “any business establishment of the type commonly
28 known as” a chain store, supermarket, or discount house is deleted as
29 unnecessary.

30 Defined terms: “Beer” § 1–101

31 “Wine” § 1–101

32 **4–304. COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED.**

33 **A LOCAL LICENSING BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE**
34 **UNTIL THE TRANSFEROR HAS:**

1 **(1) COMPLIED WITH THE BULK TRANSFERS ACT UNDER TITLE 6 OF**
2 **THE COMMERCIAL LAW ARTICLE; AND**

3 **(2) PROVIDED TO THE LOCAL LICENSING BOARD AN AFFIDAVIT THAT**
4 **CERTIFIES COMPLIANCE WITH THE BULK TRANSFERS ACT.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10-503(a)(4).

7 In the introductory language of this section, the former reference to an
8 "alcoholic beverages" license is deleted in light of the defined term "license".

9 Also in the introductory language of this section, the defined term "local
10 licensing board" is substituted for the former reference to the "board" for
11 clarity.

12 Defined terms: "License" § 1-101
13 "Local licensing board" § 1-101

14 **4-305. FILING FEE AND ENDORSEMENT.**

15 **(A) PAYMENT TO LOCAL LICENSING BOARD.**

16 **AN APPLICANT SHALL PAY TO THE LOCAL LICENSING BOARD A FEE OF \$20, IN**
17 **ADDITION TO THE COSTS OF PUBLICATION AND NOTICE, WHEN FILING AN**
18 **APPLICATION FOR THE TRANSFER OF A LICENSE.**

19 **(B) ENDORSEMENT BY LOCAL LICENSING BOARD.**

20 **THE LOCAL LICENSING BOARD SHALL ENDORSE ON A LICENSE THE TRANSFER**
21 **OF THE LICENSE IF THE APPLICANT HAS PAID THE FEE REQUIRED UNDER**
22 **SUBSECTION (A) OF THIS SECTION.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from the first sentence of former Art. 2B, § 10-503(a)(3).

25 In subsection (a) of this section, the reference to the "local licensing board" is
26 substituted for the former reference to the "local collecting agent" for clarity.

27 In subsection (b) of this section, the reference to the "local licensing board" is
28 substituted for the former reference to the "license issuing authority" because
29 only local licensing boards may issue licenses under this subtitle.

30 Defined terms: "License" § 1-101

1 “Local licensing board” § 1–101

2 **4–306. SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE.**

3 **(A) CONDITIONS FOR SUBSTITUTION.**

4 **FOR A LICENSE ISSUED BY A LOCAL LICENSING BOARD FOR THE USE OF A**
5 **CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE**
6 **THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

7 **(1) HAS DIED;**

8 **(2) HAS RETIRED; OR**

9 **(3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

10 **(B) AFFIDAVIT REQUIRED.**

11 **THE LICENSE HOLDER SHALL FILE WITH THE LOCAL LICENSING BOARD AN**
12 **AFFIDAVIT THAT CONTAINS:**

13 **(1) THE SUBSTITUTION OF THE OFFICER;**

14 **(2) AN EXPLANATION FOR THE SUBSTITUTION; AND**

15 **(3) IN THE CASE OF A CORPORATION, A STATEMENT THAT THE**
16 **OWNERSHIP OF THE CORPORATION HAS NOT CHANGED.**

17 **(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

18 **ON RECEIPT OF THE AFFIDAVIT AND AFTER DETERMINING THAT THE**
19 **APPLICANT QUALIFIES UNDER THIS ARTICLE, THE LOCAL LICENSING BOARD SHALL:**

20 **(1) AMEND ITS RECORDS; AND**

21 **(2) ISSUE A CORRECTED LICENSE.**

22 **REVISOR’S NOTE:** This section is new language derived without substantive
23 change from former Art. 2B, § 10–301(a)(2)(ii), (iii), and, as it related to
24 licenses issued by a local licensing board, (i).

25 In the introductory language of subsection (a) of this section, the reference to
26 “a local licensing board” is substituted for the former reference to “each county
27 and Baltimore City” for brevity and clarity.

1 Also in the introductory language of subsection (a) of this section, the reference
 2 to “the license holder” is substituted for the former reference to “a corporation
 3 or club holding an alcoholic beverages license” for brevity. Similarly, in the
 4 introductory language of subsection (b) of this section, the reference to “license
 5 holder” is substituted for the former reference to the “corporation or club”.

6 Also in the introductory language of subsection (a) of this section, the reference
 7 to “any officer who” is substituted for the former reference to “the deleted
 8 officer” for clarity.

9 Also in the introductory language of subsection (a) of this section, the former
 10 phrase “notwithstanding any other provision of this article to the contrary” is
 11 deleted as surplusage.

12 Also in the introductory language of subsection (a) of this section, the former
 13 phrase “, during the license year,” is deleted as surplusage.

14 In subsection (a) of this section, the reference to an officer who “[h]as been
 15 removed from office” is deleted as included in the reference to an officer who
 16 “no longer holds an office in the corporation or club”.

17 In the introductory language of subsections (b) and (c) of this section, the
 18 references to the “local licensing board” are substituted for the former
 19 references to “license issuing authority” for clarity.

20 In subsection (b)(1) of this section, the former reference to “officers” is deleted
 21 in light of the reference to “officer” and GP § 1–202, which provides that the
 22 singular generally includes the plural.

23 In subsection (c)(2) of this section, the reference to a “corrected license” is
 24 substituted for the former reference to a “new license in corrected form” for
 25 brevity.

26 The Alcoholic Beverages Article Review Committee notes, for consideration by
 27 the General Assembly, that the reference to a “corporation or club” may be too
 28 narrow because a license may be held for the use of other types of business
 29 entities, such as limited liability companies. The General Assembly may want
 30 to consider using a term that encompasses all of the types of business entities
 31 for the use of which a license may be held.

32 Defined terms: “Club” § 1–101

33 “License” § 1–101

34 “License holder” § 1–101

35 “Local licensing board” § 1–101

36 GENERAL REVISOR’S NOTE TO SUBTITLE

1 Former Art. 2B, § 10-503(a)(1), which defined “board” to mean the board of license
2 commissioners or liquor control board of a county or Baltimore City, is deleted as
3 unnecessary in light of the defined term “local licensing board”.

4 **SUBTITLE 4. RENEWAL OF LOCAL LICENSES.**

5 **4-401. SCOPE OF SUBTITLE.**

6 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
7 **STATEWIDE.**

8 REVISOR’S NOTE: This section is new language added to clarify that the provisions
9 of this subtitle prevail unless they conflict with other provisions in Division II
10 of this article.

11 **4-402. ELIGIBILITY FOR RENEWAL; PROCESS.**

12 **(A) ELIGIBILITY.**

13 **SUBJECT TO §§ 4-406 AND 4-407 OF THIS SUBTITLE, A HOLDER OF AN**
14 **EXPIRING LICENSE IS ENTITLED TO AN ANNUAL LICENSE RENEWAL:**

15 **(1) ON THE APPROVAL OF THE LICENSE RENEWAL APPLICATION BY**
16 **THE LOCAL LICENSING BOARD;**

17 **(2) ON PAYMENT OF THE ANNUAL LICENSE FEE; AND**

18 **(3) WITHOUT FILING OR PROVIDING MORE INFORMATION UNLESS**
19 **SPECIFICALLY REQUESTED BY THE LOCAL LICENSING BOARD.**

20 **(B) PROCESS.**

21 **EXCEPT AS PROVIDED IN §§ 4-407(A) AND 4-408(C) OF THIS SUBTITLE, A**
22 **LOCAL LICENSING BOARD SHALL CONSIDER AN APPLICATION FOR LICENSE**
23 **RENEWAL IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10-301(a)(1)(ii)4 and the third sentence of (b).

26 In the introductory language of subsection (a) of this section, the phrase
27 “[s]ubject to §§ 4-406 and 4-407 of this subtitle” is added for clarity.

1 Also in the introductory language of subsection (a) of this section, the reference
2 to an “annual license renewal” is substituted for the former reference to a “new
3 license for another year” for clarity and brevity.

4 In subsection (a)(1) of this section, the reference to the “approval of the license
5 renewal application by the local licensing board” is substituted for the former
6 misleading reference to the “filing of the renewal application” for clarity.

7 In subsection (a)(2) of this section, the reference to an annual “license” fee is
8 added for clarity.

9 In subsection (a)(3) of this section, the reference to the “local licensing board”
10 is substituted for the former reference to the “official authorized to approve
11 the license” for clarity and brevity.

12 In subsection (b) of this section, the reference to “license” renewal is added for
13 clarity.

14 Also in subsection (b) of this section, the requirement that the local licensing
15 board “consider an application ... in the same manner” as for an original
16 application is substituted for the former requirement that an application “be
17 treated” as an original application for clarity and consistency within this
18 subtitle.

19 Also in subsection (b) of this section, the phrase “[e]xcept as provided in §§
20 4–407(a) and 4–408(c) of this subtitle” is substituted for the former reference
21 to a renewal application “received otherwise than as herein stated” for clarity.

22 Defined terms: “License” § 1–101
23 “Local licensing board” § 1–101

24 **4–403. RENEWAL APPLICATION.**

25 **TO RENEW A LICENSE OTHER THAN A TEMPORARY LICENSE, THE LICENSE**
26 **HOLDER ANNUALLY SHALL FILE A WRITTEN APPLICATION, UNDER OATH, WITH THE**
27 **LOCAL LICENSING BOARD.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 10–301(a)(1)(i), except as it related to the filing
30 period for a renewal application.

31 The word “annually” is substituted for the former reference to “each and every
32 year” for brevity.

33 The reference to “the license holder” is substituted for the former reference to
34 “the holder of any expiring license” for brevity.

1 The reference to an application “under” oath is substituted for the former
2 reference to an application “duly verified by” oath for clarity and brevity.

3 The reference to the “local licensing board” is substituted for the former
4 reference to the “official authorized to approve the [license]” for clarity and
5 brevity.

6 The former phrase “[e]xcept in Prince George’s County” is deleted as
7 unnecessary. The exception applying to Prince George’s County is revised in
8 Title 26, Subtitle 18 of this article.

9 The former reference to special licenses “issued under the provisions of this
10 article” is deleted as unnecessary.

11 Defined terms: “License” § 1–101

12 “License holder” § 1–101

13 “Local licensing board” § 1–101

14 **4–404. FILING PERIOD FOR RENEWAL APPLICATION.**

15 **AN APPLICATION TO RENEW AN ANNUAL LICENSE SHALL BE FILED BETWEEN**
16 **MARCH 2 AND APRIL 1, INCLUSIVE.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10–301(a)(1)(i), as it related to the filing period
19 for a renewal application.

20 The reference to a license renewal period being “between March 2 and April
21 1, inclusive” is substituted for the former reference to a license renewal period
22 of “not less than 30 nor more than 60 days before the first day of May” for
23 clarity and brevity.

24 The reference to an “annual” license is substituted for the former reference to
25 “each and every year” for clarity.

26 The Alcoholic Beverages Article Review Committee notes, for consideration by
27 the General Assembly, that the reference to the time period that is “not less
28 than 30 nor more than 60 days before the first day of May” is the period
29 “between March 2 and April 1, inclusive”. It is not clear whether the intent
30 was to begin this period on March 1 instead of March 2.

31 Defined term: “License” § 1–101

32 **4–405. CONTENTS OF RENEWAL APPLICATION.**

1 **(A) REQUIRED.**

2 **TO BE APPROVED, A LICENSE RENEWAL APPLICATION SHALL:**

3 **(1) STATE WHETHER THE FACTS IN THE ORIGINAL APPLICATION**
 4 **HAVE CHANGED AND, IF SO, THE MANNER IN WHICH THE FACTS HAVE CHANGED; AND**

5 **(2) BE ACCOMPANIED BY A STATEMENT SIGNED BY THE OWNER OF**
 6 **THE LICENSED PREMISES CONSENTING TO:**

7 **(I) RENEWAL OF THE LICENSE; AND**

8 **(II) SEARCH AND SEIZURE IN THE SAME MANNER AS FOR AN**
 9 **ORIGINAL APPLICATION.**

10 **(B) CONSENT STATEMENT; EXCEPTION.**

11 **A LOCAL LICENSING BOARD MAY NOT REQUIRE THE CONSENT STATEMENT**
 12 **UNDER SUBSECTION (A)(2) OF THIS SECTION FOR A RETAIL DEALER APPLYING FOR**
 13 **RENEWAL IF:**

14 **(1) THE OWNER SIGNED A COMPARABLE CONSENT STATEMENT IN**
 15 **CONNECTION WITH AN ORIGINAL OR PREVIOUS LICENSE RENEWAL APPLICATION;**

16 **(2) THE CONSENT STATEMENT UNDER ITEM (1) OF THIS SUBSECTION**
 17 **IS IN EFFECT FOR THE TERM OF THE OWNER'S LEASE WITH THE APPLICANT; AND**

18 **(3) THE LEASE DOES NOT EXPIRE DURING THE TERM OF THE LICENSE**
 19 **RENEWAL.**

20 **REVISOR'S NOTE:** This section is new language derived without substantive
 21 change from former Art. 2B, § 10-301(a)(1)(ii)1, 2, and 3.

22 Throughout this section, the references to a "license" renewal application are
 23 added for clarity.

24 In the introductory language of subsection (a) of this section, the phrase "[t]o
 25 be approved" is added for clarity.

26 In the introductory language of subsection (a)(2) of this section, the reference
 27 to the owner of the "licensed" premises is added for clarity.

28 In subsection (a)(2)(ii) of this section, the reference to search and seizure "in
 29 the same manner as for" an original application is substituted for the former

1 reference to search and seizure “as in the case of” an original application for
2 clarity.

3 In the introductory language of subsection (b) of this section, the reference to
4 a consent statement “under subsection (a)(2) of this section” is substituted for
5 the former reference to a consent statement “by the owner of the premises” for
6 clarity.

7 Also in the introductory language of subsection (b) of this section, the reference
8 to a “local licensing board” is added to state expressly what was only implicit
9 in the former law, that the local licensing board is the entity that may not
10 require a consent statement under the circumstances stated in this
11 subsection.

12 In subsection (b)(1) of this section, the reference to “a comparable consent”
13 statement is substituted for the former reference to “such a” statement for
14 clarity.

15 Also in subsection (b)(1) of this section, the former reference to a “previously”
16 signed consent statement is deleted as unnecessary.

17 In subsection (b)(2) of this section, the requirement that a previous consent
18 statement be “in effect” for the term of the owner’s lease with the applicant is
19 substituted for the former requirement that the previous consent statement
20 “giv[e] consent” for the term of the lease for clarity.

21 In subsection (b)(3) of this section, the former reference to a lease “renewal” is
22 deleted as included in the reference to the “lease”.

23 The Alcoholic Beverages Article Review Committee notes, for consideration by
24 the General Assembly, that in subsection (a)(1) of this section, the reference
25 to the requirement that a license renewal application “state whether the facts
26 in the original application have changed and, if so, the manner in which the
27 facts have changed” has been substituted for the former reference to the
28 requirement that a license renewal application “state that the facts in the
29 original application are unchanged”. The Committee believes this substitution
30 reflects the intent of the General Assembly.

31 The Alcoholic Beverages Article Review Committee also notes, for
32 consideration by the General Assembly, that in the introductory language of
33 subsection (b) of this section, the reference to a “retail dealer” may be too
34 restrictive. There may be other types of license holders to which this
35 subsection should apply.

36 Defined terms: “License” § 1–101

37 “Local licensing board” § 1–101

38 “Retail dealer” § 1–101

1 **4-406. PROTESTS.**

2 **(A) AUTHORIZED.**

3 **A PROTEST AGAINST A LICENSE RENEWAL MAY BE MADE BY:**

4 **(1) AT LEAST 10 SIGNATORIES WHO ARE:**

5 **(I) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT**
6 **HOLDERS OF OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND**

7 **(II) LOCATED IN THE IMMEDIATE VICINITY OF THE LICENSED**
8 **PREMISES; OR**

9 **(2) THE LOCAL LICENSING BOARD ON ITS OWN INITIATIVE.**

10 **(B) HEARING REQUIRED.**

11 **(1) IF A PROTEST AGAINST RENEWING A LICENSE IS FILED AT LEAST**
12 **30 DAYS BEFORE THE LICENSE EXPIRES, THE LOCAL LICENSING BOARD MAY NOT**
13 **APPROVE THE RENEWAL WITHOUT HOLDING A HEARING.**

14 **(2) THE LOCAL LICENSING BOARD SHALL HEAR AND DETERMINE THE**
15 **PROTEST IN THE SAME MANNER AS IT HEARS AND DETERMINES AN ORIGINAL**
16 **APPLICATION.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10-301(a)(1)(iv), (iii)1, as it related to the
19 statewide governance of protests of license renewals, and the first clause of
20 (v).

21 In subsection (a) of this section, the reference to a protest being "made by at
22 least 10 signatories who are residents" is substituted for the former reference
23 to a protest being "[s]igned by not less than ten residents" for clarity.

24 In subsection (a)(1)(i) of this section, the former reference to a license "issued
25 under this article" is deleted as included in the defined term "license".

26 In subsection (a)(1)(ii) of this section, the reference to the licensed "premises"
27 is substituted for the former reference to a licensed "place of business" for
28 clarity and consistency within this article.

1 In subsection (b)(1) of this section, the reference to “renewing a license” is
2 substituted for the former reference to the “granting of the new license” for
3 brevity.

4 Also in subsection (b)(1) of this section, the reference to “the renewal” is
5 substituted for the former reference to a “license by way of renewal” for
6 brevity.

7 Also in subsection (b)(1) of this section, the former reference to the license “for
8 which renewal is sought” is deleted as surplusage.

9 In subsection (b)(2) of this section, the reference to license renewal “in the
10 same manner as [the local licensing board] hears and determines” an original
11 application is substituted for the former reference to license renewal “as in the
12 case of” an original application for clarity and consistency within this subtitle.

13 Also in subsection (b)(2) of this section, the former reference to a protest “[that]
14 has been filed” is deleted as surplusage.

15 Defined terms: “License” § 1–101

16 “Local licensing board” § 1–101

17 **4–407. DENIAL OF RENEWAL APPLICATION.**

18 **(A) DISQUALIFICATION.**

19 **A LOCAL LICENSING BOARD:**

20 **(1) MAY NOT RENEW A LICENSE IF THE BOARD DETERMINES THAT**
21 **THE LICENSE HOLDER IS NOT QUALIFIED TO OBTAIN A LICENSE RENEWAL; BUT**

22 **(2) SHALL ISSUE TO THE LICENSE HOLDER BY WAY OF RENEWAL THE**
23 **CLASS OR TYPE OF LICENSE FOR WHICH THE BOARD DETERMINES THE LICENSE**
24 **HOLDER IS QUALIFIED.**

25 **(B) CONVICTION.**

26 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL**
27 **LICENSING BOARD SHALL DENY A LICENSE RENEWAL APPLICATION IF DURING THE**
28 **LICENSE YEAR THE LICENSE HOLDER WAS CONVICTED OF A STATE OR FEDERAL**
29 **OFFENSE THAT, IN THE JUDGMENT OF THE BOARD, RENDERS THE LICENSE HOLDER**
30 **UNFIT OR UNQUALIFIED TO OBTAIN A RENEWED LICENSE.**

31 **(2) A LOCAL LICENSING BOARD:**

1 **(I) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A**
 2 **LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS**
 3 **SUBSECTION; AND**

4 **(II) MAY INQUIRE INTO ALL RELEVANT FACTS AND**
 5 **CIRCUMSTANCES CONCERNING THE OFFENSE AT THE HEARING.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 10–301(c) and the first sentence of (b).

8 Throughout this section, the references to a local licensing “board” are
 9 substituted for the former references to the local licensing “official[s]” for
 10 clarity and consistency within this article.

11 In subsection (a)(1) of this section, the former reference to qualifications to
 12 obtain renewal of an “expiring” license is deleted as unnecessary.

13 In subsection (b)(1) of this section, the requirement that “a local licensing
 14 board shall deny” a license renewal is substituted for the former reference
 15 stating that “no [license renewal] shall be granted” for clarity and brevity.

16 Also in subsection (b)(1) of this section, the references to a “license holder” are
 17 substituted for the former references to a “person” for clarity and consistency
 18 within this article.

19 Also in subsection (b)(1) of this section, the reference to a “State or federal
 20 offense” is substituted for the former reference to an “offense against the laws
 21 of the State or of the United States” for brevity.

22 Also in subsection (b)(1) of this section, the former reference to an offense that
 23 is “of such a nature as to” render the offender unfit for license renewal is
 24 deleted as unnecessary.

25 In subsection (b)(2)(i) of this section, the reference to license renewal “under
 26 the circumstances described in paragraph (1) of this subsection” is substituted
 27 for the former reference to license renewal “in such a case” for clarity.

28 Defined terms: “License” § 1–101

29 “License holder” § 1–101

30 “Local licensing board” § 1–101

31 “State” § 1–101

32 **4–408. ISSUANCE OF RENEWED LICENSES.**

33 **(A) ISSUANCE.**

1 **A LOCAL LICENSING BOARD MAY ISSUE RENEWED LICENSES FOR THE**
2 **FOLLOWING LICENSE YEAR BETWEEN APRIL 15 AND MAY 1, INCLUSIVE.**

3 **(B) EFFECTIVE DATE.**

4 **ALL RENEWED LICENSES SHALL BE DATED MAY 1.**

5 **(C) LICENSE SUBJECT TO RESTRICTION OR SUSPENSION.**

6 **IF AN EXPIRING LICENSE IS SUBJECT TO AN ORDER OF RESTRICTION OR**
7 **SUSPENSION, THE LOCAL LICENSING BOARD SHALL ISSUE THE CORRESPONDING**
8 **LICENSE RENEWAL SUBJECT TO THE SAME ORDER.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10–301(d)(1) and the second sentence of (b).

11 In subsection (a) of this section, the reference to between April 15 and May 1
12 “, inclusive” is added for clarity.

13 Also in subsection (a) of this section, the reference to a “local licensing board”
14 is substituted for the former reference to a “license issuing authority” for
15 clarity.

16 Also in subsection (a) of this section, the reference to “renewed” licenses is
17 substituted for the former reference to “such new” licenses for clarity.

18 Also in subsection (a) of this section, the reference to the “following license”
19 year is substituted for the former reference to the “ensuing” year for clarity.

20 Also in subsection (a) of this section, the former reference to the issuance of
21 renewed licenses between April 15 and May 1 “of each and every year” is
22 deleted as unnecessary.

23 Also in subsection (a) of this section, the former reference to license renewal
24 “as hereinabove provided” is deleted as unnecessary.

25 Also in subsection (a) of this section, the former reference to license renewal
26 “at any time” between specific dates is deleted as unnecessary.

27 In subsection (c) of this section, the reference to the “corresponding license
28 renewal” is substituted for the former reference to the “new license” for clarity.

29 Also in subsection (c) of this section, the reference to license renewal subject
30 to “the same” order is substituted for the former reference to license renewal
31 subject to “said” order for clarity.

1 Defined terms: "License" § 1-101
 2 "Local licensing board" § 1-101

3 **4-409. MULTIPLE LICENSES.**

4 **A PERSON WHO HOLDS MULTIPLE LICENSES MAY RENEW THE LICENSES.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 9-102(a)(1) and the introductory language of §
 7 9-107(a), as they related to the renewal of licenses.

8 Defined terms: "License" § 1-101
 9 "Person" § 1-101

10 **4-410. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

11 **NOTWITHSTANDING § 4-205 OF THIS TITLE, A CHAIN STORE, SUPERMARKET,**
 12 **OR DISCOUNT HOUSE THAT HOLDS A CLASS A, CLASS B, OR CLASS D BEER LICENSE,**
 13 **BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE MAY RENEW THE**
 14 **LICENSE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from the first sentence of former Art. 2B, § 9-102(a-1), as it related to
 17 the renewal of a license for a chain store, supermarket, or discount house.

18 The phrase "[n]otwithstanding § 4-205 of this title," is added to clarify that
 19 this section is an exception to § 4-205.

20 The former reference to the issuance of a license on the premises of "any
 21 business establishment of the type commonly known as" a chain store,
 22 supermarket, or discount house is deleted as unnecessary.

23 Defined terms: "Beer" § 1-101
 24 "Wine" § 1-101

25 **SUBTITLE 5. CONDUCT OF LOCAL LICENSE HOLDERS.**

26 **4-501. SCOPE OF SUBTITLE.**

27 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
 28 **STATEWIDE.**

29 REVISOR'S NOTE: This section is new language added to clarify that the provisions
 30 of this subtitle prevail unless they conflict with other provisions in Division II
 31 of this article.

1 **4-502. STORAGE OF ALCOHOLIC BEVERAGES.**

2 (A) APPLICATION OF SECTION.

3 THIS SECTION DOES NOT APPLY TO A PERSON THAT:

4 (1) HOLDS A FESTIVAL LICENSE ISSUED BY A LOCAL LICENSING
5 BOARD; AND

6 (2) HAS ENTERED INTO AN AGREEMENT AUTHORIZED UNDER
7 SUBTITLE 13 OF THE VARIOUS TITLES IN DIVISION II OF THIS ARTICLE THAT
8 PROVIDES FOR THE DELIVERY OF BEER AND WINE BEFORE THE EFFECTIVE DATE OF
9 THE LICENSE AND ACCEPTANCE OF RETURNS AFTER THE EXPIRATION DATE OF THE
10 LICENSE.

11 (B) AUTHORIZED LOCATIONS.

12 A LICENSE HOLDER MAY STORE OR KEEP ALCOHOLIC BEVERAGES ONLY:

13 (1) ON THE PREMISES COVERED BY THE LICENSE; OR

14 (2) AT A PUBLIC WAREHOUSE, GOVERNMENT-CONTROLLED
15 WAREHOUSE, OR INDIVIDUAL WAREHOUSE FOR WHICH A PERMIT HAS BEEN ISSUED
16 UNDER THIS ARTICLE.

17 REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify
18 the applicability of this section.

19 Subsection (b) of this section is new language derived without substantive
20 change from former Art. 2B, § 12-105.

21 Defined terms: "Alcoholic beverage" § 1-101

22 "Beer" § 1-101

23 "License" § 1-101

24 "License holder" § 1-101

25 "Local licensing board" § 1-101

26 "Person" § 1-101

27 "Wine" § 1-101

28 **4-503. SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES.**

29 (A) IN GENERAL.

1 **A RETAIL DEALER MAY NOT EMPLOY A SOLICITOR OR SALESPERSON OUTSIDE**
 2 **OF THE LICENSED PLACE OF BUSINESS TO SOLICIT ORDERS FOR THE SALE OF**
 3 **ALCOHOLIC BEVERAGES IN THE STATE.**

4 **(B) SALE OUTSIDE OF LICENSED PREMISES PROHIBITED.**

5 **THE SALE OF ALCOHOLIC BEVERAGES MAY NOT OCCUR OUTSIDE OF THE**
 6 **LICENSED PREMISES.**

7 **(C) ORDERS BY MAIL, TELEPHONE, OR MESSENGER ALLOWED.**

8 **THIS SECTION DOES NOT PROHIBIT:**

9 **(1) RECEIVING ORDERS BY MAIL, TELEPHONE, OR MESSENGER;**

10 **(2) THE FILLING OF ORDERS BY DELIVERY; OR**

11 **(3) THE PAYMENT FOR ORDERS AT THE PLACE OF DELIVERY.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 12-301(a).

14 In subsection (a) of this section, the reference to a "salesperson" is substituted
 15 for the former reference to a "salesman" to conform to the terminology used
 16 throughout this article.

17 In subsection (b) of this section, the reference to a licensed "premises" is
 18 substituted for the former reference to a licensed "place of business" to conform
 19 to the terminology used throughout this article.

20 Also in subsection (b) of this section, the reference to "occur" is substituted for
 21 the former reference to "be consummated" for clarity.

22 Defined terms: "Alcoholic beverage" § 1-101

23 "Retail dealer" § 1-101

24 "State" § 1-101

25 **4-504. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

26 **(A) EMPLOYMENT OF INDIVIDUAL UNDER AGE OF 18 YEARS.**

27 **AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE ENGAGED IN THE**
 28 **SALE OF ALCOHOLIC BEVERAGES.**

29 **(B) EMPLOYMENT OF INDIVIDUAL BETWEEN AGES OF 18 AND 21 YEARS.**

1 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **AN INDIVIDUAL BETWEEN THE AGES OF 18 AND 21 YEARS MAY BE EMPLOYED IN THE**
3 **SALE OF BEER AND LIGHT WINE.**

4 **(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE**
5 **EMPLOYED BY A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE IN THE**
6 **SALE OF ALCOHOLIC BEVERAGES.**

7 **(c) EMPLOYMENT OF INDIVIDUAL AT LEAST 18 YEARS OLD.**

8 **AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED BY A HOLDER OF**
9 **A CLASS A LICENSE TO OPERATE A LOTTERY TICKET TERMINAL.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 12-302(a).

12 Throughout this section, the references to an "individual" are substituted for
13 the former, broader references to a "person" for accuracy, as all of the
14 references are to human beings.

15 In subsection (a) of this section, the former phrase "[u]nless provision is made
16 elsewhere, the following provisions apply statewide" is deleted as unnecessary
17 in light of the organization of this revised article.

18 Also in subsection (a) of this section, the former reference to "licensed
19 establishments" is deleted as unnecessary.

20 Defined terms: "Alcoholic beverage" § 1-101

21 "Beer" § 1-101

22 "Wine" § 1-101

23 **4-505. ALCOHOL AWARENESS PROGRAM.**

24 **(A) "ALCOHOL AWARENESS PROGRAM" DEFINED.**

25 **IN THIS SECTION, "ALCOHOL AWARENESS PROGRAM" MEANS A PROGRAM**
26 **THAT:**

27 **(1) INCLUDES INSTRUCTION ON HOW ALCOHOL AFFECTS AN**
28 **INDIVIDUAL'S BEHAVIOR AND BODY;**

29 **(2) PROVIDES EDUCATION ON THE DANGERS OF DRINKING AND**
30 **DRIVING; AND**

1 **(3) DEFINES EFFECTIVE METHODS TO:**

2 **(I) DETERMINE WHETHER A CUSTOMER IS UNDER THE LEGAL**
3 **DRINKING AGE;**

4 **(II) SERVE CUSTOMERS TO MINIMIZE THE CHANCE OF**
5 **INTOXICATION; AND**

6 **(III) STOP SERVICE BEFORE A CUSTOMER BECOMES**
7 **INTOXICATED.**

8 **(B) SCOPE OF SECTION.**

9 **(1) THIS SECTION APPLIES TO:**

10 **(I) A LICENSED PREMISES THAT SELLS ALCOHOLIC BEVERAGES**
11 **TO A CUSTOMER FROM A BAR OR SERVICE BAR ON THE PREMISES;**

12 **(II) A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES**
13 **FOR OFF-PREMISES CONSUMPTION; AND**

14 **(III) AN UNLICENSED ESTABLISHMENT IN A JURISDICTION THAT**
15 **REQUIRES A WORKER, A SUPERVISOR, OR AN OWNER OF AN UNLICENSED**
16 **ESTABLISHMENT TO RECEIVE ALCOHOL AWARENESS TRAINING.**

17 **(2) THIS SECTION DOES NOT APPLY TO:**

18 **(I) A TEMPORARY LICENSE;**

19 **(II) A CLASS E (ON-SALE) WATER VESSEL LICENSE;**

20 **(III) A CLASS F (ON-SALE) RAILROAD LICENSE; OR**

21 **(IV) A CLASS G (ON-SALE) AIRPLANE LICENSE.**

22 **(C) PROGRAM CERTIFICATION.**

23 **THE COMPTROLLER:**

24 **(1) SHALL APPROVE, CERTIFY, AND ISSUE AN ALCOHOL AWARENESS**
25 **PROGRAM PERMIT TO EACH ALCOHOL AWARENESS PROGRAM THAT COMPLIES WITH**
26 **THIS SECTION; AND**

1 **(2) MAY REQUIRE RECERTIFICATION OF THE APPROVED ALCOHOL**
2 **AWARENESS PROGRAM TO ENSURE COMPLIANCE WITH CHANGES IN THE PROGRAM.**

3 **(D) ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

4 **BEFORE AN INDIVIDUAL MAY TEACH AN ALCOHOL AWARENESS PROGRAM,**
5 **THE INDIVIDUAL SHALL OBTAIN AN ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

6 **(E) TRAINING REQUIRED.**

7 **A HOLDER OF ANY RETAIL ALCOHOLIC BEVERAGES LICENSE OR AN EMPLOYEE**
8 **DESIGNATED BY THE HOLDER SHALL COMPLETE TRAINING IN AN APPROVED**
9 **ALCOHOL AWARENESS PROGRAM.**

10 **(F) CERTIFICATE OF COMPLETION; NOTIFICATION OF LOCAL LICENSING**
11 **BOARD.**

12 **(1) (I) FOR EACH COMPLETION OF A CERTIFIED ALCOHOL**
13 **AWARENESS PROGRAM, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL**
14 **ISSUE A CERTIFICATE OF COMPLETION THAT IS VALID FOR 4 YEARS FROM THE DATE**
15 **OF ISSUANCE.**

16 **(II) THE HOLDER OR EMPLOYEE SHALL COMPLETE RETRAINING**
17 **IN AN APPROVED ALCOHOL AWARENESS PROGRAM FOR EACH SUCCESSIVE 4-YEAR**
18 **PERIOD.**

19 **(III) ON REQUEST, A VALID CERTIFICATE SHALL BE PRESENTED**
20 **TO THE PROPER AUTHORITY.**

21 **(2) WITHIN 5 DAYS AFTER A LICENSE HOLDER, AN OWNER OF AN**
22 **UNLICENSED ESTABLISHMENT, OR AN EMPLOYEE OF A LICENSE HOLDER OR OWNER**
23 **OF AN UNLICENSED ESTABLISHMENT IS SENT A CERTIFICATE OF COMPLETION, THE**
24 **ALCOHOL AWARENESS PROGRAM PROVIDER SHALL INFORM THE APPROPRIATE**
25 **LOCAL LICENSING BOARD OF:**

26 **(I) THE INDIVIDUAL'S NAME, ADDRESS, AND CERTIFICATION**
27 **DATE; AND**

28 **(II) THE NAME AND ADDRESS OF THE LICENSED**
29 **ESTABLISHMENT OR UNLICENSED ESTABLISHMENT.**

30 **(G) DECERTIFICATION.**

1 **THE COMPTROLLER MAY DECERTIFY THE ALCOHOL AWARENESS PROGRAM**
 2 **OF AN ALCOHOL AWARENESS PROGRAM PROVIDER WHO VIOLATES SUBSECTION (C),**
 3 **(D), OR (F) OF THIS SECTION.**

4 **(H) ENFORCEMENT AND PENALTIES.**

5 **(1) EACH LOCAL LICENSING BOARD SHALL ENFORCE THIS SECTION.**

6 **(2) A LICENSE HOLDER WHO VIOLATES SUBSECTION (E) OF THIS**
 7 **SECTION IS SUBJECT TO:**

8 **(I) FOR THE FIRST OFFENSE, A \$100 FINE; AND**

9 **(II) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT TO EXCEED**
 10 **\$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

11 **(I) EFFECT OF SECTION.**

12 **(1) THIS SECTION DOES NOT CREATE OR ENLARGE A CIVIL CAUSE OF**
 13 **ACTION OR CRIMINAL PROCEEDING AGAINST A LICENSE HOLDER.**

14 **(2) EVIDENCE OF A VIOLATION OF THIS SECTION:**

15 **(I) MAY ONLY BE USED AS EVIDENCE BEFORE THE LOCAL**
 16 **LICENSING BOARD IN AN ACTION BROUGHT BEFORE THE LOCAL LICENSING BOARD**
 17 **FOR A VIOLATION OF THIS SECTION; AND**

18 **(II) MAY NOT BE INTRODUCED IN A CIVIL OR CRIMINAL**
 19 **PROCEEDING.**

20 REVISOR'S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 13-101(a), (d) through (f), (b)(1)(i) and (ii) and
 22 (2), and (c)(1).

23 In subsection (a)(3)(iii) of this section, the reference to "stop" is substituted for
 24 the former reference to "ceasing" for clarity.

25 In subsection (b)(1)(i) of this section, the reference to a licensed premises that
 26 "sells" is substituted for the former reference to licensed premises that "are
 27 operated by selling" for brevity.

28 In subsection (b)(1)(iii) of this section, the reference to "an unlicensed
 29 establishment in a jurisdiction that requires a worker, a supervisor, or an
 30 owner of an unlicensed establishment to receive alcohol awareness training"
 31 is added for clarity in light of the applicable establishments in certain

1 jurisdictions. *See*, for example, § 12–2503 (Baltimore City) and § 23–2501
2 (Howard County).

3 In subsection (b)(2)(ii) of this section, the reference to “water vessel” is
4 substituted for the former obsolete reference to “steamboat”. Similarly, in
5 subsection (b)(2)(iv) of this section, the reference to “airplane” is substituted
6 for the former obsolete reference to “aircraft”.

7 In subsection (d) of this section, the reference to “may” is substituted for the
8 former reference to “who is authorized or employed to” for brevity.

9 In subsection (e) of this section, the former reference to “class of” retail
10 alcoholic beverage license is deleted as surplusage.

11 In subsection (f)(1)(i) of this section, the phrase “the alcohol awareness
12 program provider shall issue” is substituted for the former phrase “[a]
13 certificate of completion shall be issued for each completion of” for clarity.

14 In subsection (f)(1)(iii) of this section, the former reference to “up-to-date” is
15 deleted as included in the reference to “valid”.

16 In subsection (f)(2) of this section, the references to an “unlicensed
17 establishment” are substituted for the former obsolete references to a “bottle
18 club” for clarity.

19 In subsection (h)(1) of this section, the reference to each local licensing board
20 “shall enforce” is substituted for the former reference to “is responsible for
21 enforcing” for brevity.

22 Also in subsection (h)(1) of this section, the former phrase “including the
23 penalty provision” is deleted as unnecessary.

24 Former Art. 2B, § 13–101(g), which stated that the Comptroller may issue
25 regulations to set standards and requirements pertaining to course content,
26 course duration, course format, and any other course related activities the
27 Comptroller may require, is deleted as unnecessary in light of the requirement
28 under § 1–302 of this article for the Comptroller to adopt regulations to
29 discharge the duties of this article.

30 Defined terms: “Alcoholic beverage” § 1–101

31 “Comptroller” § 1–101

32 “Jurisdiction” § 1–101

33 “License” § 1–101

34 “License holder” § 1–101

35 “Local licensing board” § 1–101

36 “On-sale” § 1–101

1 **4-506. EVIDENCE OF PURCHASER’S AGE.**

2 (A) LICENSE HOLDER MAY KEEP RECORD OF EVIDENCE OF AGE.

3 A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY REQUIRE
4 AN INDIVIDUAL TO SIGN A BOOK THAT THE LICENSE HOLDER KEEPS IF:

5 (1) THE INDIVIDUAL HAS SHOWN DOCUMENTARY EVIDENCE THAT
6 SUBSTANTIATES THE INDIVIDUAL’S AGE TO ALLOW THE PURCHASE OF ALCOHOLIC
7 BEVERAGES; AND

8 (2) THE AGE OF THE INDIVIDUAL REMAINS IN QUESTION.

9 (B) REQUIRED FORM.

10 (1) THE BOOK AUTHORIZED UNDER SUBSECTION (A) OF THIS
11 SECTION SHALL CONTAIN COPIES OF THE FOLLOWING FORM:

12 DATE..... 20....

13 TO BE FILLED IN BY SELLER

14 _____
15 _____

16 IDENTIFICATION (CHECK ALL SHOWN)

- 17 _____
- 18 DRIVER’S LICENSE ARMY I.D. CARD.....
- 19 BIRTH CERTIFICATE..... COAST GUARD I.D. CARD.....
- 20 SERVICE DISCHARGE MARINE I.D. CARD.....
- 21 DRAFT CARD NAVY I.D. CARD
- 22 AIR FORCE I.D. CARD
- 23 OTHER (SPECIFY)

24 _____
25 _____

26 DESCRIPTION OF PURCHASER

27 _____

28 HEIGHT..... WEIGHT.....

29 COLOR OF EYES COLOR OF HAIR

30 OUTSTANDING FEATURES.....

31

32

33

34

1 SELLER'S SIGNATURE.....
2 _____
3 _____

4 **TO BE FILLED IN BY PROSPECTIVE PURCHASER**

5 **I DECLARE I AM OF LEGAL AGE TO PURCHASE FERMENTED MALT BEVERAGES OR**
6 **INTOXICATING LIQUOR, AND THAT I AM SUBJECT TO ARREST AND PROSECUTION**
7 **FOR MISREPRESENTING MY AGE.**

8 **PRINT FULL NAME**

9 **STREET ADDRESS.....**

10 **CITY STATE.....**

11 **SIGNATURE.....**

12 **(2) THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE**
13 **HOLDER SHALL RECORD ALL INFORMATION REQUIRED BY EACH SECTION OF THE**
14 **FORM.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 12-109(1).

17 In the introductory language of subsection (a) of this section, the reference to
18 the authority of a license holder or employee to "require an individual to sign
19 a book" is substituted for the former reference to the authority of a license
20 holder or employee to "cause a book to be kept" for clarity and brevity.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
22 the General Assembly, that the requirement to record information in
23 subsection (b)(2) of this section is vague. The General Assembly may wish to
24 clarify this requirement.

25 Defined terms: "Alcoholic beverage" § 1-101
26 "License holder" § 1-101

27 **4-507. RETAIL DELIVERY OF ALCOHOLIC BEVERAGES.**

28 **(A) SCOPE OF SECTION.**

29 **THIS SECTION DOES NOT APPLY TO:**

30 **(1) THE DELIVERY OF WINE FROM A DIRECT WINE SHIPPER TO A**
31 **CONSUMER USING A COMMON CARRIER IN ACCORDANCE WITH TITLE 2, SUBTITLE 1,**
32 **PART V OF THIS ARTICLE; OR**

1 **(2) THE HOLDER OF A COMMON CARRIER PERMIT IN THE COURSE OF**
 2 **DELIVERING DIRECTLY SHIPPED WINE IN ACCORDANCE WITH TITLE 2, SUBTITLE 1,**
 3 **PART V OF THIS ARTICLE.**

4 **(B) PROHIBITED UNLESS AUTHORIZED BY LOCAL LICENSING BOARD.**

5 **RETAIL DELIVERY TO A PURCHASER OF ALCOHOLIC BEVERAGES IS**
 6 **PROHIBITED UNLESS:**

7 **(1) A RETAIL LICENSE HOLDER OBTAINS A LETTER OF**
 8 **AUTHORIZATION FROM THE LOCAL LICENSING BOARD TO MAKE DELIVERIES; AND**

9 **(2) THE DELIVERY IS MADE FROM THE LICENSED PREMISES BY THE**
 10 **RETAIL LICENSE HOLDER OR AN EMPLOYEE OF THE RETAIL LICENSE HOLDER.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 12-301(b) and (f).

13 In subsection (b)(1) of this section, the former requirement that a retail license
 14 holder "compl[y] with any regulations promulgated by the local licensing
 15 authority pertaining to those deliveries" is deleted as unnecessary because a
 16 retail license holder would be expected in any case to comply with regulations
 17 adopted by the local licensing board.

18 In subsection (b)(2) of this section, the former reference to an employee
 19 "authorized to sell and distribute alcoholic beverages by the local licensing
 20 authority in the jurisdiction where the delivery is made" is deleted as
 21 unnecessary in light of subsection (b)(1) of this section, which requires the
 22 retail license holder to obtain a letter of authorization from the local licensing
 23 board to make deliveries.

24 Defined terms: "Alcoholic beverage" § 1-101

25 "License holder" § 1-101

26 "Local licensing board" § 1-101

27 "Wine" § 1-101

28 **4-508. DISPLAY OF LICENSE.**

29 **A LICENSE HOLDER SHALL FRAME THE LICENSE UNDER GLASS AND DISPLAY**
 30 **THE LICENSE CONSPICUOUSLY IN THE LICENSED PREMISES.**

31 REVISOR'S NOTE: This section is new language derived without substantive change
 32 from former Art. 2B, § 10-505, except as it related to Class F licenses.

1 The defined term “license holder” is substituted for the former reference to
2 “[e]very person receiving a license under the provisions of this article” for
3 brevity.

4 The reference to “the licensed premises” is substituted for the former reference
5 to “his place of business” to conform to the terminology used throughout this
6 article.

7 The former phrase “at all times” is deleted as surplusage.

8 The former phrase “easily read” is deleted as implicit in the word
9 “conspicuously”.

10 Defined terms: “License” § 1–101
11 “License holder” § 1–101

12 **SUBTITLE 6. REVOCATION AND SUSPENSION OF LOCAL LICENSES.**

13 **4–601. SCOPE OF SUBTITLE.**

14 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
15 **STATEWIDE.**

16 REVISOR’S NOTE: This section is new language added to clarify that the provisions
17 of this subtitle prevail unless they conflict with other provisions in Division II
18 of this article.

19 **4–602. POWER OF LOCAL LICENSING BOARD.**

20 **A LOCAL LICENSING BOARD MAY REVOKE OR SUSPEND A LICENSE IN**
21 **ACCORDANCE WITH THIS SUBTITLE.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10–403(a)(1), as it related to the general
24 authority of local licensing boards to revoke or suspend a license.

25 The reference to the authority of a local licensing board to revoke or suspend
26 a license “in accordance with this subtitle” is added for clarity.

27 The defined term “local licensing board” is substituted for the former reference
28 to “the Board of License Commissioners for any county or Baltimore City” for
29 brevity.

30 The former phrase “as the case may be” is deleted as surplusage.

31 Defined terms: “License” § 1–101

1 “Local licensing board” § 1–101

2 **4–603. REVOCATION AND SUSPENSION PROCEDURES.**

3 **(A) BY COMPLAINT OR ON BOARD’S INITIATIVE.**

4 **REVOCATION OR SUSPENSION PROCEDURES MAY BE STARTED:**

5 **(1) BY A LOCAL LICENSING BOARD, AT THE LOCAL LICENSING**
6 **BOARD’S INITIATIVE;**

7 **(2) ON THE COMPLAINT OF A PEACE OFFICER;**

8 **(3) IF THE LICENSE HOLDER IS LOCATED IN A MUNICIPALITY THAT IS**
9 **WITHIN A COUNTY, ON THE COMPLAINT OF THE MAYOR AND COUNCIL OF THE**
10 **MUNICIPALITY; OR**

11 **(4) ON THE WRITTEN COMPLAINT OF AT LEAST 10 RESIDENTS, REAL**
12 **ESTATE OWNERS, OR VOTERS OF THE PRECINCT IN WHICH THE LICENSED PREMISES**
13 **ARE LOCATED.**

14 **(B) HEARING.**

15 **A LICENSE HOLDER AGAINST WHOM PROCEEDINGS UNDER THIS SECTION ARE**
16 **BROUGHT SHALL:**

17 **(1) BE ENTITLED TO A HEARING ON THE CHARGES IN THE**
18 **COMPLAINT; AND**

19 **(2) RECEIVE NOTICE OF THE HEARING AT LEAST 10 DAYS BEFORE THE**
20 **HEARING DATE.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10–403(a)(1), as it related to a local licensing
23 board.

24 In subsection (a)(3) of this section, the former reference to “the corporate
25 limits” of a municipality is deleted as surplusage.

26 In subsection (a)(4) of this section, the reference to licensed “premises” is
27 substituted for the former reference to licensed “place of business” for
28 consistency with terminology used throughout this article.

1 Also in subsection (a)(4) of this section, the former reference to “citizens” is
2 deleted as included in the reference to “residents”.

3 In the introductory language of subsection (b) of this section, the reference to
4 a license holder “against whom proceedings under this section are brought” is
5 added for clarity.

6 In subsection (b)(1) of this section, the reference to charges “in the complaint”
7 is substituted for the former reference to charges “to be framed by the officer
8 or Board, or upon the complaint” for brevity.

9 Defined terms: “County” § 1–101

10 “License holder” § 1–101

11 “Local licensing board” § 1–101

12 **4–604. GROUNDS FOR REVOCATION OR SUSPENSION.**

13 **(A) DISCRETIONARY GROUNDS.**

14 **A LOCAL LICENSING BOARD MAY REVOKE OR SUSPEND A LICENSE:**

15 **(1) FOR ANY REASON TO PROMOTE THE PEACE OR SAFETY OF THE**
16 **COMMUNITY IN WHICH THE PREMISES ARE LOCATED; OR**

17 **(2) FOR OFFENSES AS PROVIDED IN THIS ARTICLE.**

18 **(B) MANDATORY GROUNDS.**

19 **A LOCAL LICENSING BOARD SHALL REVOKE OR SUSPEND A LICENSE FOR:**

20 **(1) CONVICTION OF THE LICENSE HOLDER FOR VIOLATION OF THIS**
21 **ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE THAT RELATES TO THE**
22 **ALCOHOLIC BEVERAGE TAX;**

23 **(2) WILLFUL FAILURE OR REFUSAL OF THE LICENSE HOLDER TO**
24 **COMPLY WITH:**

25 **(I) THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL**
26 **ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR**

27 **(II) A REGULATION THAT MAY BE ADOPTED UNDER THIS**
28 **ARTICLE OR UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO**
29 **THE ALCOHOLIC BEVERAGE TAX;**

1 **(3) MAKING A MATERIAL FALSE STATEMENT IN AN APPLICATION FOR**
2 **A LICENSE;**

3 **(4) TWO OR MORE CONVICTIONS WITHIN 2 YEARS OF AN AGENT OR**
4 **EMPLOYEE OF A LICENSE HOLDER FOR ON-PREMISES VIOLATIONS OF THIS ARTICLE**
5 **OR PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC**
6 **BEVERAGE TAX;**

7 **(5) ON-PREMISES POSSESSION BY A RETAIL DEALER OF AN**
8 **ALCOHOLIC BEVERAGE ON WHICH THE TAX IMPOSED BY § 5-102 OF THE TAX –**
9 **GENERAL ARTICLE HAS NOT BEEN PAID;**

10 **(6) VIOLATION OF § 2-216 OR § 2-315 OF THIS ARTICLE;**

11 **(7) WILLFUL FAILURE OF A LICENSE HOLDER TO:**

12 **(I) KEEP THE RECORDS REQUIRED UNDER THIS ARTICLE OR**
13 **UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE**
14 **ALCOHOLIC BEVERAGE TAX; OR**

15 **(II) ALLOW INSPECTION OF THE RECORDS BY AN AUTHORIZED**
16 **PERSON;**

17 **(8) ON-PREMISES POSSESSION OF AN ALCOHOLIC BEVERAGE THAT A**
18 **LICENSE HOLDER IS NOT LICENSED TO SELL;**

19 **(9) REVOCATION OR SUSPENSION OF A PERMIT ISSUED TO A LICENSE**
20 **HOLDER BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU OR**
21 **FOR CONVICTION OF VIOLATING A FEDERAL LAW RELATING TO ALCOHOLIC**
22 **BEVERAGES;**

23 **(10) FAILURE TO FURNISH BOND AS REQUIRED BY THIS ARTICLE**
24 **WITHIN 15 DAYS AFTER NOTICE FROM THE COMPTROLLER; OR**

25 **(11) VIOLATION OF § 4-605 OF THIS SUBTITLE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10-401(a)(4) and, except as they related to
28 State-issued licenses and permits, (2) and (3).

29 In the introductory language of subsection (a) of this section, the reference to
30 the "local licensing board" is substituted for the former reference to the
31 "issuing authority" to reflect that this subtitle applies to licenses issued only
32 by a local licensing board.

1 In subsection (a)(1) of this section, the reference to any “reason” is substituted
2 for the former reference to any “cause which in the judgment of the ... board is
3 necessary” for brevity.

4 Also in subsection (a)(1) of this section, the reference to the “premises” is
5 substituted for the former reference to the “place of business” for consistency
6 with terminology used throughout this article.

7 Also in subsection (a)(1) of this section, the former reference to the “official” is
8 deleted as included in the reference to a local licensing board.

9 Also in subsection (a)(1) of this section, the former reference to the “court” is
10 deleted as unnecessary, as a court only decides on judicial review whether a
11 suspension or revocation is proper.

12 In the introductory language of subsection (b) of this section, the former
13 reference to “§ 15–112(c)(6) or (p) of this article” is deleted as unnecessary in
14 light of the organization of this revised article.

15 In subsection (b)(2)(ii) of this section, the former reference to a “rule” is deleted
16 as included in the reference to a “regulation” and to conform to other similar
17 provisions of the Code.

18 In subsection (b)(4) of this section, the former reference to “servants” of a
19 license holder is deleted as included in the reference to an “employee” of a
20 license holder. Similarly, the former reference to “clerks” is deleted.

21 Also in subsection (b)(4) of this section, the former reference to “one or more”
22 agents or employees is deleted as surplusage.

23 Also in subsection (b)(4) of this section, the former reference to premises
24 “subject to the license” is deleted as surplusage.

25 In subsection (b)(7)(ii) of this section, the former reference to a “duly”
26 authorized person is deleted as surplusage.

27 In subsection (b)(9) of this section, the reference to the “federal Alcohol and
28 Tobacco Tax and Trade Bureau” is substituted for the former incorrect
29 reference to the “Federal Bureau of Alcohol, Tobacco and Firearms”.

30 In subsection (b)(11) of this section, the reference to a “violation of § 4–605 of
31 this subtitle” is added for accuracy.

32 Defined terms: “Alcoholic beverage” § 1–101

33 “License” § 1–101

34 “License holder” § 1–101

1 "Local licensing board" § 1-101

2 "Person" § 1-101

3 "Retail dealer" § 1-101

4 **4-605. NUDITY AND SEXUAL DISPLAYS.**

5 **(A) REVOCATION REQUIRED.**

6 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
7 **LOCAL LICENSING BOARD SHALL REVOKE A LICENSE IF, AFTER A HEARING UNDER §**
8 **4-603(B) OF THIS SUBTITLE, AN ACTIVITY LISTED IN THIS SECTION IS FOUND TO**
9 **HAVE OCCURRED ON THE LICENSED PREMISES.**

10 **(2) THE LICENSE OF A PERSON MAY NOT BE REVOKED UNDER**
11 **PARAGRAPH (1) OF THIS SUBSECTION IF:**

12 **(I) THE PERSON OPERATES A THEATER, A CONCERT HALL, AN**
13 **ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY**
14 **DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES; AND**

15 **(II) THE PERFORMANCES EXPRESS MATTERS OF SERIOUS**
16 **LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.**

17 **(B) PROHIBITED ATTIRE AND CONDUCT.**

18 **AN INDIVIDUAL MAY NOT:**

19 **(1) BE EMPLOYED OR USED IN THE SALE OR SERVICE OF ALCOHOLIC**
20 **BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE INDIVIDUAL IS**
21 **UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO EXPOSE TO VIEW ANY**
22 **PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA OR ANY PORTION**
23 **OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS, VULVA, OR GENITALS;**

24 **(2) BE EMPLOYED OR ACT AS A HOSTESS OR ACT IN A SIMILAR**
25 **CAPACITY TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR INDIVIDUAL**
26 **ACTING IN A SIMILAR CAPACITY IS UNCLOTHED OR IN ATTIRE, COSTUME, OR**
27 **CLOTHING DESCRIBED IN ITEM (1) OF THIS SUBSECTION;**

28 **(3) ENCOURAGE OR ALLOW AN INDIVIDUAL ON THE LICENSED**
29 **PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR GENITALS OF**
30 **ANOTHER INDIVIDUAL; OR**

1 **(4) ALLOW AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE A**
2 **DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE**
3 **BREAST, GENITALS, ANUS, OR PUBIC HAIR.**

4 **(C) PROHIBITED ENTERTAINMENT.**

5 **WITH RESPECT TO ENTERTAINMENT PROVIDED, A PERSON MAY NOT:**

6 **(1) ALLOW AN INDIVIDUAL TO PERFORM AN ACT OF OR ACT THAT**
7 **SIMULATES:**

8 **(I) SEXUAL INTERCOURSE, MASTURBATION, SODOMY,**
9 **BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS**
10 **PROHIBITED BY LAW;**

11 **(II) THE CARESSING OR FONDLING OF THE BREAST, BUTTOCKS,**
12 **ANUS, OR GENITALS; OR**

13 **(III) THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR**
14 **GENITALS;**

15 **(2) SUBJECT TO ITEM (1) OF THIS SUBSECTION, ALLOW AN**
16 **ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER**
17 **THAN 6 FEET FROM THE NEAREST PATRON; OR**

18 **(3) ALLOW AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE OR**
19 **INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY PROHIBITED**
20 **UNDER ITEM (1) OF THIS SUBSECTION.**

21 **(D) PROHIBITED MOTION PICTURES, STILL PICTURES, ELECTRONIC**
22 **REPRODUCTION, OR OTHER VISUAL REPRODUCTION.**

23 **A PERSON MAY NOT SHOW A MOTION PICTURE, A STILL PICTURE, AN**
24 **ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION DEPICTING:**

25 **(1) AN ACT OR A SIMULATED ACT OF SEXUAL INTERCOURSE,**
26 **MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A**
27 **SEXUAL ACT THAT IS PROHIBITED BY LAW;**

28 **(2) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE BREAST,**
29 **BUTTOCKS, ANUS, OR GENITALS;**

1 **(3) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA, ANUS,**
 2 **OR GENITALS; OR**

3 **(4) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE OBJECT**
 4 **IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED ACT**
 5 **DESCRIBED IN THIS SUBSECTION.**

6 **(E) INDIVIDUALS WHO MUST LEAVE PREMISES.**

7 **A PERSON MAY NOT ALLOW AN INDIVIDUAL TO REMAIN IN OR ON THE**
 8 **LICENSED PREMISES WHO EXPOSES TO PUBLIC VIEW ANY PORTION OF THE**
 9 **INDIVIDUAL’S GENITALS OR ANUS.**

10 **(F) EFFECTS OF OTHER STATUTES.**

11 **THIS SECTION DOES NOT ALLOW ANY CONDUCT OR FORM OF ATTIRE**
 12 **PROHIBITED BY ANY OTHER STATUTE, ORDINANCE, RULE, OR REGULATION.**

13 REVISOR’S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 10–405(b) through (g).

15 Throughout this section, references to an “individual” are substituted for the
 16 former references to a “person” where the context clearly indicates that the
 17 provision refers to a human being.

18 In subsection (a)(1) of this section, the reference to a “local licensing board” is
 19 added to state explicitly what was only implied in the former law, that a local
 20 licensing board is required to revoke licenses under this subtitle.

21 In the introductory language of subsection (b) of this section, the former
 22 phrase “[w]ith respect to attire and conduct,” is deleted as surplusage.

23 In subsection (c)(2) of this section, the former reference to “the restrictions of”
 24 paragraph (1) of this subsection is deleted as surplusage.

25 In the introductory language of subsection (d) of this section, the former
 26 reference to “exhibit[ing]” is deleted as included in the reference to
 27 “show[ing]”.

28 Also in the introductory language of subsection (d) of this section, the former
 29 reference to a motion picture “film” is deleted as surplusage.

30 Defined terms: “Alcoholic beverage” § 1–101

31 “License” § 1–101

32 “Local licensing board” § 1–101

1 “Person” § 1–101

2 **4–606. EFFECTS OF REVOCATION.**

3 **(A) IN GENERAL.**

4 **AFTER REVOKING A LICENSE, A LOCAL LICENSING BOARD:**

5 **(1) MAY NOT ISSUE ANOTHER LICENSE TO THE PERSON WHOSE**
6 **LICENSE IS REVOKED;**

7 **(2) MAY NOT ISSUE ANY LICENSE FOR THE SAME PREMISES FOR 6**
8 **MONTHS AFTER THE REVOCATION; AND**

9 **(3) MAY DECIDE NOT TO ISSUE ANOTHER LICENSE FOR THE SAME**
10 **PREMISES.**

11 **(B) LICENSE HELD ON BEHALF OF CORPORATION, PARTNERSHIP, OR**
12 **UNINCORPORATED ASSOCIATION.**

13 **IF THE LICENSE WAS HELD ON BEHALF OF A CORPORATION, A PARTNERSHIP,**
14 **OR AN UNINCORPORATED ASSOCIATION, ANOTHER LICENSE MAY NOT BE OBTAINED**
15 **ON BEHALF OF THE CORPORATION, PARTNERSHIP, OR UNINCORPORATED**
16 **ASSOCIATION TO SELL ALCOHOLIC BEVERAGES ON THE SAME PREMISES FOR 6**
17 **MONTHS AFTER THE REVOCATION.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10–404(a), except as it related to the
20 Comptroller.

21 In the introductory language of subsection (a) of this section, the former
22 reference to a “court” is deleted as misleading. A court does not revoke a
23 license, but overturns or upholds the decision of the Comptroller to do so.

24 Also in the introductory language of subsection (a) of this section, the former
25 reference to the “State Appeal Board” is deleted as obsolete. The State Appeal
26 Board was abolished in 1985.

27 Also in the introductory language of subsection (a) of this section, the former
28 phrase “as the case may be” is deleted as surplusage.

29 Defined terms: “Alcoholic beverage” § 1–101

30 “License” § 1–101

31 “Local licensing board” § 1–101

32 “Person” § 1–101

1 **SUBTITLE 7. EXPIRATION OF LOCAL LICENSES.**

2 **4-701. SCOPE OF SUBTITLE.**

3 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
 4 **STATEWIDE.**

5 REVISOR'S NOTE: This section is new language added to clarify that the provisions
 6 of this subtitle prevail unless they conflict with other provisions in Division II
 7 of this article.

8 **4-702. EXPIRATION OF LICENSES.**

9 **(A) ON DEATH OF LICENSE HOLDER.**

10 **A LICENSE EXPIRES ON THE DEATH OF THE LICENSE HOLDER, SUBJECT TO**
 11 **SUBTITLE 8 OF THIS TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION**
 12 **II OF THIS ARTICLE.**

13 **(B) AFTER VACATION OF OR EVICTION FROM PREMISES.**

14 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSE ISSUED BY A**
 15 **LOCAL LICENSING BOARD EXPIRES ON THE 10TH DAY AFTER A LICENSE HOLDER HAS**
 16 **VACATED OR BEEN EVICTED FROM THE LICENSED PREMISES.**

17 REVISOR'S NOTE: Subsection (a) of this section is new language added as a
 18 convenient reference to provisions relating to the expiration of a license on the
 19 death of the license holder.

20 Subsection (b) of this section is new language derived without substantive
 21 change from the first clause of the first sentence of former Art. 2B, § 10-504(a),
 22 except as it related to Baltimore County.

23 In subsection (b) of this section, the reference to a license issued by "a local
 24 licensing board" is substituted for the former reference to a license issued
 25 "under this article" to clarify that this section applies only to licenses that a
 26 local licensing board issues and not to licenses that the Comptroller issues.

27 Defined terms: "License" § 1-101
 28 "License holder" § 1-101
 29 "Local licensing board" § 1-101

30 **4-703. PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS.**

1 **SECTION 4-702 OF THIS SUBTITLE DOES NOT APPLY IF AN APPLICATION IS**
 2 **PENDING OR HAS BEEN APPROVED FOR:**

3 **(1) A TRANSFER OF A LICENSE TO ANOTHER LOCATION OR ANOTHER**
 4 **PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE AND SUBTITLE 17 OF THE VARIOUS**
 5 **TITLES OF DIVISION II OF THIS ARTICLE; OR**

6 **(2) A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR**
 7 **CONTINUATION OF BUSINESS, SUBJECT TO § 4-803 OF THIS TITLE AND SUBTITLE 23**
 8 **OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from the second clause of the first sentence of former Art. 2B, §
 11 10-504(a).

12 In item (2) of this section, the reference to "a certificate of permission or a
 13 renewal license for continuation of business" is added for clarity.

14 Defined terms: "License" § 1-101
 15 "Person" § 1-101

16 **4-704. LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE.**

17 **A LICENSE ISSUED BY A LOCAL LICENSING BOARD FOR A PREMISES ACQUIRED**
 18 **FOR PUBLIC USE SHALL EXPIRE 180 DAYS AFTER ACQUISITION UNLESS AN**
 19 **APPLICATION IS PENDING OR HAS BEEN APPROVED FOR:**

20 **(1) A TRANSFER OF THE LICENSE TO ANOTHER LOCATION OR**
 21 **ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE AND SUBTITLE 17 OF**
 22 **THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE; OR**

23 **(2) A CERTIFICATE OF PERMISSION, SUBJECT TO § 4-803 OF THIS**
 24 **TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 10-504(c).

27 In the introductory language of this section, the reference to a license "issued
 28 by a local licensing board" is added for clarity.

29 Also in the introductory language of this section, the former reference to a
 30 license expiring "within" 180 days is deleted as surplusage.

31 In item (2) of this section, the reference to "a certificate of permission" is added
 32 for clarity.

1 Former Art. 2B, § 10–504(b), which stated that Art. 2B, § 10–504 did not apply
 2 to the holder of a license whose premises have been acquired for public use, is
 3 deleted as erroneous. Former Art. 2B, § 10–504(c), now revised as this section,
 4 contains provisions concerning a license for a premises acquired for public use.

5 Defined terms: “License” § 1–101

6 “Local licensing board” § 1–101

7 “Person” § 1–101

8 **4–705. POSTPONEMENT TO AVOID HARDSHIP.**

9 **(A) ADDITIONAL PERIOD ALLOWED.**

10 **A LOCAL LICENSING BOARD MAY POSTPONE THE EXPIRATION OF A LICENSE**
 11 **THAT THE LOCAL LICENSING BOARD ISSUES FOR AN ADDITIONAL PERIOD TO AVOID**
 12 **HARDSHIP.**

13 **(B) LIMIT ON ADDITIONAL PERIOD.**

14 **THE ADDITIONAL PERIOD MAY NOT EXCEED 20 DAYS.**

15 REVISOR’S NOTE: This section is new language derived without substantive
 16 change from the second sentence of former Art. 2B, § 10–504(a), except as it
 17 related to the Comptroller.

18 In subsection (a) of this section, the former phrase “as the case may be” is
 19 deleted as surplusage.

20 Also in subsection (a) of this section, the former reference to “undue” hardship
 21 is deleted as redundant.

22 In subsection (b) of this section, the former phrase “in any case” is deleted as
 23 surplusage.

24 Defined terms: “License” § 1–101

25 “Local licensing board” § 1–101

26 **SUBTITLE 8. DEATH OF LICENSE HOLDER.**

27 **4–801. SCOPE OF SUBTITLE.**

28 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
 29 **STATEWIDE.**

1 REVISOR'S NOTE: This section is new language added to clarify that the provisions
2 of this subtitle prevail unless they conflict with other provisions in Division II
3 of this article.

4 **4-802. EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER.**

5 **SUBJECT TO § 4-803 OF THIS SUBTITLE, A LICENSE EXPIRES WHEN THE**
6 **LICENSE HOLDER DIES.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 10-506(a)(1), except for the reference to Class
9 E, Class F, and Class G licenses.

10 Defined terms: "License" § 1-101

11 "License holder" § 1-101

12 **4-803. CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION**
13 **OF BUSINESS.**

14 **(A) IN GENERAL.**

15 **ON APPLICATION TO THE LOCAL LICENSING BOARD AND PAYMENT OF A FEE**
16 **OF \$1 BY THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE**
17 **ESTATE OF A DECEASED LICENSE HOLDER TO THE LOCAL COLLECTING AGENT, THE**
18 **LOCAL LICENSING BOARD MAY GRANT A CERTIFICATE OF PERMISSION FOR THE**
19 **CONTINUATION OF THE BUSINESS IN THE NAME OF THE PERSONAL**
20 **REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR THE BENEFIT OF THE ESTATE**
21 **OF THE DECEASED LICENSE HOLDER.**

22 **(B) TERM.**

23 **(1) THE CERTIFICATE OF PERMISSION MAY BE GRANTED FOR A**
24 **PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DATE OF THE GRANTED**
25 **PERMISSION UNLESS THE LICENSE EXPIRES EARLIER.**

26 **(2) IF THE LICENSE EXPIRES EARLIER THAN 18 MONTHS AFTER THE**
27 **DATE OF THE GRANTED PERMISSION, THE LOCAL LICENSING BOARD MAY ISSUE A**
28 **RENEWAL LICENSE ON APPLICATION BY THE PERSONAL REPRESENTATIVE OR**
29 **SPECIAL ADMINISTRATOR FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE**
30 **DEATH OF THE LICENSE HOLDER.**

31 REVISOR'S NOTE: This section is new language derived without substantive
32 change from former Art. 2B, § 10-506(a)(3) and (4) and, as it related to local
33 licensing boards, (2)(i).

1 In this section and throughout this subtitle, the references to “personal
2 representative” and “special administrator” are substituted for the former
3 references to “executor” and “administrator” to conform to terminology used
4 in the Estates and Trusts Article.

5 In subsection (a) of this section, the reference to the personal representative
6 or special administrator “of the estate” of a deceased license holder is added
7 for clarity.

8 Also in subsection (a) of this section, the former phrase “[e]xcept as provided
9 in subparagraph (ii) of this paragraph” is deleted as unnecessary in light of
10 the organization of this revised article.

11 Also in subsection (a) of this section, the former phrase “as the case may be”
12 is deleted as surplusage.

13 Also in subsection (a) of this section, the former reference to the local licensing
14 board “that granted the license” is deleted as surplusage.

15 In subsection (b)(2) of this section, the reference to the “local licensing board”
16 is added to clarify that the local licensing board issues the replacement license
17 under this subtitle.

18 Also in subsection (b)(2) of this section, the reference to the license expiring
19 “earlier than 18 months after the date of the granted permission” is
20 substituted for the former reference to the license expiring “earlier” for clarity.

21 Defined terms: “License” § 1–101
22 “License holder” § 1–101
23 “Local collecting agent” § 1–101
24 “Local licensing board” § 1–101

25 **4–804. TRANSFER OR REINSTATEMENT OF LICENSE.**

26 **(A) APPLICATION FOR TRANSFER.**

27 **THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR TO WHOM A**
28 **CERTIFICATE OF PERMISSION HAS BEEN GRANTED MAY APPLY TO THE LOCAL**
29 **LICENSING BOARD FOR THE TRANSFER OF THE LICENSE FOR THE BENEFIT OF THE**
30 **ESTATE OF THE LICENSE HOLDER.**

31 **(B) REINSTATEMENT OF LICENSE.**

1 **ON APPROVAL OF THE APPLICATION FOR TRANSFER OF THE LICENSE AND**
2 **PAYMENT OF THE BALANCE OF ANY LICENSE FEE DUE UNTIL THE EXPIRATION OF**
3 **THE LICENSE YEAR, THE LICENSE IS REINSTATED.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10–506(a)(6).

6 In subsection (a) of this section, the reference to the authority of a personal
7 representative or special administrator to “apply to the local licensing board”
8 for the transfer of a license is added to state expressly what was only implied
9 in the former law.

10 Also in subsection (a) of this section, the former reference to “assign[ing]” a
11 license is deleted as included in the reference to “transfer[ring]” a license.
12 Similarly, in subsection (b) of this section, the reference to “assignment” of a
13 license is deleted.

14 Defined terms: “License” § 1–101
15 “License holder” § 1–101
16 “Local licensing board” § 1–101

17 **4–805. RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.**

18 **(A) APPLICABILITY OF RIGHTS TO CERTIFICATE OF PERMISSION AND**
19 **RENEWAL LICENSE.**

20 **ON PAYMENT OF A PRO RATA LICENSE FEE FOR THE PERIOD OF**
21 **CONTINUATION, A CERTIFICATE OF PERMISSION AND A RENEWAL LICENSE ARE**
22 **SUBJECT TO THE RIGHT OF PROTEST, REVOCATION, SUSPENSION, AND**
23 **RESTRICTION.**

24 **(B) RENEWAL LICENSE, PERSONAL REPRESENTATIVE, AND SPECIAL**
25 **ADMINISTRATOR SUBJECT TO ALCOHOLIC BEVERAGES LAWS.**

26 **DURING THE PERIOD OF CONTINUATION, THE RENEWAL LICENSE AND THE**
27 **PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF THE**
28 **DECEASED LICENSE HOLDER ARE SUBJECT TO THIS ARTICLE AND THE PROVISIONS**
29 **OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.**

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 10–506(a)(5).

32 In subsection (a) of this section, the reference to the “period of continuation”
33 is substituted for the former reference to “such period” for clarity.

1 Also in subsection (a) of this section, the former phrase “as in other cases” is
2 deleted as surplusage.

3 Defined terms: “Alcoholic beverage” § 1–101
4 “License” § 1–101
5 “License holder” § 1–101

6 **4–806. REFUND.**

7 **THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE**
8 **DECEASED LICENSE HOLDER MAY APPLY FOR AND OBTAIN ANY REFUND TO WHICH**
9 **THE DECEASED LICENSE HOLDER WOULD HAVE BEEN ENTITLED IF THE LICENSE**
10 **HAD BEEN SURRENDERED FOR CANCELLATION ON THE DATE OF THE LICENSE**
11 **HOLDER’S DEATH IF:**

12 **(1) THE BUSINESS OF A LICENSE HOLDER IS NOT CONTINUED UNDER**
13 **§ 4–803 OF THIS SUBTITLE; AND**

14 **(2) THE LICENSE IS NOT TRANSFERRED UNDER § 4–804 OF THIS**
15 **SUBTITLE.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10–506(a)(7).

18 In item (2) of this section, the former reference to the license being “assigned”
19 is deleted as included in the reference to the license being “transferred”.

20 Defined terms: “License” § 1–101
21 “License holder” § 1–101

22 **SUBTITLE 9. JUDICIAL REVIEW.**

23 **4–901. SCOPE OF SUBTITLE.**

24 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
25 **STATEWIDE.**

26 REVISOR’S NOTE: This section is new language added to clarify that the provisions
27 of this subtitle prevail unless they conflict with other provisions in Division II
28 of this article.

29 **4–902. JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD.**

30 **THE FOLLOWING DECISIONS OF A LOCAL LICENSING BOARD ARE SUBJECT TO**
31 **JUDICIAL REVIEW AS PROVIDED IN THIS SUBTITLE:**

1 **(1) A LIMITATION, RESTRICTION, OR PROHIBITION IMPOSED ON AN**
 2 **AGGRIEVED APPLICANT FOR A LICENSE OR AGGRIEVED LICENSE HOLDER; OR**

3 **(2) AN APPROVAL, A SUSPENSION, A REVOCATION, OR A**
 4 **RESTRICTION, OR A REFUSAL TO APPROVE, SUSPEND, REVOKE, OR RESTRICT, A**
 5 **LICENSE OR A LICENSE HOLDER.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, §§ 9–201(b) and 16–101(a).

8 In this section and throughout this subtitle, the references to “judicial review”
 9 are substituted for the former incorrect references to “appeal”. Only a decision
 10 by a court is subject to appeal. A decision by an administrative agency, like a
 11 board of license commissioners, is subject to judicial review.

12 Defined terms: “License” § 1–101

13 “License holder” § 1–101

14 “Local licensing board” § 1–101

15 **4–903. PETITIONERS.**

16 **(A) WHO MAY SEEK JUDICIAL REVIEW.**

17 **THE FOLLOWING PERSONS MAY PETITION FOR JUDICIAL REVIEW OF A**
 18 **DECISION OF A LOCAL LICENSING BOARD TO THE CIRCUIT COURT OF THE COUNTY**
 19 **WHERE THE LOCAL LICENSING BOARD SITS ON PAYMENT OF ALL COSTS INCIDENT**
 20 **TO THE HEARING BEFORE THE LOCAL LICENSING BOARD:**

21 **(1) A HOLDER OF A LICENSE ISSUED BY THE LOCAL LICENSING**
 22 **BOARD;**

23 **(2) ANY APPLICANT FOR A LICENSE; AND**

24 **(3) A GROUP OF NOT FEWER THAN 10 PERSONS WHO ARE RESIDENTS**
 25 **OR REAL ESTATE OWNERS IN THE PRECINCT OR VOTING DISTRICT WHERE THE**
 26 **LICENSED PLACE OF BUSINESS IS LOCATED OR PROPOSED TO BE LOCATED.**

27 **(B) QUALIFICATIONS OF PETITIONER.**

28 **TO SEEK JUDICIAL REVIEW OF A DECISION OF A LOCAL LICENSING BOARD**
 29 **UNDER SUBSECTION (A) OF THIS SECTION, A LICENSE HOLDER, AN APPLICANT FOR**
 30 **A LICENSE, OR A GROUP SHALL HAVE:**

1 **(1) BEEN AGGRIEVED BY THE DECISION OF THE LOCAL LICENSING**
 2 **BOARD; AND**

3 **(2) APPEARED AT THE HEARING OF THE LOCAL LICENSING BOARD IN**
 4 **PERSON, BY REPRESENTATION, OR BY SUBMITTING A WRITTEN DOCUMENT THAT**
 5 **WAS INTRODUCED AT THE HEARING.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 16–101(b)(1) and (3).

8 In this section and throughout this subtitle, the references to “petition” are
 9 substituted for the former incorrect references to “appeal” to reflect that this
 10 subtitle concerns the judicial review of an administrative agency – a board of
 11 license commissioners – and not a court.

12 In the introductory language of subsection (a) of this section, the reference to
 13 the circuit court of the county “where the local licensing board sits” is added
 14 for clarity.

15 In subsection (a)(2) of this section, the former reference to the license “that is
 16 the subject of the decision by the local licensing board” is deleted for
 17 consistency with § 4–902 of this subtitle.

18 Defined terms: “License” § 1–101

19 “License holder” § 1–101

20 “Local licensing board” § 1–101

21 “Person” § 1–101

22 **4–904. STAY OF LOCAL BOARD'S PETITION.**

23 **WHEN A PETITION IS FILED UNDER THIS SUBTITLE, A LOCAL LICENSING**
 24 **BOARD MAY STAY ITS ORDER THAT IS THE SUBJECT OF THE PETITION UNTIL THE**
 25 **FINAL DETERMINATION OF THE PETITION.**

26 REVISOR'S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 16–101(c)(1).

28 The phrase “under this subtitle” is added for clarity.

29 The reference to the order “that is the subject of the petition” is added for
 30 clarity.

31 The phrase “of the petition” is substituted for the former word “thereof” for
 32 clarity.

1 The former phrase “[s]ubject to paragraph (2) of this subsection” is deleted as
2 unnecessary in light of the organization of this revised article.

3 Defined term: “Local licensing board” § 1–101

4 **4–905. SCOPE OF JUDICIAL REVIEW.**

5 **(A) PRESUMPTION.**

6 **ON THE HEARING OF A PETITION UNDER THIS SUBTITLE, THE COURT SHALL**
7 **PRESUME THAT THE ACTION OF THE LOCAL LICENSING BOARD WAS PROPER AND**
8 **BEST SERVED THE PUBLIC INTEREST.**

9 **(B) BURDEN OF PROOF.**

10 **A PETITIONER HAS THE BURDEN OF PROOF TO SHOW THAT THE DECISION OF**
11 **THE LOCAL LICENSING BOARD BEING REVIEWED WAS:**

12 **(1) AGAINST THE PUBLIC INTEREST; AND**

13 **(2) (I) NOT HONESTLY AND FAIRLY ARRIVED AT;**

14 **(II) ARBITRARY;**

15 **(III) PROCURED BY FRAUD;**

16 **(IV) UNSUPPORTED BY SUBSTANTIAL EVIDENCE;**

17 **(V) UNREASONABLE;**

18 **(VI) BEYOND THE POWERS OF THE BOARD; OR**

19 **(VII) ILLEGAL.**

20 **(C) NO JURY.**

21 **A REVIEW OF A DECISION OF A LOCAL LICENSING BOARD UNDER THIS**
22 **SUBTITLE SHALL BE HEARD BY THE COURT WITHOUT A JURY.**

23 **(D) ADDITIONAL TESTIMONY.**

24 **THE COURT MAY HEAR ADDITIONAL TESTIMONY TO THE EXTENT AND IN THE**
25 **MANNER THAT IS NECESSARY IF, IN THE OPINION OF THE COURT:**

1 **(1) IT IS IMPRACTICABLE TO DETERMINE THE QUESTION PRESENTED**
 2 **TO THE COURT WITHOUT THE HEARING OF ADDITIONAL EVIDENCE;**

3 **(2) A QUALIFIED LITIGANT HAS BEEN DEPRIVED OF THE**
 4 **OPPORTUNITY TO OFFER EVIDENCE; OR**

5 **(3) THE INTERESTS OF JUSTICE REQUIRE THAT FURTHER EVIDENCE**
 6 **SHOULD BE TAKEN.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 16–101(e)(1)(i).

9 In subsection (a) of this section, the phrase “[o]n the hearing of a petition
 10 under this subtitle” is substituted for the former phrase “[u]pon the hearing
 11 of such appeal” for clarity.

12 In the introductory language of subsection (b) of this section, the reference to
 13 the decision “being reviewed” is substituted for the former reference to the
 14 decision “complained of” for clarity and consistency within this subtitle.

15 In subsection (b)(2)(i) of this section, the phrase “not honestly and fairly
 16 arrived at” is substituted for the former phrase “that the local licensing board’s
 17 discretion in rendering its decision was not honestly and fairly exercised” for
 18 brevity and clarity.

19 In subsection (c) of this section, the reference to “[a] review of a decision of a
 20 local licensing board under this subtitle” is substituted for the former
 21 reference to “[t]he case” for clarity.

22 Also in subsection (c) of this section, the former reference to “the intervention
 23 of” a jury is deleted as surplusage.

24 In the introductory language to subsection (d) of this section, the former
 25 phrase “in the case on appeal” is deleted as surplusage.

26 In subsection (d)(3) of this section, the word “otherwise” is deleted as
 27 surplusage.

28 Defined term: “Local licensing board” § 1–101

29 **4–906. REPRESENTATION OF LOCAL LICENSING BOARD.**

30 **IN A PETITION FOR JUDICIAL REVIEW UNDER THIS SUBTITLE, A LOCAL**
 31 **LICENSING BOARD MAY BE REPRESENTED BY A QUALIFIED ATTORNEY DESIGNATED**
 32 **BY THE LOCAL LICENSING BOARD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16–101(e)(2).

3 The phrase “[i]n a petition for judicial review under this subtitle” is
4 substituted for the former phrase “[i]n such actions of appeal” for clarity.

5 The former phrase “for such service” is deleted as surplusage.

6 Defined term: “Local licensing board” § 1–101

7 **4–907. AFFIRMATIONS, MODIFICATIONS, AND REVERSALS.**

8 **(A) IN GENERAL.**

9 **(1) THE COURT MAY AFFIRM, MODIFY, OR REVERSE A DECISION OF**
10 **THE LOCAL LICENSING BOARD.**

11 **(2) IF THE COURT REVERSES A DECISION, THE COURT SHALL FILE**
12 **WITH THE RECORD A WRITTEN STATEMENT OF THE REASONS FOR THE REVERSAL.**

13 **(B) COSTS.**

14 **COSTS FOR A JUDICIAL REVIEW UNDER THIS SUBTITLE SHALL BE AWARDED**
15 **AS IN OTHER CIVIL CASES.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 16–101(e)(4)(i).

18 In subsection (a) of this section, the references to a “decision” of a local
19 licensing board are substituted for the former references to an “action” of a
20 local licensing board to conform to the terminology used throughout this
21 subtitle.

22 In subsection (a)(2) of this section, the phrase “for the reversal” is added for
23 clarity.

24 Also in subsection (a)(2) of this section, the reference to the “record” is
25 substituted for the former reference to the “papers” for clarity.

26 In subsection (b) of this section, the phrase “for a judicial review under this
27 subtitle” is added for clarity.

28 Defined term: “Local licensing board” § 1–101

29 **4–908. APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS.**

1 **(A) APPEAL BY PARTY OF RECORD.**

2 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTY OF RECORD TO**
 3 **A REVIEW OF A DECISION OF A LOCAL LICENSING BOARD TO THE CIRCUIT COURT**
 4 **MAY APPEAL THE DECISION OF THE COURT:**

5 **(1) TO THE COURT OF SPECIAL APPEALS; OR**

6 **(2) BY CERTIORARI, TO THE COURT OF APPEALS.**

7 **(B) NO STAY OF SANCTIONS.**

8 **THE COURT OF SPECIAL APPEALS OR THE COURT OF APPEALS MAY NOT STAY**
 9 **A DECISION BY A LOCAL LICENSING BOARD TO IMPOSE SANCTIONS ON A LICENSE**
 10 **HOLDER IF:**

11 **(1) AN APPEAL OF THE DECISION OF THE CIRCUIT COURT IS MADE**
 12 **UNDER THIS SUBTITLE; AND**

13 **(2) THE DECISION OF THE CIRCUIT COURT AFFIRMED THE DECISION**
 14 **OF THE BOARD.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 16–101(f).

17 In subsection (b)(2) of this section, the reference to the decision “of the circuit
 18 court” is substituted for the former reference to the decision “being appealed”
 19 for clarity.

20 Defined terms: “License holder” § 1–101

21 “Local licensing board” § 1–101

22 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

23 **4–1001. CONFERENCE CENTER LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS B–BWL (H–C) LICENSE.**

26 **(B) AUTHORIZED HOLDER.**

27 **A LOCAL LICENSING BOARD MAY ISSUE THE LICENSE TO THE MANAGEMENT**
 28 **COMPANY OF THE CONFERENCE CENTER FACILITY IF THE FACILITY:**

1 **(1) IS JOINTLY OWNED, OPERATED, OR FINANCED BY THE MARYLAND**
2 **STADIUM AUTHORITY AND THE POLITICAL SUBDIVISION OR AN INSTRUMENTALITY**
3 **OF THAT POLITICAL SUBDIVISION THAT IS PHYSICALLY CONNECTED TO A HOTEL;**
4 **AND**

5 **(2) PROVIDES FOOD AND BEVERAGE SERVICE TO REGISTERED**
6 **GUESTS AT THE HOTEL.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
9 **LIQUOR FOR CONSUMPTION ON THE PREMISES OF THE FACILITY AND THE**
10 **ADJACENT HOTEL, INCLUDING THE ROOMS OF REGISTERED GUESTS.**

11 **(D) INAPPLICABLE RESTRICTIONS.**

12 **THE LICENSE IS EXEMPT FROM RESTRICTIONS AGAINST HOLDING MULTIPLE**
13 **LICENSES OR HAVING FINANCIAL INTERESTS IN MULTIPLE LICENSES.**

14 **(E) FOOD-TO-ALCOHOLIC BEVERAGE RATIO.**

15 **IN A JURISDICTION WITH A FOOD-TO-ALCOHOLIC BEVERAGES RATIO**
16 **REQUIREMENT FOR A CLASS B (ON-SALE) HOTEL AND RESTAURANT LICENSE, THE**
17 **LAWS AND REGULATIONS CONCERNING THE RATIO REQUIREMENT APPLY TO THE**
18 **CLASS B-BWL (H-C) LICENSE.**

19 **(F) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$2,500.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 6-601.

23 In the introductory language of subsection (b) of this section, the defined term
24 "local licensing board" is substituted for the former reference to "the board of
25 license commissioners in the jurisdiction in which the facility is located" for
26 brevity.

27 In subsection (b)(1) of this section, the former reference to an "adjacent" hotel
28 is deleted as included in the phrase "physically connected to" a hotel.

1 In subsection (c) of this section, the reference to the authority of the “license
2 holder to sell beer, wine, and liquor for consumption on the premises” is
3 substituted for the former reference to “only on-sale privileges” for clarity.

4 In subsection (d) of this section, the reference to “restrictions against holding
5 multiple licenses or having financial interests in multiple licenses” is
6 substituted for the former reference to “[t]he provisions of §§ 9–102 and
7 10–103(b)(12) and (15) of this article” for clarity.

8 In subsection (e) of this section, the former reference to laws and regulations
9 concerning the ratio requirement “in that jurisdiction” is deleted as
10 surplusage.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “Beer” § 1–101

13 “Hotel” § 1–101

14 “Jurisdiction” § 1–101

15 “License” § 1–101

16 “Local licensing board” § 1–101

17 “Restaurant” § 1–101

18 “Wine” § 1–101

19 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

20 **4–1101. SCOPE OF SUBTITLE.**

21 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
22 **STATEWIDE.**

23 REVISOR’S NOTE: This section is new language added to clarify that the provisions
24 of this subtitle prevail unless they conflict with other provisions in Division II
25 of this article.

26 **4–1102. CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER**
27 **ON LICENSED PREMISES.**

28 **(A) INDIVIDUALS WHO MAY CONSUME WINE.**

29 **(1) AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL FOR WHICH**
30 **A CLASS B OR CLASS C LICENSE ALLOWING THE SALE OF WINE IS ISSUED MAY**
31 **CONSUME WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER**
32 **ONLY IF:**

33 **(I) THE WINE IS CONSUMED WITH A MEAL DURING THE HOURS**
34 **OF SALE SPECIFIED BY THE LICENSE;**

1 (II) THE INDIVIDUAL OBTAINS THE APPROVAL OF THE LICENSE
2 HOLDER;

3 (III) THE WINE IS NOT AVAILABLE FOR SALE ON THE LICENSE
4 HOLDER'S WINE LIST; AND

5 (IV) THE LICENSE HOLDER OBTAINS A PERMIT FROM THE LOCAL
6 LICENSING BOARD BEFORE ALLOWING AN INDIVIDUAL THE PRIVILEGE OF
7 CONSUMING WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER.

8 (2) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS
9 UNDER THE AGE OF 21 YEARS OR WHO IS VISIBLY UNDER THE INFLUENCE OF AN
10 ALCOHOLIC BEVERAGE THE PRIVILEGE OF CONSUMING THE WINE.

11 (B) PERMIT TO BE ISSUED TO EACH LICENSE HOLDER.

12 (1) A LOCAL LICENSING BOARD SHALL ISSUE A PERMIT AT NO
13 CHARGE TO EACH LICENSE HOLDER WHO SEEKS TO ALLOW AN INDIVIDUAL TO
14 CONSUME WINE UNDER THE CONDITIONS SET OUT IN SUBSECTION (A)(1) OF THIS
15 SECTION.

16 (2) A LICENSE HOLDER THAT OBTAINS THE PERMIT MAY DETERMINE
17 AND CHARGE THE INDIVIDUAL A FEE FOR THE PRIVILEGE, ON WHICH A SALES TAX
18 APPLICABLE TO ALCOHOLIC BEVERAGES SHALL BE IMPOSED.

19 (C) REMOVAL OF WINE.

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
21 THE LICENSE HOLDER SHALL DISPOSE OF THE WINE THAT REMAINS AFTER THE
22 MEAL IS FINISHED.

23 (2) AN INDIVIDUAL MAY REMOVE FROM THE LICENSED PREMISES A
24 BOTTLE OF WINE, THE CONTENTS OF WHICH ARE PARTIALLY CONSUMED WITH THE
25 MEAL, IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER
26 INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.

27 (3) A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED
28 PREMISES UNDER PARAGRAPH (2) OF THIS SUBSECTION IS AN "OPEN CONTAINER"
29 FOR PURPOSES OF § 10-125 OF THE CRIMINAL LAW ARTICLE.

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 12-107(b)(10)(ii) through (viii) and (i)1.

1 In subsection (b)(2) of this section, the reference to a sales tax “applicable to
2 alcoholic beverages” is added for clarity.

3 Also in subsection (b)(2) of this section, the reference to a license holder that
4 “obtains the permit” is substituted for the former reference to a license holder
5 that “allows an individual the privilege of consuming wine described under
6 subparagraph (ii) of this paragraph” for clarity and brevity.

7 In subsection (c)(2) of this section, the former reference to the contents of a
8 bottle of wine being “only” partially consumed is deleted as surplusage.

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Club” § 1–101

11 “Hotel” § 1–101

12 “License Holder” § 1–101

13 “Local licensing board” § 1–101

14 “Restaurant” § 1–101

15 “Wine” § 1–101

16 **4–1103. REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED**
17 **PREMISES.**

18 **(A) IN GENERAL.**

19 **AN INDIVIDUAL WHO, AT A LICENSED PREMISES, PURCHASES A MEAL AND A**
20 **BOTTLE OF WINE, THE CONTENTS OF WHICH ARE PARTIALLY CONSUMED WITH THE**
21 **MEAL, MAY REMOVE THE BOTTLE AND ITS CONTENTS FROM THE LICENSED**
22 **PREMISES IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER**
23 **INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.**

24 **(B) BOTTLE AS OPEN CONTAINER.**

25 **A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER**
26 **SUBSECTION (A) OF THIS SECTION IS AN “OPEN CONTAINER” FOR PURPOSES OF §**
27 **10–125 OF THE CRIMINAL LAW ARTICLE.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 12–107.1.

30 In subsection (a) of this section, the former phrase “[n]otwithstanding any
31 other provision of this article” is deleted as unnecessary in light of the
32 organization of this revised article.

33 Defined terms: “License holder” § 1–101

34 “Wine” § 1–101

1 **4-1104. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

2 (A) ESTABLISHED.

3 THERE IS A REFILLABLE CONTAINER PERMIT.

4 (B) SCOPE OF AUTHORIZATION.

5 A REFILLABLE CONTAINER PERMIT AUTHORIZES THE PERMIT HOLDER TO:

6 (1) SELL DRAFT BEER FOR OFF-PREMISES CONSUMPTION IN A
7 REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D)
8 OF THIS SECTION; AND

9 (2) SELL AND REFILL A REFILLABLE CONTAINER THAT MEETS THE
10 STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION.

11 (C) PERMIT TERM; HOURS OF SALE; NOTICE AND HEARING REQUIREMENTS.

12 (1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS
13 THAT OF THE UNDERLYING LICENSE.

14 (2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE
15 THE SAME AS THOSE FOR THE UNDERLYING LICENSE.

16 (3) AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT
17 AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF
18 NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE UNDERLYING
19 LICENSE.

20 (D) CONTAINER STANDARDS.

21 (1) TO BE USED AS A REFILLABLE CONTAINER FOR BEER UNDER THE
22 AUTHORITY OF A REFILLABLE CONTAINER PERMIT, A CONTAINER SHALL:

23 (I) HAVE A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT
24 MORE THAN 128 OUNCES;

25 (II) BE SEALABLE;

26 (III) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER
27 OF THE CONTAINER;

1 (IV) BEAR THE FEDERAL HEALTH WARNING STATEMENT
2 REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

3 (V) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER;
4 AND

5 (VI) BEAR A LABEL STATING THAT:

6 1. CLEANING THE CONTAINER IS THE RESPONSIBILITY
7 OF THE CONSUMER; AND

8 2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE
9 AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS
10 AFTER PURCHASE.

11 (2) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING
12 CONTAINERS THAT QUALIFY FOR USE AS REFILLABLE CONTAINERS FOR BEER,
13 INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE STATE.

14 (3) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL
15 A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE
16 THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER
17 PARAGRAPH (2) OF THIS SUBSECTION.

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, §§ 8–103(b) through (g) and 21–107(a), (b), (d),
20 and (e), as they related to refillable containers for beer.

21 In the introductory language of subsection (b) of this section, the former
22 phrase “[w]ith respect to the alcoholic beverages authorized for the local
23 jurisdiction under subsection (a) of this section,” is deleted as unnecessary in
24 light of the organization of this revised article.

25 In subsection (b)(2) of this section, the former word “only” is deleted as
26 unnecessary.

27 In subsection (c)(2) of this section, the former phrase “[e]xcept as otherwise
28 specifically provided,” is deleted as unnecessary in light of the organization of
29 this revised article.

30 In subsection (d)(3) of this section, the former phrase “[n]otwithstanding any
31 other provision of this article,” is deleted as unnecessary in light of the
32 organization of this revised article.

1 Defined terms: "Alcoholic beverage" § 1-101

2 "Beer" § 1-101

3 "Comptroller" § 1-101

4 "Consumer" § 1-101

5 "License" § 1-101

6 "Off-sale" § 1-101

7 "State" § 1-101

8 **4-1105. REFILLABLE CONTAINER PERMIT — WINE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A REFILLABLE CONTAINER PERMIT.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **A REFILLABLE CONTAINER PERMIT AUTHORIZES THE PERMIT HOLDER TO:**

13 **(1) SELL WINE FOR OFF-PREMISES CONSUMPTION IN A REFILLABLE**
14 **CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS**
15 **SECTION; AND**

16 **(2) SELL AND REFILL A REFILLABLE CONTAINER THAT MEETS THE**
17 **STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION.**

18 **(C) PERMIT TERM; HOURS OF SALE; NOTICE AND HEARING REQUIREMENTS.**

19 **(1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS**
20 **THAT OF THE UNDERLYING LICENSE.**

21 **(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE**
22 **THE SAME AS THOSE FOR THE UNDERLYING LICENSE.**

23 **(3) AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT**
24 **AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF**
25 **NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE UNDERLYING**
26 **LICENSE.**

27 **(D) CONTAINER STANDARDS.**

28 **(1) TO BE USED AS A REFILLABLE CONTAINER FOR WINE UNDER THE**
29 **AUTHORITY OF A REFILLABLE CONTAINER PERMIT, A CONTAINER SHALL:**

1 **(I) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT**
 2 **MORE THAN 34 OUNCES;**

3 **(II) BE SEALABLE;**

4 **(III) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER**
 5 **OF THE CONTAINER;**

6 **(IV) BEAR THE FEDERAL HEALTH WARNING STATEMENT**
 7 **REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;**

8 **(V) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER;**
 9 **AND**

10 **(VI) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS**
 11 **THE RESPONSIBILITY OF THE CONSUMER.**

12 **(2) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING**
 13 **CONTAINERS THAT QUALIFY FOR USE AS REFILLABLE CONTAINERS FOR WINE,**
 14 **INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE STATE.**

15 **(3) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL**
 16 **A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE**
 17 **THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER**
 18 **PARAGRAPH (2) OF THIS SUBSECTION.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, §§ 8–103(b) through (g) and 21–107(a), (c), (d),
 21 and (e), as they related to refillable containers for wine.

22 In the introductory language of subsection (b) of this section, the former
 23 phrase “[w]ith respect to the alcoholic beverages authorized for the local
 24 jurisdiction under subsection (a) of this section,” is deleted as unnecessary in
 25 light of the organization of this revised article.

26 In subsection (b)(2) of this section, the former word “only” is deleted as
 27 unnecessary.

28 In subsection (c)(2) of this section, the former phrase “[e]xcept as otherwise
 29 specifically provided,” is deleted as unnecessary in light of the organization of
 30 this revised article.

31 In subsection (d)(3) of this section, the former phrase “[n]otwithstanding any
 32 other provision of this article,” is deleted as unnecessary in light of the
 33 organization of this revised article.

1 Defined terms: “Alcoholic beverage” § 1–101
2 “Comptroller” § 1–101
3 “Consumer” § 1–101
4 “License” § 1–101
5 “Off–sale” § 1–101
6 “State” § 1–101
7 “Wine” § 1–101

8 **SUBTITLE 12. TEMPORARY LICENSES.**

9 **4–1201. SCOPE OF SUBTITLE.**

10 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
11 **STATEWIDE.**

12 REVISOR’S NOTE: This section is new language added to clarify that this subtitle
13 contains provisions of statewide applicability that may be superseded by local
14 provisions stated in Division II of this article.

15 **4–1202. PER DIEM LICENSES.**

16 **(A) LICENSE APPLICATION.**

17 **A LOCAL LICENSING BOARD MAY ISSUE A PER DIEM LICENSE FOR THE**
18 **PERIODS AND AT THE FEES SPECIFIED IN THIS SUBTITLE OR BY THE LOCAL**
19 **LICENSING BOARD.**

20 **(B) APPLICATION REQUIREMENTS.**

21 **AN APPLICATION FOR A PER DIEM LICENSE SHALL BE:**

22 **(1) ON THE FORM THAT THE COMPTROLLER REQUIRES; AND**

23 **(2) SIGNED AND SWORN TO BY THE APPLICANT.**

24 **(C) RESTRICTIONS.**

25 **A PER DIEM LICENSE MAY BE ISSUED ONLY IF THE ISSUANCE OF A REGULAR**
26 **LICENSE OF THE SAME CLASS IS AUTHORIZED.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 7–101(a)(1) and, except as it related to statewide
29 licenses, (g).

1 In subsection (a) of this section and throughout this subtitle, the references to
2 a “per diem” license are substituted for the former references to a “special”
3 license to conform to the terminology used throughout this article.

4 In subsection (a) of this section, the phrase “or by the local licensing board” is
5 added to reflect that a local licensing board may impose a fee that is different
6 from those specified in this subtitle.

7 Also in subsection (a) of this section, the defined term “local licensing board”
8 is substituted for the former reference to the “board of license commissioners
9 for that jurisdiction” to conform to the terminology used throughout this
10 article.

11 In subsection (b)(2) of this section, the reference to an application being signed
12 and sworn to “by the applicant” is added for clarity.

13 In subsection (c) of this section, the former reference to a license “provided for
14 in this section” is deleted as surplusage.

15 Also in subsection (c) of this section, the former prohibition against the
16 issuance of a license “in any county or in Baltimore City” is deleted as
17 surplusage.

18 Also in subsection (c) of this section, the former reference to a license not
19 authorized “by this article” is deleted as implied in the defined term “license”.

20 Defined terms: “Comptroller” § 1–101

21 “License” § 1–101

22 “Local licensing board” § 1–101

23 **4–1203. CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
24 **LICENSES.**

25 **(A) SCOPE OF AUTHORIZATION.**

26 **A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE**
27 **LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY OF THE PRIVILEGES**
28 **CONFERRED BY THE RESPECTIVE CLASS OF LICENSE:**

29 **(1) FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT**
30 **THAT IS CONDUCTED BY A CLUB;**

31 **(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND**

32 **(3) FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.**

1 **(B) AGREEMENTS FOR DELIVERY AND RETURNS FOR 1-DAY LICENSES.**

2 **(1) A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN**
 3 **AGREEMENT WITH THE HOLDER OF A 1-DAY CLASS C PER DIEM BEER LICENSE OR A**
 4 **1-DAY CLASS C PER DIEM BEER AND WINE LICENSE TO:**

5 **(I) DELIVER BEER OR WINE ALLOWED UNDER THE LICENSE**
 6 **STARTING 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

7 **(II) ACCEPT RETURNS NOT MORE THAN 2 DAYS AFTER THE**
 8 **EXPIRATION DATE OF THE LICENSE.**

9 **(2) DELIVERY OF BEER OR WINE ORDERED IN ACCORDANCE WITH AN**
 10 **AGREEMENT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE MADE**
 11 **ONLY IF THE HOLDER OF THE 1-DAY PER DIEM LICENSE POSSESSES THE LICENSE**
 12 **AT THE TIME OF DELIVERY.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 7-101(c) and (b)(1)(i).

15 In subsection (a)(1) of this section, the former reference to "bona fide"
 16 entertainment is deleted as surplusage.

17 In subsection (a)(3) of this section, the former reference to 7 consecutive days
 18 "from the effective date thereof" is deleted as surplusage.

19 In subsection (b)(1)(i) of this section, the reference to the beer or wine "allowed
 20 under the license" is added for clarity.

21 Defined terms: "Beer" § 1-101

22 "Club" § 1-101

23 "License holder" § 1-101

24 "Person" § 1-101

25 "Wholesaler's license" § 1-101

26 "Wine" § 1-101

27 **4-1204. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

28 **(A) SCOPE OF AUTHORIZATION.**

29 **A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE ENTITLES THE**
 30 **LICENSE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THIS CLASS**
 31 **OF LICENSE:**

1 **(1) FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT**
 2 **THAT IS CONDUCTED BY A CLUB;**

3 **(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND**

4 **(3) FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.**

5 **(B) ALCOHOLIC BEVERAGES TO BE PURCHASED FROM RETAIL DEALER.**

6 **ALCOHOLIC BEVERAGES SOLD UNDER A CLASS C PER DIEM BEER, WINE, AND**
 7 **LIQUOR LICENSE SHALL BE PURCHASED BY THE LICENSE HOLDER FROM A RETAIL**
 8 **DEALER.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 7–101(d)(1)(i), except as it related to the license
 11 fee, and the second sentence of (ii).

12 In subsection (a)(1) of this section, the former reference to “bona fide”
 13 entertainment is deleted as surplusage.

14 The first sentence of former Art. 2B, § 7–101(d)(1)(ii), which provided that the
 15 provisions of former Art. 2B, § 11–517 did not apply to the holder of a Class C
 16 per diem beer, wine, and liquor license, is deleted as redundant of § 23–503 of
 17 this article, which expressly allows a holder of a wholesale license to enter into
 18 an agreement with the holder of a per diem license.

19 Defined terms: “Alcoholic beverage” § 1–101

20 “Beer” § 1–101

21 “Club” § 1–101

22 “License holder” § 1–101

23 “Person” § 1–101

24 “Retail dealer” § 1–101

25 “Wine” § 1–101

26 **4–1205. FEES.**

27 **(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
 28 **LICENSES.**

29 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM**
 30 **BEER AND WINE LICENSE IS \$5 PER DAY.**

31 **(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

1 **THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$15**
2 **PER DAY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 7-101(b)(1)(ii) and, as it related to the license
5 fee, (d)(1)(i).

6 Defined terms: "Beer" § 1-101
7 "Wine" § 1-101

8 **4-1206. LICENSE TO DISPOSE OF STOCK.**

9 **(A) SCOPE OF AUTHORIZATION.**

10 **A LOCAL LICENSING BOARD MAY ISSUE A LICENSE TO DISPOSE OF STOCK FOR**
11 **A PERIOD NOT EXCEEDING 10 CONSECUTIVE DAYS.**

12 **(B) CANCELED, REVOKED, OR SUSPENDED LICENSE OR LICENSE NOT**
13 **RENEWED.**

14 **(1) A LICENSE HOLDER MAY DISPOSE OF THE LICENSE HOLDER'S**
15 **STOCK OF ALCOHOLIC BEVERAGES IF:**

16 **(I) THE LICENSE HAS BEEN CANCELED, REVOKED, OR**
17 **SUSPENDED;**

18 **(II) RENEWAL HAS BEEN DENIED BY THE LOCAL LICENSING**
19 **BOARD; OR**

20 **(III) A RENEWAL LICENSE HAS BEEN GRANTED BY THE LOCAL**
21 **LICENSING BOARD AND A COURT ON JUDICIAL REVIEW HAS REVERSED THE LOCAL**
22 **LICENSING BOARD'S DECISION.**

23 **(2) A LICENSE HOLDER THAT DISPOSES OF STOCK MAY SELL THE**
24 **STOCK AT RETAIL OR TO A LICENSED WHOLESALER.**

25 **(3) A LICENSE DOES NOT AUTHORIZE THE LICENSE HOLDER TO**
26 **PURCHASE ALCOHOLIC BEVERAGES FOR RESALE.**

27 **(C) FEE.**

28 **THE FEE FOR A LICENSE UNDER THIS SECTION IS \$5 PER DAY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 7-101(e).

3 In subsection (a) of this section, the former reference to a license "of any class"
4 is deleted as surplusage.

5 In subsection (b)(2) of this section, the phrase "[a] license holder that disposes
6 of stock may" is substituted for the former phrase "[t]he special license shall
7 carry with it the privilege of" for clarity.

8 Also in subsection (b)(2) of this section, the former reference to "one or more"
9 licensed wholesalers is deleted as surplusage.

10 Defined terms: "Alcoholic beverage" § 1-101

11 "License" § 1-101

12 "License holder" § 1-101

13 "Local licensing board" § 1-101

14 "Wholesaler" § 1-101

15 **4-1207. TEMPORARY MOVE OF LICENSED PREMISES.**

16 **(A) IN GENERAL.**

17 **WHEN A LICENSED PREMISES MUST BE MOVED DUE TO FIRE OR OTHER**
18 **CATASTROPHE, THE LOCAL LICENSING BOARD MAY ISSUE A LICENSE TO A HOLDER**
19 **TO MOVE THE LICENSED PREMISES FROM ONE LOCATION TO ANOTHER WHILE THE**
20 **PREMISES IS BEING RESTORED FOR:**

21 **(1) A PERIOD THAT THE LOCAL LICENSING BOARD DETERMINES; BUT**

22 **(2) NOT MORE THAN 6 MONTHS.**

23 **(B) BOARD MAY NOT CHARGE AN ADDITIONAL FEE TO APPROVE LOCATION**
24 **CHANGE.**

25 **THE LOCAL LICENSING BOARD:**

26 **(1) MAY APPROVE THE NEW LOCATION TO WHICH THE LICENSE**
27 **HOLDER HAS TEMPORARILY MOVED; BUT**

28 **(2) MAY NOT CHARGE A FEE FOR THE APPROVAL.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 7-101(f), except as it related to the Comptroller.

1 In the introductory language of subsection (a) of this section, the former
2 reference to a license “of any class” is deleted as surplusage.

3 In subsection (a)(1) of this section, the reference to a period that the local
4 licensing board “determines” is substituted for the former reference to a period
5 “in the discretion of” the local licensing board for brevity.

6 Also in subsection (a)(1) of this section, the former phrase “as the case may be”
7 is deleted as surplusage.

8 In subsection (b)(1) of this section, the former phrase “as in the case of the
9 original application” is deleted as surplusage.

10 In subsection (b)(2) of this section, the reference to a fee for “the approval” is
11 substituted for the former reference to a fee for “this special license” for clarity.

12 Defined terms: “License” § 1–101
13 “License holder” § 1–101
14 “Local licensing board” § 1–101

15 **4–1208. HOURS AND DAYS OF SALE.**

16 **FOR THE EXERCISE OF THE PRIVILEGES OF THE LICENSE, A TEMPORARY**
17 **LICENSE IS A REGULAR LICENSE OF THE CORRESPONDING CLASS FOR DETERMINING**
18 **THE HOURS AND DAYS OF OPERATION.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 11–203.

21 The former reference to a “special” license is deleted as surplusage.

22 The former phrase “issued under this article” is deleted as included in the
23 defined term “license”.

24 Defined term: “License” § 1–101

25 **4–1209. WINE PERMIT FOR FUND–RAISING EVENT.**

26 **(A) AUTHORIZED.**

27 **A NONPROFIT ORGANIZATION MAY RECEIVE A WINE PERMIT FOR A**
28 **FUND–RAISING EVENT BY APPLYING TO THE LOCAL LICENSING BOARD FOR THE**
29 **JURISDICTION IN WHICH THE EVENT IS TO BE HELD.**

30 **(B) SCOPE OF AUTHORIZATION.**

1 **A PERMIT AUTHORIZES THE HOLDER TO:**

2 **(1) HOLD A FUND-RAISING EVENT ON THE FEDERALLY BONDED**
 3 **PREMISES OF A WINERY, PROVIDED THE WINERY IS OPERATED UNDER A CLASS 3**
 4 **WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE AND HOLDS A CLASS A**
 5 **LIGHT WINE LICENSE; AND**

6 **(2) PURCHASE WINE IN SEALED CONTAINERS FROM THE WINERY AND**
 7 **SELL THE WINE AT THE EVENT IN OPEN CONTAINERS AT RETAIL FOR CONSUMPTION**
 8 **ON THE PERMIT PREMISES.**

9 **(C) COSIGNATURE BY HOST WINERY.**

10 **THE WINERY HOSTING THE EVENT SHALL COSIGN THE PERMIT.**

11 **(D) ANNUAL LIMIT ON NUMBER OF EVENTS.**

12 **A WINERY MAY NOT HOST MORE THAN SIX EVENTS UNDER THIS SECTION PER**
 13 **CALENDAR YEAR.**

14 **(E) FEE.**

15 **THE PERMIT FEE IS \$15.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 8-401.

18 In subsection (a) of this section, the former reference to a "bona fide" nonprofit
 19 organization is deleted as surplusage.

20 In subsection (b)(1) of this section, the reference to a "Class 3 winery license
 21 or Class 4 limited winery license" is substituted for the former reference to a
 22 "Class 3 or Class 4 manufacturer's license" for clarity.

23 Defined terms: "Jurisdiction" § 1-101

24 "Local licensing board" § 1-101

25 "Wine" § 1-101

26 **GENERAL REVISOR'S NOTE TO SUBTITLE**

27 Former Art. 2B, § 7-101(a)(2), which stated that the Comptroller may grant an
 28 application for a statewide special (per diem) license, is deleted as unnecessary
 29 because the Comptroller does not issue per diem licenses. Consequently, references
 30 to "the Comptroller" in former Art. 2B, § 7-101(f) and references to "statewide
 31 license[s]" in former Art. 2B, § 7-101(g) are deleted.

1 **TITLE 5. GENERAL BEER REGULATION.**

2 **SUBTITLE 1. BEER FRANCHISE FAIR DEALING ACT.**

3 **5–101. DEFINITIONS.**

4 **(A) IN GENERAL.**

5 **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

6 REVISOR’S NOTE: This subsection is new language derived without substantive
7 change from the introductory language of former Art. 2B, § 17–101(b). It is
8 restated as the standard introductory language to a definition section.

9 The former phrase “unless otherwise required by the context” is deleted as
10 unnecessary because it merely repeats a standard rule of statutory
11 construction.

12 **(B) BEER DISTRIBUTOR.**

13 **“BEER DISTRIBUTOR” MEANS A PERSON THAT IMPORTS OR CAUSES TO BE**
14 **IMPORTED INTO THE STATE, OR PURCHASES OR CAUSES TO BE PURCHASED IN THE**
15 **STATE, BEER FOR SALE OR RESALE TO A RETAIL DEALER LICENSED UNDER THIS**
16 **ARTICLE WITHOUT REGARD TO WHETHER THE BUSINESS OF THE PERSON IS**
17 **CONDUCTED UNDER A BEER FRANCHISE AGREEMENT OR ANOTHER FORM OF**
18 **AGREEMENT WITH A BEER MANUFACTURER.**

19 REVISOR’S NOTE: This subsection is new language derived without substantive
20 change from former Art. 2B, § 17–101(b)(4).

21 The former reference to “the terms of” a beer franchise is deleted as
22 surplusage.

23 Defined terms: “Beer” § 1–101
24 “Beer franchise agreement” § 5–101
25 “Beer manufacturer” § 5–101
26 “Person” § 1–101
27 “Retail dealer” § 1–101
28 “State” § 1–101

29 **(C) BEER FRANCHISE AGREEMENT.**

30 **“BEER FRANCHISE AGREEMENT” MEANS:**

1 **(1) A COMMERCIAL RELATIONSHIP BETWEEN A BEER DISTRIBUTOR**
2 **AND BEER MANUFACTURER THAT:**

3 **(I) IS OF A DEFINITE OR INDEFINITE DURATION; AND**

4 **(II) IS NOT REQUIRED TO BE IN WRITING;**

5 **(2) A RELATIONSHIP IN WHICH A BEER MANUFACTURER GRANTS A**
6 **BEER DISTRIBUTOR THE RIGHT TO OFFER AND SELL THE BRANDS OF BEER OFFERED**
7 **BY THE BEER MANUFACTURER;**

8 **(3) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR, AS AN**
9 **INDEPENDENT BUSINESS, CONSTITUTES A COMPONENT OF A BEER**
10 **MANUFACTURER'S DISTRIBUTION SYSTEM;**

11 **(4) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR'S BUSINESS IS**
12 **SUBSTANTIALLY ASSOCIATED WITH A BEER MANUFACTURER'S BRAND,**
13 **ADVERTISING, OR ANOTHER COMMERCIAL SYMBOL THAT DESIGNATES THE BEER**
14 **MANUFACTURER;**

15 **(5) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR'S BUSINESS**
16 **RELIES SUBSTANTIALLY ON A BEER MANUFACTURER FOR THE CONTINUED SUPPLY**
17 **OF BEER; OR**

18 **(6) A WRITTEN OR ORAL ARRANGEMENT OF DEFINITE OR INDEFINITE**
19 **DURATION IN WHICH:**

20 **(I) A BEER MANUFACTURER GRANTS TO A BEER DISTRIBUTOR**
21 **THE RIGHT TO USE A TRADE NAME, TRADEMARK, SERVICE MARK, OR RELATED**
22 **CHARACTERISTIC; AND**

23 **(II) THERE IS A COMMUNITY OF INTEREST IN THE MARKETING**
24 **OF GOODS OR SERVICES AT WHOLESALE OR RETAIL, BY LEASE, OR BY ANOTHER**
25 **METHOD.**

26 REVISOR'S NOTE: This subsection is new language derived without substantive
27 change from former Art. 2B, § 17-101(b)(1).

28 The defined term "beer franchise agreement" is substituted for the former
29 defined terms "franchise" and "agreement" to use only one defined term for
30 purposes of this subtitle and to be more descriptive when describing the type
31 of agreement to which this subtitle applies.

1 In item (2) of this subsection, the reference to “a beer manufacturer grant[ing]
2 a beer distributor” the right to offer and sell brands of beer is substituted for
3 the former reference to “the beer distributor [being] granted” the right to
4 clarify that this right is granted by the beer manufacturer and to use the active
5 voice.

6 In subsection (c)(6)(i) of this section, the reference to granting a “right” is
7 substituted for the former reference to granting a “license” for clarity.

8 Defined terms: “Beer” § 1–101
9 “Beer distributor” § 5–101
10 “Beer manufacturer” § 5–101

11 **(D) BEER MANUFACTURER.**

12 **“BEER MANUFACTURER” MEANS:**

13 **(1) A BREWER, FERMENTER, PROCESSOR, BOTTLER, OR PACKAGER**
14 **OF BEER LOCATED IN OR OUTSIDE THE STATE; OR**

15 **(2) A PERSON LOCATED IN OR OUTSIDE THE STATE THAT ENTERS**
16 **INTO A BEER FRANCHISE AGREEMENT WITH A BEER DISTRIBUTOR DOING BUSINESS**
17 **IN THE STATE.**

18 REVISOR’S NOTE: This subsection is new language derived without substantive
19 change from former Art. 2B, § 17–101(b)(5).

20 Defined terms: “Beer” § 1–101
21 “Beer distributor” § 5–101
22 “Beer franchise agreement” § 5–101
23 “Person” § 1–101
24 “State” § 1–101

25 **(E) FRANCHISEE.**

26 **“FRANCHISEE” MEANS:**

27 **(1) A BEER DISTRIBUTOR TO WHOM A BEER FRANCHISE AGREEMENT**
28 **IS GRANTED OR OFFERED; OR**

29 **(2) A BEER DISTRIBUTOR THAT IS A PARTY TO A BEER FRANCHISE**
30 **AGREEMENT.**

31 REVISOR’S NOTE: This subsection is new language derived without substantive
32 change from former Art. 2B, § 17–101(b)(2).

1 The former phrase “as defined herein” is deleted as surplusage.

2 Defined terms: “Beer distributor” § 5–101
3 “Beer franchise agreement” § 5–101

4 **(F) FRANCHISOR.**

5 **“FRANCHISOR” MEANS A BEER MANUFACTURER THAT:**

6 **(1) ENTERS INTO A BEER FRANCHISE AGREEMENT WITH A BEER**
7 **DISTRIBUTOR; OR**

8 **(2) IS A PARTY TO A BEER FRANCHISE AGREEMENT.**

9 REVISOR’S NOTE: This subsection is new language derived without substantive
10 change from former Art. 2B, § 17–101(b)(3).

11 In item (2) of this subsection, the former phrase “as defined herein” is deleted
12 as surplusage.

13 Defined terms: “Beer distributor” § 5–101
14 “Beer franchise agreement” § 5–101
15 “Beer manufacturer” § 5–101

16 **(G) SALES TERRITORY.**

17 **“SALES TERRITORY” MEANS THE AREA OF SALES RESPONSIBILITY**
18 **DESIGNATED BY A BEER FRANCHISE AGREEMENT FOR THE BRAND OR BRANDS OF**
19 **BEER OF A BEER MANUFACTURER.**

20 REVISOR’S NOTE: This subsection is new language derived without substantive
21 change from former Art. 2B, § 17–101(b)(7).

22 The former defined term “territory” is deleted as included in the more
23 descriptive and specific defined term “sales territory”.

24 The former phrase “between any franchisee or franchisor” is deleted as
25 included in the defined term “beer franchise agreement”. Similarly, the former
26 reference to “any franchisor” is deleted as included in the reference to a “beer
27 manufacturer”.

28 Defined terms: “Beer” § 1–101
29 “Beer franchise agreement” § 5–101
30 “Beer manufacturer” § 5–101

1 **5-102. SCOPE OF SUBTITLE.**

2 **THIS SUBTITLE APPLIES TO CORPORATIONS, PARTNERSHIPS, TRUSTS,**
3 **AGENCIES, AND OTHER ENTITIES AND TO PERSONS WHO ARE OFFICERS, DIRECTORS,**
4 **AND OTHER INDIVIDUALS IN ACTIVE CONTROL OF THE ACTIVITIES OF A**
5 **CORPORATION, A PARTNERSHIP, A TRUST, AN AGENCY, OR ANY OTHER ENTITY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 17-101(b)(6). Because "person" already appears
8 as a defined term in § 1-101 of this article, former Art. 2B, § 17-101(b)(6) is
9 revised here as a scope of subtitle provision for clarity.

10 Defined term: "Person" § 1-101

11 **5-103. LEGISLATIVE POLICY.**

12 **(A) IN GENERAL.**

13 **IT IS THE POLICY OF THE STATE THAT:**

14 **(1) IT IS NECESSARY TO REGULATE AND CONTROL BEER FRANCHISE**
15 **AGREEMENTS AND RELATIONSHIPS BETWEEN BEER MANUFACTURERS AND BEER**
16 **DISTRIBUTORS:**

17 **(I) TO FOSTER AND PROMOTE TEMPERANCE IN THE**
18 **CONSUMPTION OF BEER; AND**

19 **(II) TO PROMOTE RESPECT FOR AND OBEDIENCE TO THE LAWS**
20 **THAT CONTROL THE DISTRIBUTION AND SALE OF BEER; AND**

21 **(2) TEMPERANCE AND OBEDIENCE TO THE LAWS THAT CONTROL THE**
22 **DISTRIBUTION AND ULTIMATE SALE OF BEER IS PROMOTED BY LEGISLATION THAT**
23 **ENCOURAGES BEER DISTRIBUTORS TO MAKE INVESTMENTS IN THEIR FACILITIES TO**
24 **SERVE RETAIL LICENSE HOLDERS BY PROTECTING THEM AGAINST THE**
25 **TERMINATION OF BEER DISTRIBUTORSHIPS, OR OTHER ACTS DESCRIBED IN THIS**
26 **SUBTITLE, WITHOUT GOOD CAUSE FOR THE TERMINATION OR OTHER ACTS.**

27 **(B) ACCOMPLISHMENT OF POLICY.**

28 **IT IS NECESSARY TO ACCOMPLISH THIS POLICY TO ELIMINATE THE UNDUE**
29 **STIMULATION OF SALES OF BEER IN THE STATE BY BEER MANUFACTURERS THAT**
30 **INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, BEER DISTRIBUTORS TO**
31 **ACT DETRIMENTALLY TO THE ORDERLY AND LAWFUL DISTRIBUTION OF BEER BY:**

1 **(1) THREATENED OR ACTUAL TERMINATION OF THE BEER**
 2 **MANUFACTURER AND BEER DISTRIBUTOR RELATIONSHIP, DIRECTLY OR**
 3 **INDIRECTLY;**

4 **(2) THE ESTABLISHMENT OF DUAL BEER DISTRIBUTORS OF A BRAND**
 5 **OR BRANDS OF BEER IN A SALES TERRITORY PRESENTLY SERVED BY A BEER**
 6 **DISTRIBUTOR; OR**

7 **(3) THE SALE OF THE SAME BRAND OR BRANDS OF BEER IN ONE SALES**
 8 **TERRITORY BY MORE THAN ONE FRANCHISEE.**

9 **(C) RECOGNITION OF NATURE OF BEER DISTRIBUTION.**

10 **THE GENERAL ASSEMBLY FURTHER RECOGNIZES THE DISTINCTION**
 11 **BETWEEN THE NATURE OF THE DISTRIBUTION OF BEER AND OTHER ALCOHOLIC**
 12 **BEVERAGES IN THAT DISTRIBUTORS OF ALCOHOLIC BEVERAGES OTHER THAN BEER**
 13 **ARE FRANCHISED BY MANUFACTURERS TO DISTRIBUTE MANY BRANDS OF VARIOUS**
 14 **KINDS OF ALCOHOLIC BEVERAGES AND ARE NOT AS VULNERABLE TO THE ECONOMIC**
 15 **PRESSURES OF THE MANUFACTURERS AS ARE BEER DISTRIBUTORS, WHICH**
 16 **TRADITIONALLY HANDLE MAINLY ONE, TWO, OR THREE BRANDS OF BEER IN THEIR**
 17 **DISTRIBUTORSHIPS.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 17-101(a).

20 In subsection (c) of this section, the defined term "alcoholic beverage[s]" is
 21 substituted for the former reference to "alcoholic liquors" for clarity.

22 Defined terms: "Alcoholic beverage" § 1-101

23 "Beer" § 1-101

24 "Beer distributor" § 5-101

25 "Beer franchise agreement" § 5-101

26 "Beer manufacturer" § 5-101

27 "Franchisee" § 5-101

28 "License holder" § 1-101

29 "State" § 1-101

30 "Sales territory" § 5-101

31 **5-104. PROHIBITED INDUCEMENTS BY BEER MANUFACTURER; FAILURE TO**
 32 **DELIVER BEER.**

33 **A BEER MANUFACTURER MAY NOT:**

34 **(1) INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, A BEER**
 35 **DISTRIBUTOR TO ACCEPT DELIVERY OF AN ALCOHOLIC BEVERAGE, ANY FORM OF**

1 ADVERTISEMENT, OR ANOTHER COMMODITY THAT THE BEER DISTRIBUTOR DID NOT
2 ORDER;

3 (2) INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, A BEER
4 DISTRIBUTOR TO DO AN ILLEGAL ACT OR THING, OR TO DO AN ACT UNFAIR TO THE
5 BEER DISTRIBUTOR, BY THREATENING TO CANCEL, TERMINATE, OR REFUSE TO
6 RENEW A BEER FRANCHISE AGREEMENT THAT EXISTS BETWEEN THE BEER
7 MANUFACTURER, OR ITS REPRESENTATIVE, AND THE BEER DISTRIBUTOR; OR

8 (3) FAIL OR REFUSE TO DELIVER TO A BEER DISTRIBUTOR WITH A
9 BEER FRANCHISE AGREEMENT ANY BEER THAT THE BEER MANUFACTURER OR ITS
10 AGENTS ADVERTISED PUBLICLY FOR IMMEDIATE SALE PROMPTLY AFTER THE BEER
11 MANUFACTURER RECEIVED AN ORDER FROM THE BEER DISTRIBUTOR.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 17-102.

14 Defined terms: "Alcoholic beverage" § 1-101

15 "Beer" § 1-101

16 "Beer distributor" § 5-101

17 "Beer franchise agreement" § 5-101

18 "Beer manufacturer" § 5-101

19 **5-105. MULTIPLE FRANCHISEES IN SAME TERRITORY PROHIBITED.**

20 IF A FRANCHISOR DESIGNATES A SALES TERRITORY FOR WHICH A
21 FRANCHISEE IS PRIMARILY RESPONSIBLE OR IN WHICH A FRANCHISEE IS REQUIRED
22 TO CONCENTRATE ITS EFFORTS, THE FRANCHISOR MAY NOT ENTER INTO A BEER
23 FRANCHISE AGREEMENT WITH ANOTHER BEER DISTRIBUTOR TO ESTABLISH AN
24 ADDITIONAL FRANCHISEE FOR ITS BRAND OR BRANDS OF BEER IN THAT SALES
25 TERRITORY.

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 17-105.

28 Defined terms: "Beer" § 1-101

29 "Beer distributor" § 5-101

30 "Beer franchise agreement" § 5-101

31 "Franchisee" § 5-101

32 "Franchisor" § 5-101

33 "Sales territory" § 5-101

34 **5-106. SALE OR DELIVERY BY FRANCHISEE PROHIBITED OUTSIDE OF TERRITORY.**

1 IF A FRANCHISEE IS GRANTED A SALES TERRITORY FOR WHICH THE
2 FRANCHISEE IS PRIMARILY RESPONSIBLE OR IN WHICH THE FRANCHISEE IS
3 REQUIRED TO CONCENTRATE ITS EFFORTS, THE FRANCHISEE MAY NOT SELL OR
4 DELIVER BEER TO A RETAIL DEALER WHOSE PLACE OF BUSINESS IS NOT WITHIN THE
5 SALES TERRITORY GRANTED TO THE FRANCHISEE.

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 17-106.

8 Defined terms: "Beer" § 1-101

9 "Franchisee" § 5-101

10 "Retail dealer" § 1-101

11 "Sales territory" § 5-101

12 **5-107. NOTICE OF INTENT TO TERMINATE OR REFUSE TO RENEW BEER FRANCHISE**
13 **AGREEMENT.**

14 (A) SCOPE OF SECTION.

15 THIS SECTION DOES NOT APPLY TO A TEMPORARY DELIVERY AGREEMENT
16 UNDER § 2-209(C) OF THIS ARTICLE FOR A BEER FESTIVAL OR A WINE AND BEER
17 FESTIVAL.

18 (B) NOTICE REQUIRED.

19 (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AT
20 LEAST 180 DAYS BEFORE A BEER MANUFACTURER INTENDS TO TERMINATE OR
21 REFUSE TO RENEW A BEER FRANCHISE AGREEMENT, THE BEER MANUFACTURER
22 SHALL NOTIFY THE FRANCHISEE IN WRITING OF ITS INTENT.

23 (2) THE NOTICE SHALL STATE ALL THE REASONS FOR THE INTENDED
24 TERMINATION OR NONRENEWAL.

25 (C) RECTIFYING DEFICIENCY.

26 (1) IF A DEFICIENCY IS CLAIMED IN THE NOTICE PROVIDED UNDER
27 SUBSECTION (B) OF THIS SECTION, THE FRANCHISEE HAS 180 DAYS TO RECTIFY THE
28 DEFICIENCY.

29 (2) IF THE FRANCHISEE RECTIFIES THE DEFICIENCY WITHIN 180
30 DAYS AFTER THE NOTICE IS RECEIVED, THE INTENDED TERMINATION OR
31 NONRENEWAL OF THE BEER FRANCHISE AGREEMENT IS VOID.

32 (D) EXCEPTION.

1 **THE NOTICE REQUIREMENT OF SUBSECTION (B) OF THIS SECTION DOES NOT**
2 **APPLY IF THE REASON FOR THE INTENDED TERMINATION OR NONRENEWAL IS**
3 **INSOLVENCY, THE OCCURRENCE OF AN ASSIGNMENT FOR THE BENEFIT OF**
4 **CREDITORS, OR BANKRUPTCY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 17–104.

7 In subsection (b)(1) of this section, the former reference to “cancel” is deleted
8 as included in the reference to “terminate”. Similarly, in subsections (b)(2),
9 (c)(2), and (d) of this section, the former references to “cancellation” are deleted
10 as included in the references to “termination”.

11 In subsection (c)(2) of this section, the reference to 180 days “after the notice
12 is received” is substituted for the former reference to 180 days “of notice” for
13 clarity.

14 Also in subsection (c)(2) of this section, the former reference to “null” is deleted
15 as included in the reference to “void”.

16 Also in subsection (c)(2) of this section, the former phrase “without legal effect”
17 is deleted as surplusage.

18 Defined terms: “Beer” § 1–101
19 “Beer franchise agreement” § 5–101
20 “Beer manufacturer” § 5–101
21 “Franchisee” § 5–101
22 “Wine” § 1–101

23 **5–108. TERMINATION OF OR REFUSAL TO RENEW BEER FRANCHISE AGREEMENT**
24 **WITHOUT GOOD CAUSE PROHIBITED.**

25 **(A) SCOPE OF SECTION.**

26 **THIS SECTION DOES NOT APPLY TO A TEMPORARY DELIVERY AGREEMENT**
27 **UNDER § 2–209(C) OF THIS ARTICLE FOR A BEER FESTIVAL OR A WINE AND BEER**
28 **FESTIVAL.**

29 **(B) IN GENERAL.**

30 **(1) NOTWITHSTANDING THE TERMS OF A BEER FRANCHISE**
31 **AGREEMENT, A FRANCHISOR MAY NOT TERMINATE OR REFUSE TO CONTINUE OR**
32 **RENEW A BEER FRANCHISE AGREEMENT, OR CAUSE A FRANCHISEE TO RESIGN FROM**
33 **A BEER FRANCHISE AGREEMENT, WITHOUT GOOD CAUSE.**

1 **(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, GOOD**
2 **CAUSE INCLUDES THE REVOCATION OF A FRANCHISEE’S LICENSE TO DO BUSINESS**
3 **IN THE STATE.**

4 REVISOR’S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 17–103.

6 In subsection (b)(1) of this section, the phrase “without good cause” is
7 substituted for the former phrase “unless good cause exists for termination,
8 cancellation, nonrenewal, noncontinuation or causing a resignation” for
9 brevity.

10 Also in subsection (b)(1) of this section, the former reference to “provisions or
11 conditions” is deleted as included in the reference to “terms”.

12 Also in subsection (b)(1) of this section, the former reference to “cancel” is
13 deleted as included in the reference to “terminate”.

14 In subsection (b)(2) of this section, the former reference to a license revoked
15 “under any provisions of this article” is deleted as surplusage.

16 Defined terms: “Beer” § 1–101
17 “Beer franchise agreement” § 5–101
18 “Franchisee” § 5–101
19 “Franchisor” § 5–101
20 “License” § 1–101
21 “State” § 1–101
22 “Wine” § 1–101

23 **5–109. ACTION FOR VIOLATION OF SUBTITLE.**

24 **(A) IN GENERAL.**

25 **(1) A BEER DISTRIBUTOR OR FRANCHISEE MAY BRING AN ACTION IN**
26 **A COURT OF GENERAL JURISDICTION TO RECOVER DAMAGES AGAINST A BEER**
27 **MANUFACTURER, FRANCHISOR, OR FRANCHISEE FOR VIOLATION OF THIS SUBTITLE.**

28 **(2) IF APPROPRIATE, THE BEER DISTRIBUTOR OR FRANCHISEE IS**
29 **ENTITLED TO INJUNCTIVE RELIEF.**

30 **(B) COSTS OF ACTION.**

1 **IN AN ACTION FOR VIOLATION OF THIS SUBTITLE, THE PREVAILING BEER**
2 **DISTRIBUTOR OR FRANCHISEE IS ENTITLED TO THE COSTS OF THE ACTION**
3 **INCLUDING REASONABLE ATTORNEY’S FEES.**

4 REVISOR’S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 17–107.

6 In subsection (a)(1) of this section, the former phrase “in the State of
7 Maryland” is deleted as surplusage.

8 Also in subsection (a)(1) of this section, the former reference to damages
9 “sustained by reason of any violation of this subtitle” is deleted as redundant
10 of the phrase “for violation of this subtitle”.

11 In subsection (b) of this section, the former reference to including “but not
12 limited to” reasonable attorney’s fees is deleted as unnecessary because it
13 merely repeats a standard rule of statutory construction.

14 Defined terms: “Beer distributor” § 5–101

15 “Beer manufacturer” § 5–101

16 “Franchisee” § 5–101

17 “Franchisor” § 5–101

18 **SUBTITLE 2. SUCCESSOR MANUFACTURERS.**

19 **5–201. OBLIGATION OF SUCCESSOR MANUFACTURER.**

20 **(A) DEFINITIONS.**

21 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(2) “AGREEMENT” MEANS ORAL OR WRITTEN EVIDENCE BETWEEN A**
24 **BEER MANUFACTURER AND A BEER WHOLESALER GRANTING THE BEER**
25 **WHOLESALER THE RIGHT TO OFFER AND SELL THE BRANDS OF BEER OFFERED BY**
26 **THE BEER MANUFACTURER.**

27 **(3) “BEER MANUFACTURER” MEANS:**

28 **(I) A BREWER, FERMENTER, PROCESSOR, BOTTLER, OR**
29 **PACKAGER OF BEER LOCATED IN OR OUTSIDE THE STATE; OR**

30 **(II) A PERSON LOCATED IN OR OUTSIDE THE STATE THAT**
31 **ENTERS INTO AN AGREEMENT WITH A BEER WHOLESALER DOING BUSINESS IN THE**
32 **STATE.**

1 **(4) “FAIR MARKET VALUE” MEANS THE PRICE AT WHICH AN ASSET**
2 **WOULD CHANGE HANDS BETWEEN A WILLING SELLER AND A WILLING BUYER WHEN**
3 **NEITHER IS ACTING UNDER ANY COMPULSION AND WHEN BOTH HAVE KNOWLEDGE**
4 **OF ALL OF THE RELEVANT FACTS.**

5 **(5) “SUCCESSOR BEER MANUFACTURER” INCLUDES A PERSON OR**
6 **LICENSE HOLDER WHO REPLACES A BEER MANUFACTURER WITH THE RIGHT TO**
7 **SELL, DISTRIBUTE, OR IMPORT A BRAND OF BEER.**

8 **(B) OBLIGATION OF SUCCESSOR BEER MANUFACTURER.**

9 **EXCEPT FOR THE DISCONTINUANCE OF A BRAND OF BEER OR FOR GOOD**
10 **CAUSE SHOWN AS PROVIDED UNDER § 5–108 OF THIS TITLE, A SUCCESSOR BEER**
11 **MANUFACTURER THAT CONTINUES IN THE BUSINESS IS OBLIGATED UNDER ALL THE**
12 **TERMS AND CONDITIONS OF THE AGREEMENT MADE BETWEEN THE PREVIOUS BEER**
13 **MANUFACTURER AND THE EXISTING BEER WHOLESALER THAT WERE IN EFFECT ON**
14 **THE DATE OF CHANGE OF BEER MANUFACTURERS.**

15 **(C) TERMINATION OF AGREEMENT PROVISIONS.**

16 **A SUCCESSOR BEER MANUFACTURER THAT TERMINATES ANY AGREEMENT**
17 **PROVISION REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION**
18 **SHALL REMUNERATE THE BEER WHOLESALER A SUM EQUAL TO THE FAIR MARKET**
19 **VALUE FOR THE SALE OF THE SUBJECT BRAND OR BRANDS OF BEER CALCULATED**
20 **FROM THE DATE OF TERMINATION.**

21 **(D) NOTICE OF TERMINATION.**

22 **(1) BEFORE A SUCCESSOR BEER MANUFACTURER MAY TERMINATE**
23 **ANY AGREEMENT PROVISION REQUIRED TO BE CONTINUED UNDER SUBSECTION (B)**
24 **OF THIS SECTION AND DESIGNATE ANOTHER BEER WHOLESALER TO REPLACE THE**
25 **EXISTING BEER WHOLESALER, THE SUCCESSOR BEER MANUFACTURER SHALL GIVE**
26 **NOTICE OF TERMINATION TO THE BEER WHOLESALER TO BE REPLACED.**

27 **(2) ON RECEIPT OF THE NOTICE, THE BEER WHOLESALER TO BE**
28 **REPLACED AND THE DESIGNATED BEER WHOLESALER SHALL NEGOTIATE IN GOOD**
29 **FAITH TO DETERMINE THE FAIR MARKET VALUE OF THE AFFECTED DISTRIBUTION**
30 **RIGHTS.**

31 **(3) IF AN AGREEMENT IS REACHED, THE DESIGNATED BEER**
32 **WHOLESALER PROMPTLY SHALL PAY THE FAIR MARKET VALUE AS COMPENSATION**
33 **TO THE BEER WHOLESALER TO BE REPLACED.**

1 **(4) IF AN AGREEMENT IS NOT REACHED WITHIN 30 DAYS AFTER THE**
2 **BEER WHOLESALER TO BE REPLACED RECEIVES NOTICE, THE DESIGNATED BEER**
3 **WHOLESALER AND THE BEER WHOLESALER TO BE REPLACED SHALL ENTER INTO**
4 **NONBINDING MEDIATION WITH A MEDIATOR IN THE STATE WHO PRACTICES IN**
5 **ACCORDANCE WITH TITLE 17 OF THE MARYLAND RULES.**

6 **(5) IF AN AGREEMENT IS NOT REACHED WITHIN 45 DAYS AFTER**
7 **MEDIATION BEGINS, THE BEER WHOLESALER TO BE REPLACED SHALL WITHIN 90**
8 **DAYS BRING AN ACTION IN A COURT OF GENERAL JURISDICTION AGAINST A**
9 **SUCCESSOR BEER MANUFACTURER TO DETERMINE AND AWARD FAIR MARKET**
10 **VALUE OF THE TERMINATED BRAND OR BRANDS.**

11 **(E) SUPPORT AND DISTRIBUTION OF BRAND.**

12 **UNTIL RESOLUTION REGARDING FAIR MARKET VALUE IS REACHED UNDER**
13 **SUBSECTION (D) OF THIS SECTION AND THE BEER WHOLESALER TO BE REPLACED**
14 **HAS RECEIVED PAYMENT IN ACCORDANCE WITH THE DETERMINATION OF FAIR**
15 **MARKET VALUE:**

16 **(1) THE BEER WHOLESALER TO BE REPLACED AND THE SUCCESSOR**
17 **BEER MANUFACTURER SHALL SUPPORT THE BRAND TO AT LEAST THE SAME EXTENT**
18 **THAT THE BRAND HAD BEEN PREVIOUSLY SUPPORTED IMMEDIATELY BEFORE THE**
19 **SUCCESSOR BEER MANUFACTURER ACQUIRED RIGHTS TO THE BRAND; AND**

20 **(2) THE BEER WHOLESALER TO BE REPLACED SHALL CONTINUE TO**
21 **DISTRIBUTE THE BRAND.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 21–103.

24 Throughout this section, the references to a “wholesaler” are substituted for
25 the former references to a “distributor” for clarity.

26 In subsection (b) of this section, the reference to the “existing beer wholesaler”
27 is substituted for the former reference to the “surviving beer distributor” for
28 clarity.

29 In subsection (d) of this section, the references to the “beer wholesaler to be
30 replaced” are substituted for the former references to the “surviving beer
31 distributor” for clarity.

32 In subsection (d)(1) of this section, the phrase “to replace the existing beer
33 wholesaler” is added for clarity.

1 In subsection (d)(4) of this section, the reference to a mediator “in the State”
2 is substituted for the former reference to “a Maryland mediator” for clarity.

3 In subsection (d)(5) of this section, the former phrase “in the State” is deleted
4 as surplusage.

5 Defined terms: “Beer” § 1–101
6 “License holder” § 1–101
7 “Person” § 1–101
8 “State” § 1–101
9 “Wholesaler” § 1–101

10 **SUBTITLE 3. OTHER BEER REGULATION.**

11 **5–301. INFORMATION ON ALCOHOL CONTENT REQUIRED.**

12 **(A) INFORMATION PROVIDED TO WHOLESALER.**

13 **A PERSON WHO SUPPLIES OR SELLS BEER TO A WHOLESALER FOR RESALE TO**
14 **RETAIL DEALERS SHALL PROVIDE TO THE WHOLESALER WRITTEN INFORMATION**
15 **STATING THE APPROXIMATE PERCENTAGE OF ALCOHOL CONTENT BY VOLUME PER**
16 **SEALED PACKAGE OR SEALED CONTAINER FOR EACH BRAND OF BEER SUPPLIED OR**
17 **SOLD TO THE WHOLESALER.**

18 **(B) INFORMATION PROVIDED TO RETAIL DEALER.**

19 **A BEER WHOLESALER SHALL PROVIDE TO EACH BEER RETAIL DEALER WITH**
20 **WHOM IT DOES BUSINESS THE WRITTEN INFORMATION IT RECEIVES UNDER**
21 **SUBSECTION (A) OF THIS SECTION REGARDING THE BEER SUPPLIED TO THE RETAIL**
22 **DEALER.**

23 **(C) PENALTY.**

24 **THE PENALTY PROVISIONS OF § 6–402 OF THIS ARTICLE DO NOT APPLY TO A**
25 **VIOLATION OF THIS SECTION.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 21–104.

28 In subsection (c) of this section, the former reference to “§ 16–507” of the
29 former article is deleted for accuracy.

30 Defined terms: “Beer” § 1–101
31 “Person” § 1–101
32 “Retail dealer” § 1–101

1 “Wholesaler” § 1-101

2 **5-302. SIZE OF CONTAINERS.**

3 **A PERSON MAY NOT BE PROHIBITED FROM SELLING OR DELIVERING TO**
4 **WHOLESALERS OR RETAIL DEALERS WITHIN THE STATE BEER IN THE FOLLOWING**
5 **CONTAINER SIZES:**

6 (1) **6.33, 7, 8, 10, 11, 11.39, 11.5, 12, 16, 24, 25, 32, OR 40 OUNCES;**

7 (2) **740 MILLILITERS;**

8 (3) **1, 2.25, 3.875, 5.167, 7.75, 13.209, 13.5, 15, OR 15.5 GALLONS; AND**

9 (4) **5, 50, OR 51 LITERS.**

10 REVISOR’S NOTE: This section formerly was Art. 2B, § 21-101.

11 No changes are made.

12 Defined terms: “Beer” § 1-101

13 “Person” § 1-101

14 “Retail dealer” § 1-101

15 “State” § 1-101

16 “Wholesaler” § 1-101

17 **5-303. KEG REGISTRATION.**

18 (A) **DEFINITIONS.**

19 (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 (2) **“KEG” MEANS A CONTAINER OF BEER WITH A CAPACITY OF AT**
22 **LEAST 4 GALLONS, WHICH IS DESIGNED TO DISPENSE BEER DIRECTLY FROM THE**
23 **CONTAINER.**

24 (3) **“KEG LICENSE HOLDER” MEANS A PERSON WHO HOLDS A LICENSE**
25 **THAT AUTHORIZES THE PERSON TO SELL BEER IN KEGS AT RETAIL.**

26 (B) **SALE OR TRANSFER OF KEG.**

1 **A KEG LICENSE HOLDER MAY NOT SELL OR OTHERWISE TRANSFER, OR OFFER**
2 **TO SELL OR OTHERWISE TRANSFER, THE CONTENTS OF A KEG FOR OFF-PREMISES**
3 **CONSUMPTION UNLESS:**

4 **(1) THE KEG LICENSE HOLDER PROVIDES TO THE PURCHASER A KEG**
5 **REGISTRATION FORM APPROVED AND DISTRIBUTED BY THE COMPTROLLER THAT IS**
6 **DESIGNED TO BE AFFIXED TO THE KEG AND THAT INDICATES THE NAME AND**
7 **ADDRESS OF THE LICENSED ESTABLISHMENT AND A REGISTRATION NUMBER;**

8 **(2) EXCEPT AS PROVIDED IN § 26-103 OF THIS ARTICLE, THE**
9 **PURCHASER PROVIDES IDENTIFICATION AND COMPLETES AND SIGNS A**
10 **REGISTRATION FORM WITH THE FOLLOWING INFORMATION:**

11 **(I) THE PURCHASER'S NAME AND ADDRESS AS SHOWN ON THE**
12 **IDENTIFICATION PRODUCED; AND**

13 **(II) THE DATE OF PURCHASE; AND**

14 **(3) THE KEG LICENSE HOLDER AFFIXES THE COMPLETED**
15 **REGISTRATION FORM TO THE KEG AND RETAINS A COPY OF THE FORM FOR 30 DAYS**
16 **ON THE LICENSED PREMISES.**

17 **(c) RETURN OF KEG.**

18 **(1) ON RETURN OF A REGISTERED KEG FROM THE PURCHASER, THE**
19 **KEG LICENSE HOLDER SHALL REMOVE OR OBLITERATE THE KEG REGISTRATION**
20 **FORM AFFIXED TO THE KEG AND NOTE THE REMOVAL AND THE DATE OF THE**
21 **REMOVAL ON THE COPY OF THE KEG REGISTRATION FORM RETAINED BY THE KEG**
22 **LICENSE HOLDER AT THE LICENSED PREMISES.**

23 **(2) (I) IF A KEG IS MADE OF DISPOSABLE PACKAGING THAT DOES**
24 **NOT HAVE TO BE RETURNED TO THE KEG LICENSE HOLDER, THE KEG LICENSE**
25 **HOLDER SHALL INDICATE ON THE KEG REGISTRATION FORM THAT THE KEG IS**
26 **DISPOSABLE.**

27 **(II) DISPOSAL OF EMPTY KEGS MADE OF DISPOSABLE**
28 **PACKAGING DOES NOT CONSTITUTE OBLITERATION OF THE KEG REGISTRATION**
29 **FORM.**

30 **(d) REGULATIONS.**

31 **EACH LOCAL LICENSING BOARD SHALL ADOPT REGULATIONS TO CARRY OUT**
32 **THIS SECTION.**

1 **(E) FEE.**

2 **A KEG LICENSE HOLDER MAY CHARGE A KEG REGISTRATION FEE TO A**
 3 **PURCHASER.**

4 **(F) PENALTIES.**

5 **(1) A KEG LICENSE HOLDER WHO VIOLATES THIS SECTION IS**
 6 **SUBJECT TO A FINE NOT EXCEEDING \$100 OR A SUSPENSION OR REVOCATION OF**
 7 **THE LICENSE, OR BOTH A FINE AND SUSPENSION OR REVOCATION.**

8 **(2) THE EXISTENCE OF A COMPLETED REGISTRATION FORM SIGNED**
 9 **BY THE PURCHASER CREATES A PRESUMPTION THAT THE KEG LICENSE HOLDER HAS**
 10 **COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 21-106(a), (b), (d), (e), (f), and (g).

13 In subsection (d) of this section, the defined term "local licensing board" is
 14 substituted for the former reference to the "board of license commissioners or,
 15 if there is no board of license commissioners in that county, the liquor control
 16 board" for brevity.

17 Defined terms: "Beer" § 1-101
 18 "Comptroller" § 1-101
 19 "License" § 1-101
 20 "Local licensing board" § 1-101
 21 "Person" § 1-101

22 **TITLE 6. FORFEITURES; ENFORCEMENT; PROHIBITED ACTS; PENALTIES.**

23 **SUBTITLE 1. FORFEITURES.**

24 **6-101. SEIZURE OF CONTRABAND.**

25 **(A) IN GENERAL.**

26 **ALCOHOLIC BEVERAGES AND OTHER CONTRABAND KEPT, POSSESSED, USED,**
 27 **SOLD, MANUFACTURED, STORED, OR TRANSPORTED IN VIOLATION OF THIS**
 28 **ARTICLE:**

29 **(1) ARE SUBJECT TO SEIZURE AND FORFEITURE; AND**

1 **(2) WHEN SEIZED, MAY BE RECOVERED OR DISPOSED OF ONLY AS**
2 **PROVIDED IN THIS SUBTITLE.**

3 **(B) FORFEITURE.**

4 **PROPERTY IS FORFEITED IF IT:**

5 **(1) WAS SEIZED AS CONTRABAND IN THE POSSESSION OR CONTROL OF**
6 **A DEFENDANT WHO IS FOUND GUILTY OF VIOLATING THIS ARTICLE; OR**

7 **(2) IS OTHERWISE FOUND TO BE CONTRABAND OR IN VIOLATION OF**
8 **THIS ARTICLE.**

9 **(C) UNCLAIMED CONTRABAND.**

10 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
11 **PROPERTY IS FORFEITED IF IT:**

12 **(I) IS SEIZED AS CONTRABAND AND REMAINS UNCLAIMED FOR**
13 **30 DAYS AFTER SEIZURE; AND**

14 **(II) HAS NOT BEEN DESTROYED IN ACCORDANCE WITH THIS**
15 **SUBTITLE.**

16 **(2) (I) A VEHICLE, A VESSEL, OR AN AIRCRAFT THAT IS SEIZED AS**
17 **CONTRABAND IS FORFEITED UNLESS A PROTEST IS FILED WITHIN 30 DAYS AFTER**
18 **THE PUBLICATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

19 **(II) THE COMPTROLLER:**

20 **1. IF POSSIBLE, SHALL NOTIFY THE REGISTERED OWNER**
21 **OF THE PROPERTY OF THE SEIZURE; AND**

22 **2. SHALL PUBLISH A NOTICE:**

23 **A. IN A NEWSPAPER OF GENERAL CIRCULATION IN THE**
24 **COUNTY WHERE THE VEHICLE, VESSEL, OR AIRCRAFT WAS SEIZED; AND**

25 **B. INFORMING INTERESTED PERSONS OF THE SEIZURE**
26 **AND THE RIGHT TO FILE A PROTEST.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 1-201(f)(1), (2), and (3).

1 In the introductory language of subsection (a) of this section, the phrase “in
2 violation of” is substituted for the former phrase “contrary to” to conform to
3 the terminology used throughout this article.

4 In subsections (a)(2) and (c)(1)(ii) of this section, the references to “subtitle”
5 are substituted for the former references to “subsection” and “section”,
6 respectively, to reflect the organization of this revised article.

7 In subsection (b) of this section, the references to “found” are substituted for
8 the former references to “adjudged” for clarity.

9 In the introductory language of subsection (b) of this section, the former
10 reference to “immediately” forfeited is deleted as surplusage.

11 In subsection (c)(2)(i) of this section, the reference to a “protest” is substituted
12 for the former reference to a “claim” to conform to the terminology used
13 throughout this subtitle. Similarly, in subsection (c)(2)(ii)2B of this section,
14 the reference to a “protest” is substituted for the former reference to a “claim
15 protesting the confiscation of the vehicle, vessel or aircraft” for brevity.

16 In subsection (c)(2)(ii)1 of this section, the reference to notifying the registered
17 owner “of the property of the seizure” is added for clarity.

18 In subsection (c)(2)(ii)2A of this section, the former reference to “Baltimore
19 City” is deleted as included in the defined term “county”.

20 Also in subsection (c)(2)(ii)2A of this section, the former reference to a vehicle,
21 vessel, or aircraft “confiscated under this article” is deleted as surplusage.

22 Defined terms: “Alcoholic beverage” § 1–101

23 “Comptroller” § 1–101

24 “County” § 1–101

25 “Person” § 1–101

26 **6–102. EQUIPMENT FOR UNLAWFUL MANUFACTURE AS CONTRABAND.**

27 **APPARATUS, MATERIALS, EQUIPMENT, IMPLEMENTS, DEVICES, AND OTHER**
28 **PERSONAL PROPERTY DESIGNED, USED, OR INTENDED TO BE USED TO VIOLATE A**
29 **PROVISION OF THIS ARTICLE RELATING TO THE UNLAWFUL MANUFACTURE OF**
30 **ALCOHOLIC BEVERAGES:**

31 **(1) ARE CONTRABAND; AND**

32 **(2) MAY BE SEIZED AND FORFEITED IN ACCORDANCE WITH THIS**
33 **SUBTITLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from the second sentence of former Art. 2B, § 1-201(a)(4).

3 In the introductory language of this section, the phrase "designed, used, or
4 intended to be used to violate a provision of this article relating to the unlawful
5 manufacture of alcoholic beverages" is added for clarity and consistency with
6 other similar provisions of this subtitle.

7 In item (2) of this section, the reference to this "subtitle" is substituted for the
8 former reference to this "article" to reflect the organization of this revised
9 article.

10 Defined term: "Alcoholic beverage" § 1-101

11 **6-103. VEHICLES, VESSELS, AND AIRCRAFT AS CONTRABAND.**

12 **A VEHICLE, A VESSEL, OR AN AIRCRAFT USED WITH THE EXPRESS OR IMPLIED**
13 **KNOWLEDGE OR CONSENT OF ITS OWNER TO VIOLATE A PROVISION OF THIS ARTICLE**
14 **RELATING TO THE UNLAWFUL MANUFACTURE OF ALCOHOLIC BEVERAGES OR TO**
15 **TRANSPORT, STORE, OR HIDE UNLAWFUL ALCOHOLIC BEVERAGES:**

16 **(1) IS CONTRABAND; AND**

17 **(2) MAY BE SEIZED BY THE COMPTROLLER OR THE COMPTROLLER'S**
18 **AUTHORIZED ENFORCEMENT OFFICERS AND FORFEITED IN ACCORDANCE WITH**
19 **THIS SUBTITLE.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 1-201(a)(5).

22 In the introductory language of this section, the former reference to
23 "permission" is deleted in light of the reference to "consent".

24 Also in the introductory language of this section, the former reference to
25 "lawful" owner is deleted as surplusage.

26 In item (2) of this section, the reference to this "subtitle" is substituted for the
27 former reference to this "article" to reflect the organization of this revised
28 article.

29 Defined terms: "Alcoholic beverage" § 1-101
30 "Comptroller" § 1-101

31 **6-104. PROTEST OF SEIZURE.**

1 **A LIENHOLDER, OR OTHER PERSON SHOWING A LEGAL RIGHT, TITLE, OR**
2 **INTEREST IN SEIZED PROPERTY NOT DESTROYED IN ACCORDANCE WITH THIS**
3 **SUBTITLE, MAY FILE A PROTEST WITH THE COMPTROLLER:**

4 **(1) WITHIN 30 DAYS AFTER SEIZURE OF THE PROPERTY; OR**

5 **(2) IF THE SEIZED PROPERTY IS A VEHICLE, A VESSEL, OR AN**
6 **AIRCRAFT, WITHIN 30 DAYS AFTER THE PUBLICATION OF NOTICE REQUIRED UNDER**
7 **§ 6–101(C) OF THIS SUBTITLE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from the first sentence of former Art. 2B, § 1–201(f)(4).

10 In the introductory language of this section, the reference to this “subtitle” is
11 substituted for the former reference to this “section” to reflect the organization
12 of this revised article.

13 Also in the introductory language of this section, the reference to a “protest”
14 is substituted for the former reference to a “claim protesting the seizure” for
15 brevity.

16 Also in the introductory language of this section, the former reference to
17 “lawful” lienholder is deleted as surplusage.

18 In item (2) of this section, the reference to notice “required under § 6–101(c) of
19 this subtitle” is added for clarity.

20 Defined terms: “Comptroller” § 1–101
21 “Person” § 1–101

22 **6–105. DETERMINATION OF FORFEITURE WHEN PROTEST IS FILED.**

23 **(A) IN REM PROCEEDING.**

24 **WHEN A PROTEST IS FILED, THE CIRCUIT COURT FOR THE COUNTY IN WHICH**
25 **THE PROPERTY WAS SEIZED SHALL CONDUCT AN IN REM PROCEEDING TO**
26 **DETERMINE WHETHER THE PROPERTY IS SUBJECT TO FORFEITURE.**

27 **(B) KNOWLEDGE OF LIENHOLDERS.**

28 **(1) IF THE COURT DETERMINES THAT THE PROPERTY IS SUBJECT TO**
29 **FORFEITURE, THE COURT SHALL DETERMINE WHETHER ANY LIENHOLDER FILING A**
30 **TIMELY PROTEST HAD KNOWLEDGE OF THE INTENDED UNLAWFUL USE.**

1 **(2) IF THE COURT DETERMINES THAT A LIENHOLDER HAD**
 2 **KNOWLEDGE, THE LIENHOLDER’S RIGHT, TITLE, AND INTEREST TO THE PROPERTY**
 3 **IS FORFEITED.**

4 **(3) IF THE COURT DOES NOT DETERMINE THAT A LIENHOLDER HAD**
 5 **KNOWLEDGE, BUT THE PROPERTY IS OTHERWISE SUBJECT TO FORFEITURE:**

6 **(I) THE PROPERTY SHALL BE FORFEITED; AND**

7 **(II) THE COMPTROLLER, AS THE COMPTROLLER CONSIDERS IN**
 8 **THE BEST INTEREST OF THE STATE, MAY:**

9 **1. PAY THE OUTSTANDING INDEBTEDNESS SECURED BY**
 10 **THE LIEN AND KEEP THE PROPERTY; OR**

11 **2. DELIVER THE PROPERTY TO THE LIENHOLDER.**

12 REVISOR’S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 1–201(f)(5) and the second sentence of (4).

14 In subsections (a) and (b)(1) of this section, the former references to a “claim”
 15 are deleted as included in the references to a “protest”.

16 In subsection (a) of this section, the requirement that the court determine
 17 “whether the property is subject to forfeiture” is substituted for the former
 18 requirement that the court determine “the question of forfeiture” to conform
 19 to the terminology used throughout this subtitle.

20 Also in subsection (a) of this section, the former requirement that the court
 21 “hear” a question is deleted as included in the reference to “determine”.

22 In subsection (b)(1) of this section, the former reference to a “lawful” lienholder
 23 is deleted as surplusage. Similarly, in subsection (b)(3)(ii)1, the former
 24 reference to a “lawful” lien is deleted.

25 Defined terms: “Comptroller” § 1–101

26 “County” § 1–101

27 “State” § 1–101

28 **6–106. OWNERSHIP AND DISPOSAL OF SEIZED AND FORFEITED PROPERTY.**

29 **(A) IN GENERAL.**

30 **EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION,**
 31 **PROPERTY SEIZED AND FORFEITED UNDER THIS SUBTITLE OR PROVISIONS OF THE**

1 **TAX – GENERAL ARTICLE RELATING TO THE ALCOHOLIC BEVERAGE TAX BECOMES**
 2 **THE PROPERTY OF THE COUNTY IN WHICH IT WAS SEIZED.**

3 **(B) PROPERTY SEIZED BY STATE OFFICERS AND FORFEITED.**

4 **PROPERTY SEIZED BY STATE OFFICERS AND FORFEITED BECOMES STATE**
 5 **PROPERTY.**

6 **(C) FORFEITED ALCOHOLIC BEVERAGES PROPERTY OF LIQUOR CONTROL**
 7 **BOARD.**

8 **(1) LAWFULLY MANUFACTURED ALCOHOLIC BEVERAGES FORFEITED**
 9 **TO A COUNTY IN WHICH THERE IS A LIQUOR CONTROL BOARD THAT OPERATES**
 10 **DISPENSARIES:**

11 **(I) BECOME THE PROPERTY OF THE LIQUOR CONTROL BOARD;**
 12 **AND**

13 **(II) SHALL BE SOLD BY THE DISPENSARIES OF THE LIQUOR**
 14 **CONTROL BOARD.**

15 **(2) PROCEEDS FROM THE SALES SHALL BE TREATED IN THE SAME**
 16 **WAY AS PROCEEDS FROM ORDINARY SALES MADE BY THE DISPENSARIES.**

17 **REVISOR'S NOTE:** This section is new language derived without substantive
 18 change from the first, third, and fourth sentences of former Art. 2B, §
 19 1–201(f)(6).

20 In subsection (a) of this section, the reference to this “subtitle” is substituted
 21 for the former reference to this “article” to reflect the organization of this
 22 revised article.

23 Also in subsection (a) of this section, the former reference to “Baltimore City”
 24 is deleted as included in the defined term “county”.

25 In subsection (b) of this section, the reference to property being “forfeited” is
 26 added for clarity and to conform to the terminology used in subsection (a) of
 27 this section.

28 In the introductory language of subsection (c)(1) of this section, the reference
 29 to a liquor control board “that operates dispensaries” is added for clarity.

30 In subsection (c)(1)(ii) of this section, the reference to dispensaries “of the
 31 liquor control board” is substituted for the former reference to dispensaries “in
 32 those counties” for clarity.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that it is unclear whether subsection (a) of this section,
3 which provides that seized and forfeited property becomes the property of the
4 “county” in which it was seized and forfeited, applies to the City of Annapolis.
5 Like counties, the City of Annapolis enjoys independent authority to regulate
6 alcoholic beverages within its borders, as the Board of License Commissioners
7 for Anne Arundel County does not have jurisdiction in the City. *See* §§ 10–201
8 and 10–202 of this article. Similarly, it is unclear how § 6–107 of this subtitle
9 relating to retention or disposal of seized and forfeited property applies to the
10 City. The General Assembly may wish to clarify whether the City of Annapolis
11 should be considered a county for purposes of these sections.

12 Defined terms: “Alcoholic beverage” § 1–101
13 “County” § 1–101
14 “State” § 1–101

15 **6–107. DISPOSAL OF FORFEITED PROPERTY.**

16 **(A) IN GENERAL.**

17 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, FORFEITED**
18 **PROPERTY SHALL BE RETAINED FOR OFFICIAL USE, SOLD, OR OTHERWISE DISPOSED**
19 **OF BY:**

20 **(1) THE COMPTROLLER, IF THE PROPERTY WAS SEIZED BY STATE**
21 **OFFICERS; OR**

22 **(2) IF THE PROPERTY WAS NOT SEIZED BY STATE OFFICERS:**

23 **(i) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY; OR**

24 **(ii) THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY**
25 **COUNCIL OF THE COUNTY IN WHICH THE PROPERTY WAS SEIZED.**

26 **(B) RETENTION OR DISPOSAL OF PROPERTY IN BEST PUBLIC INTEREST.**

27 **THE COMPTROLLER, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY,**
28 **OR THE BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL IN THE COUNTY**
29 **WHERE THE PROPERTY WAS SEIZED SHALL RETAIN OR DISPOSE OF THE PROPERTY**
30 **IN THE WAY IT CONSIDERS TO BE IN THE BEST PUBLIC INTEREST.**

31 **(C) ILLICIT ALCOHOLIC BEVERAGES TO BE DESTROYED.**

1 **ILLICIT ALCOHOLIC BEVERAGES SHALL BE DESTROYED AND MAY NOT BE**
2 **RETURNED OR GIVEN TO ANY PERSON OR DISPOSED OF IN ANY OTHER MANNER.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from the second and fifth sentences of former Art. 2B, § 1-201(f)(6).

5 In subsection (a)(1) of this section, the phrase "if the property was seized by
6 State officers" is added for clarity. Similarly, in the introductory language of
7 subsection (a)(2) of this section, the phrase "if the property was not seized by
8 State officers" is added.

9 In subsections (a)(2)(i) and (b) of this subsection, the references to the Mayor
10 "and City Council" of Baltimore City are added for accuracy.

11 In subsection (a)(2)(ii) of this section, the reference to the "county in which the
12 property was seized" is substituted for the former reference to the "respective
13 counties" for clarity.

14 Defined terms: "Comptroller" § 1-101
15 "County" § 1-101
16 "Illicit alcoholic beverage" § 1-101
17 "Person" § 1-101
18 "State" § 1-101

19 **6-108. UNLAWFUL DISTILLERIES.**

20 **(A) SEIZED ITEMS TO BE DESTROYED.**

21 **AN OFFICER SEIZING THE FOLLOWING ITEMS SHALL, ONLY TO THE EXTENT**
22 **NECESSARY, IMMEDIATELY MAKE THEM UNFIT FOR UNLAWFUL USE:**

23 **(1) AN UNLICENSED DISTILLERY OR UNLAWFUL DISTILLERY**
24 **MATERIALS, EQUIPMENT, OR DEVICES THAT ARE SEIZED IN A MANNER THAT**
25 **RENDERS THEM IMPRACTICAL OR IMPOSSIBLE TO MOVE TO A SAFE PLACE OF**
26 **CUSTODY AND STORAGE; AND**

27 **(2) ILLICIT ALCOHOLIC BEVERAGES OTHER THAN THOSE SEIZED FOR**
28 **EVIDENCE OR FORFEITURE.**

29 **(B) REPORT TO FIELD ENFORCEMENT DIVISION.**

30 **THE OFFICER SHALL REPORT THE SEIZURE AND DESTRUCTION CONDUCTED**
31 **UNDER THIS SECTION TO THE FIELD ENFORCEMENT DIVISION OF THE**
32 **COMPTROLLER'S OFFICE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 1-201(f)(7).

3 In the introductory language of subsection (a) of this section, the requirement
4 that the officer seizing items shall "immediately make them unfit for unlawful
5 use" is substituted for the former requirement that the officer shall "forthwith
6 destroy them ... to render them unfit for further unlawful use" for brevity.

7 In subsection (b) of this section, the reference to the "Field Enforcement
8 Division" is substituted for the former obsolete reference to the "Alcohol and
9 Tobacco Tax Bureau".

10 Defined terms: "Comptroller" § 1-101
11 "Illicit alcoholic beverage" § 1-101

12 GENERAL REVISOR'S NOTE TO SUBTITLE

13 Under former Art. 2B, § 1-201, "confiscate" and "seize" (and their variants) appear
14 to mean the same thing. Consequently, in this subtitle, the word "seize" (and its
15 variants) is substituted for the former word "confiscate" (and its variants).

16 SUBTITLE 2. ENFORCEMENT.

17 6-201. SCOPE OF SUBTITLE.

18 SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES
19 STATEWIDE.

20 REVISOR'S NOTE: This section is new language added to clarify that this subtitle
21 prevails unless it conflicts with other provisions in Division II of this article.

22 6-202. INSPECTIONS.

23 (A) IN GENERAL.

24 A BUILDING, VEHICLE, OR PREMISES WHERE ALCOHOLIC BEVERAGES ARE
25 AUTHORIZED TO BE KEPT, TRANSPORTED, MANUFACTURED, OR SOLD UNDER A
26 LICENSE OR PERMIT MAY BE INSPECTED AND SEARCHED, WITHOUT A WARRANT, BY:

27 (1) THE COMPTROLLER OR AN AUTHORIZED DEPUTY, INSPECTOR, OR
28 CLERK OF THE COMPTROLLER;

29 (2) THE LOCAL LICENSING BOARD OF THE COUNTY OR CITY WHERE
30 THE PLACE OF BUSINESS IS LOCATED OR AN AUTHORIZED AGENT OR EMPLOYEE OF
31 THE LOCAL LICENSING BOARD; AND

1 **(3) A PEACE OFFICER OF THE COUNTY OR CITY WHERE THE PLACE OF**
2 **BUSINESS IS LOCATED.**

3 **(B) ADMISSIBILITY OF EVIDENCE.**

4 **EVIDENCE DISCOVERED DURING AN INSPECTION OR SEARCH IS ADMISSIBLE**
5 **IN A PROSECUTION FOR THE VIOLATION OF A PUBLIC GENERAL OR PUBLIC LOCAL**
6 **LAW AND IN A HEARING FOR THE REVOCATION, SUSPENSION, OR RESTRICTION OF**
7 **THE LICENSE OR PERMIT.**

8 **(C) RETURN OF ALCOHOLIC BEVERAGES.**

9 **(1) IF THE LICENSE HOLDER OR PERMIT HOLDER IS FOUND NOT**
10 **GUILTY, ALCOHOLIC BEVERAGES TAKEN AS EVIDENCE SHALL BE RETURNED TO THE**
11 **LICENSE HOLDER OR PERMIT HOLDER.**

12 **(2) IF A LICENSE OR PERMIT HOLDER IS FOUND GUILTY, ALCOHOLIC**
13 **BEVERAGES TAKEN AS EVIDENCE SHALL BE:**

14 **(I) SOLD TO OTHER LICENSE HOLDERS;**

15 **(II) TURNED OVER TO STATE INSTITUTIONS FOR MEDICINAL**
16 **USE; OR**

17 **(III) DESTROYED.**

18 **(3) PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES TAKEN AS**
19 **EVIDENCE SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE OR**
20 **JURISDICTION, AS APPROPRIATE.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 16-405.

23 In subsection (a) of this section and throughout this subtitle, the defined term
24 "local licensing board" is substituted for the former references to "board of
25 license commissioners" to conform with the terminology used in this article.

26 Also in subsection (a) of this section, the former phrase "at all hours" is deleted
27 as surplusage.

28 In subsection (b) of this section, the reference to a "search" is added for clarity.

1 Also in subsection (b) of this section, the reference to a “public general or public
2 local law” is substituted for the former reference to “this or any other article”
3 for clarity.

4 In subsection (c)(1) of this section, the reference to “found” is substituted for
5 the former reference to “adjudged” for clarity.

6 In subsection (c)(3) of this section, the reference to “[p]roceeds” is substituted
7 for the former reference to “[r]eceipts” to conform to the terminology used
8 throughout this title.

9 Also in subsection (c)(3) of this section, the reference to a “jurisdiction” is
10 substituted for the former reference to a “county or Baltimore City as the case
11 may be” to clarify that the subsection applies to all jurisdictions, including the
12 City of Annapolis.

13 Also in subsection (c)(3) of this section, the former reference to the general
14 fund “account” is deleted as surplusage.

15 The Alcoholic Beverages Article Review Committee notes, for consideration by
16 the General Assembly, that subsection (a) of this section, which authorizes
17 searches, without a warrant, of premises where alcoholic beverages are
18 authorized to be kept, may violate the Fourth Amendment of the United
19 States Constitution because it lacks adequate standards for a warrantless
20 search. *See Colonnade v. U.S.*, 397 U.S. 72 (1970).

21 Defined terms: “Alcoholic beverage” § 1–101

22 “Comptroller” § 1–101

23 “County” § 1–101

24 “Jurisdiction” § 1–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “Local licensing board” § 1–101

28 “State” § 1–101

29 **6–203. USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC**
30 **BEVERAGES.**

31 **TO PREVENT AND DETECT FRAUD BY MANUFACTURERS, WHOLESALERS, AND**
32 **RETAIL DEALERS, THE COMPTROLLER, THE LOCAL LICENSING BOARD, AND AN**
33 **AUTHORIZED DEPUTY OR INSPECTOR OF THE COMPTROLLER OR THE LOCAL**
34 **LICENSING BOARD:**

35 **(1) MAY USE HYDROMETERS, SACCHAROMETERS, WEIGHING AND**
36 **GAUGING INSTRUMENTS, OR OTHER MEANS, RECORDS, OR DEVICES TO ASCERTAIN**

1 THE QUANTITY OR QUALITY OF ALCOHOL IN AN ALCOHOLIC BEVERAGE AS THEY
2 CONSIDER NECESSARY; AND

3 (2) MAY ADOPT RULES AND REGULATIONS TO ESTABLISH A UNIFORM
4 SYSTEM OF INSPECTION, MARKING, AND GAUGING OF ALCOHOLIC BEVERAGES.

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 12-113(a).

7 In item (2) of this section, the former reference to a "correct" system of
8 inspection is deleted as surplusage.

9 Defined terms: "Alcoholic beverage" § 1-101

10 "Comptroller" § 1-101

11 "Local licensing board" § 1-101

12 "Retail dealer" § 1-101

13 "Wholesaler" § 1-101

14 **6-204. POWER TO SUMMON WITNESSES.**

15 (A) **AUTHORIZED.**

16 FOR A HEARING OR INQUIRY THAT THE COMPTROLLER OR A LOCAL
17 LICENSING BOARD MAY HOLD OR MAKE, THE COMPTROLLER OR A LOCAL LICENSING
18 BOARD MAY ISSUE SUMMONSES FOR WITNESSES AND ADMINISTER OATHS OR
19 AFFIRMATIONS TO THE WITNESSES.

20 (B) **SUMMONS SERVED BY SHERIFF.**

21 A SUMMONS SHALL BE SERVED BY THE SHERIFF.

22 (C) **FAILURE TO OBEY SUMMONS.**

23 (1) THE OFFICIAL ISSUING A SUMMONS MAY PETITION THE CIRCUIT
24 COURT IF A WITNESS SUMMONED NEGLECTS OR REFUSES TO ATTEND A HEARING OR
25 INQUIRY FOR WHICH THE WITNESS WAS SUMMONED OR REFUSES TO TESTIFY.

26 (2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE
27 WITNESS AS IF THE WITNESS HAD BEEN SUMMONED TO APPEAR IN A CASE PENDING
28 BEFORE THE COURT AND HAD NEGLECTED OR REFUSED TO DO SO.

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 16-410(a)(2) and (b)(1), (2)(ii), and, as it related
31 to summonses being served by the sheriff, the introductory language of (2)(i).

1 In subsection (a) of this section, the references to “the Comptroller or a local
2 licensing board” are substituted for former references to the defined term
3 “Board” for clarity.

4 In subsection (c)(1) of this section, the phrase “may petition” is substituted for
5 the former phrase “shall report the facts” for clarity.

6 In subsection (c)(2) of this section, the phrase “may proceed” is substituted for
7 the former phrase “shall proceed” for clarity.

8 Former Art. 2B, § 16–410(a)(1), which was the standard introduction to a
9 definition section, is deleted because no terms are defined in this section.

10 Former Art. 2B, § 16–410(a)(3), which defined “county” to mean any county
11 and Baltimore City, is deleted as unnecessary because “county” is defined in §
12 1–101 of this article.

13 Defined terms: “Comptroller” § 1–101
14 “Local licensing board” § 1–101

15 **6–205. PEACE OFFICERS.**

16 **(A) DUTY TO ENFORCE AND PROSECUTE.**

17 **THE STATE’S ATTORNEYS, SHERIFFS, BAILIFFS, POLICE, AND OTHER**
18 **PROSECUTING AND PEACE OFFICERS SHALL:**

19 **(1) ENFORCE THIS ARTICLE; AND**

20 **(2) PROSECUTE A PERSON CHARGED WITH VIOLATING THIS ARTICLE.**

21 **(B) DUTIES NOT ABROGATED BY POWERS OR DUTIES CONFERRED ON STATE**
22 **OFFICIALS.**

23 **THE POWERS AND DUTIES CONFERRED ON THE COMPTROLLER OR OTHER**
24 **STATE OFFICIAL BY THIS ARTICLE DO NOT RELIEVE LOCAL OFFICIALS FROM THE**
25 **DUTY OF ENFORCEMENT OR PROSECUTION.**

26 **(C) NO RESTRICTION ON APPROPRIATION OF FUNDS.**

27 **THIS SECTION DOES NOT RESTRICT THE APPROPRIATION OF FUNDS BY A**
28 **POLITICAL SUBDIVISION OF THE STATE TO AID ENFORCEMENT OF THIS ARTICLE.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from the first through third sentences of former Art. 2B, § 16–401.

1 In the introductory language of subsection (a) of this section, the former
2 reference to “the duty of the various” State’s Attorneys is deleted as
3 surplusage.

4 Also in the introductory language of subsection (a) of this section, the former
5 reference to “constables” is deleted as included in the reference to “other
6 prosecuting and peace officers”.

7 Also in the introductory language of subsection (a) of this section, the former
8 reference to peace officers “of every sort” is deleted as surplusage.

9 In subsection (a)(2) of this section, the reference to a person “charged with
10 violating this article” is substituted for the former reference to a person
11 “charged with violation of the provisions thereof” for conformity with the
12 terminology used throughout this article and modern drafting conventions.

13 Defined terms: “Comptroller” § 1–101

14 “Person” § 1–101

15 “State” § 1–101

16 **6–206. CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE.**

17 **(A) KIND OF ALCOHOLIC BEVERAGE NOT REQUIRED IN DOCUMENT.**

18 **A CHARGING DOCUMENT MAY CHARGE AN UNLAWFUL SALE OR DISPOSITION**
19 **OF AN ALCOHOLIC BEVERAGE WITHOUT STATING THE PARTICULAR KIND OF**
20 **ALCOHOLIC BEVERAGE.**

21 **(B) STATE’S ATTORNEY TO PROVIDE INFORMATION.**

22 **ON APPLICATION BY THE DEFENDANT BEFORE TRIAL, THE STATE’S**
23 **ATTORNEY SHALL GIVE TO THE DEFENDANT A STATEMENT OF THE PARTICULAR**
24 **KIND OF ALCOHOLIC BEVERAGE.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 16–509.

27 Defined term: “Alcoholic beverage” § 1–101

28 **6–207. DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE.**

29 **IN A PROSECUTION FOR SELLING ALCOHOLIC BEVERAGES WITHOUT AN**
30 **APPROPRIATE LICENSE, PROOF THAT THE DEFENDANT DISPLAYED OR OFFERED**
31 **ALCOHOLIC BEVERAGES FOR SALE, OR KEPT A PLACE OF BUSINESS WHERE**

1 **ALCOHOLIC BEVERAGES WERE DISPLAYED OR OFFERED FOR SALE, IS PRIMA FACIE**
 2 **EVIDENCE THAT THE DEFENDANT SOLD ALCOHOLIC BEVERAGES.**

3 REVISOR'S NOTE: This section formerly was Art. 2B, § 16–406.

4 The only changes are in style.

5 Defined terms: “Alcoholic beverage” § 1–101
 6 “License” § 1–101

7 **6–208. REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC**
 8 **PLACES.**

9 **THE GOVERNING BODY OF A MUNICIPALITY MAY ADOPT AN ORDINANCE OR A**
 10 **RESOLUTION TO REGULATE THE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
 11 **BEVERAGES IN A PARKING LOT, COMMON AREA, OR GENERAL COMMON ELEMENT IN:**

12 **(1) A LEASED RESIDENTIAL PROPERTY, INCLUDING ATTACHED**
 13 **SINGLE–FAMILY HOMES OR A MULTIFAMILY DWELLING UNIT;**

14 **(2) A CONDOMINIUM; OR**

15 **(3) A HOMEOWNERS ASSOCIATION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 19–104.

18 The former defined term “public place” is deleted following the stylistic
 19 convention of this revised article that favors the incorporation of the meaning
 20 of a defined term into the substantive part of a provision if the term is used
 21 only once.

22 In the introductory language of this section, the former phrase “[i]n addition
 23 to other powers granted under this title” is deleted as surplusage.

24 Defined term: “Alcoholic beverage” § 1–101

25 **6–209. ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION.**

26 **A LOCAL GOVERNMENTAL ENTITY THAT OWNS OR OTHERWISE HAS**
 27 **JURISDICTION OVER PUBLIC PROPERTY MAY ADOPT BY LOCAL LAW OR ORDINANCE**
 28 **STANDARDS PROVIDING FOR THE AUTHORIZATION OF THE CONSUMPTION OF**
 29 **ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, OTHERWISE PROHIBITED BY THIS**
 30 **SUBTITLE, AND CONSISTENT WITH THE INTENDED USE OF THE PROPERTY BY THE**
 31 **PUBLIC.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 19–203.

3 The reference to “the consumption of alcoholic beverages on public property”
4 is substituted for the former reference to “the consumption of alcoholic
5 beverages” for clarity.

6 The former phrase “[a]s to public property” is deleted as surplusage.

7 Defined term: “Alcoholic beverage” § 1–101

8 **6–210. STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS.**

9 **(A) IN GENERAL.**

10 **A POLITICAL SUBDIVISION OF THE STATE MAY NOT ADOPT AN ORDINANCE OR**
11 **A RESOLUTION IDENTICAL TO OR IN ADDITION TO § 6–320 OF THIS TITLE.**

12 **(B) EFFECT OF PREEMPTION.**

13 **AN EXISTING ORDINANCE, RESOLUTION, OR OTHER LEGISLATION ADOPTED**
14 **BY A POLITICAL SUBDIVISION OF THE STATE THAT IS INCONSISTENT WITH § 6–320**
15 **OF THIS TITLE IS REPEALED.**

16 REVISOR'S NOTE: This section is new language derived without substantive change
17 from former Art. 2B, § 19–101(b).

18 In subsection (a) of this section, the former reference to a “county,
19 municipality, or other” political subdivision is deleted as included in the
20 reference to a “political subdivision”.

21 In subsections (a) and (b) of this section, the references to “§ 6–320” are
22 substituted for the former references to “this section” for accuracy.

23 Defined term: “State” § 1–101

24 **6–211. FINES AND FORFEITURES.**

25 **EACH FINE IMPOSED OR RECOGNIZANCE FORFEITED FOR A VIOLATION OF**
26 **THIS ARTICLE IS PAYABLE TO THE COUNTY WHERE THE OFFENSE WAS COMMITTED.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 16–502(a)(2) and, except as it related to Harford
29 County, (1).

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
 2 the General Assembly, that it is unclear whether this section applies to the
 3 City of Annapolis. The section states that each fine imposed or recognizance
 4 forfeited for a violation of this article is payable to the “county” in which an
 5 offense was committed. Like counties, the City of Annapolis enjoys
 6 independent authority to regulate alcoholic beverages within its borders, as
 7 the Board of License Commissioners for Anne Arundel County does not have
 8 jurisdiction in the City. *See* §§ 10–201 and 10–202 of this article.

9 Defined term: “County” § 1–101

10 SUBTITLE 3. PROHIBITED ACTS.

11 PART I. SCOPE OF SUBTITLE.

12 **6–301. SCOPE OF SUBTITLE.**

13 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
 14 **STATEWIDE.**

15 REVISOR’S NOTE: This section is new language added to clarify that the provisions
 16 of this subtitle prevail unless they conflict with other provisions in Division II
 17 of this article.

18 **6–302. RESERVED.**

19 **6–303. RESERVED.**

20 PART II. PROHIBITED ACTS BY LICENSE HOLDER.

21 **6–304. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
 22 **THE AGE OF 21 YEARS.**

23 **A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT**
 24 **SELL OR PROVIDE ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF**
 25 **21 YEARS.**

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 12–108(a)(1)(i) and, as they related to selling
 28 and furnishing alcoholic beverages to an individual under the age of 21 years,
 29 (b)(1) and (c)(2).

30 This section is revised to combine the substantively identical prohibitions
 31 stated in former Art. 2B, § 12–108(a)(1)(i), which applied to all counties not
 32 listed in former subsection (c)(1); the first part of (c)(2), which applied to all

1 counties listed in former subsection (c)(1); and the first part of (b)(1), which
2 applied to Worcester County.

3 In this section and throughout this subtitle, the reference to an “individual” is
4 substituted for the former reference to a “person” when the provision applies
5 only to human beings.

6 The former phrase “at any time” is deleted as surplusage.

7 The former references to an individual under the age of 21 years obtaining
8 alcoholic beverages “either for his own use or for the use of any other person”,
9 “for the underage person’s own use or for the use of any other person”, and
10 “either for that person’s own use or for the use of any other person” are deleted
11 as surplusage.

12 Former Art. 2B, § 12–108(c)(1), which stated that the provisions of former Art.
13 2B, § 12–108(c) applied only in certain counties, is deleted as unnecessary in
14 light of the organization of this revised article.

15 Former Art. 2B, § 12–108(c)(5), which stated that the provisions of former Art.
16 2B, § 12–108(a) did not apply in certain counties but § 12–108(a)(3)(iii) applied
17 throughout the State, is deleted as unnecessary in light of the organization of
18 this revised article.

19 Defined terms: “Alcoholic beverage” § 1–101
20 “License holder” § 1–101

21 **6–305. PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES.**

22 **A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY ACCEPT**
23 **AS PROOF OF AN INDIVIDUAL’S AGE:**

24 **(1) IF THE INDIVIDUAL IS A RESIDENT OF THE STATE, THE**
25 **INDIVIDUAL’S DRIVER’S LICENSE OR IDENTIFICATION CARD AS PROVIDED FOR IN**
26 **THE MARYLAND VEHICLE LAW; OR**

27 **(2) A UNITED STATES MILITARY IDENTIFICATION CARD.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 12–108(a)(3)(iii).

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
31 the General Assembly, that, in this section, the reference to “United States
32 military” does not include the Coast Guard. A substitute reference to “United
33 States uniformed services” would include the Coast Guard.

1 The Alcoholic Beverages Article Review Committee also notes, for
 2 consideration by the General Assembly, that this section does not provide for
 3 acceptable forms of identification for a nonresident of the State who does not
 4 have a military identification card or for other acceptable forms of
 5 identification for a State resident who does not have a driver's license or
 6 identification card issued by the Motor Vehicle Administration.

7 Defined terms: "License holder" § 1-101
 8 "State" § 1-101

9 **6-306. DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL.**

10 **THE ESTABLISHMENT OF THE FOLLOWING FACTS BY A SELLER OF ALCOHOLIC**
 11 **BEVERAGES TO AN UNDERAGE INDIVIDUAL IS PRIMA FACIE EVIDENCE OF**
 12 **INNOCENCE AND A DEFENSE TO A PROSECUTION FOR SERVING ALCOHOLIC**
 13 **BEVERAGES TO AN UNDERAGE INDIVIDUAL:**

14 **(1) THE PURCHASER FALSELY REPRESENTED IN WRITING AND**
 15 **SUPPORTED WITH OTHER DOCUMENTARY EVIDENCE THAT THE PURCHASER WAS OF**
 16 **LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES;**

17 **(2) ON THE BASIS OF THE APPEARANCE OF THE PURCHASER, AN**
 18 **ORDINARY AND PRUDENT INDIVIDUAL WOULD BELIEVE THE PURCHASER TO BE OF**
 19 **LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES; AND**

20 **(3) THE SALE WAS MADE IN GOOD FAITH AND IN RELIANCE ON THE**
 21 **WRITTEN REPRESENTATION AND APPEARANCE OF THE PURCHASER.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 12-109(2).

24 In the introductory language of this section, the reference to an "underage
 25 individual" is substituted for the former reference to a "person not of legal
 26 age".

27 Also in the introductory language of this section, the reference to a
 28 "prosecution for serving alcoholic beverages to an underage individual" is
 29 substituted for the former reference to a "prosecution therefor" for clarity.

30 In item (3) of this section, the former reference to the written representation
 31 and appearance of the purchaser "in the belief that the purchaser was of legal
 32 age to purchase alcoholic beverages" is deleted as surplusage.

33 Defined term: "Alcoholic beverage" § 1-101

1 **6-307. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
2 **INDIVIDUAL.**

3 **A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT**
4 **SELL OR PROVIDE ALCOHOLIC BEVERAGES TO AN INDIVIDUAL WHO, AT THE TIME OF**
5 **THE SALE OR DELIVERY, IS VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC**
6 **BEVERAGE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 12-108(a)(1)(ii) and, as they related to selling
9 and furnishing alcoholic beverages to an intoxicated individual, (b)(1) and
10 (c)(2).

11 This section is revised to combine the substantively identical prohibitions
12 stated in former Art. 2B, § 12-108(a)(1)(ii), which applied to all counties not
13 listed in former subsection (c)(1); the second part of (c)(2), which applied to all
14 counties listed in former subsection (c)(1); and the second part of (b)(1), which
15 applied to Worcester County.

16 The former phrase "at any time" is deleted as surplusage.

17 Defined terms: "Alcoholic beverage" § 1-101
18 "License holder" § 1-101

19 **6-308. ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT**
20 **PURCHASED FROM LICENSE HOLDER.**

21 **(A) SCOPE OF SECTION.**

22 **THIS SECTION DOES NOT APPLY TO A CLASS 4 LIMITED WINERY THAT**
23 **BRINGS WINE OR POMACE BRANDY MANUFACTURED ON ITS LICENSED PREMISES**
24 **ONTO A RETAIL LICENSED PREMISES IF:**

25 **(1) THE WINE OR POMACE BRANDY IS BEING PROVIDED FOR A**
26 **PROMOTIONAL ACTIVITY CONDUCTED BY THE LIMITED WINERY, A RETAIL**
27 **LICENSE HOLDER, AN ALCOHOLIC BEVERAGES TRADE ASSOCIATION, OR A**
28 **NONPROFIT ORGANIZATION;**

29 **(2) A REPRESENTATIVE OF THE LIMITED WINERY OR A TRADE**
30 **ASSOCIATION REPRESENTING MARYLAND WINERIES IS PRESENT AT ALL TIMES**
31 **DURING THE PROMOTIONAL ACTIVITY;**

1 **(3) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION**
 2 **COMPLIES WITH ANY REGULATIONS THAT THE COMPTROLLER ADOPTS RELATING**
 3 **TO ON-PREMISES PROMOTIONS AND PRODUCT SAMPLING;**

4 **(4) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION HAS**
 5 **ADVANCE WRITTEN PERMISSION OF THE RETAIL LICENSE HOLDER TO BRING**
 6 **WINE PRODUCTS ON THE RETAIL LICENSED PREMISES FOR THE PROMOTIONAL**
 7 **ACTIVITY; AND**

8 **(5) ALL UNOPENED OR PARTIALLY CONSUMED CONTAINERS OF**
 9 **WINE AND POMACE BRANDY ARE REMOVED FROM THE RETAIL LICENSED**
 10 **PREMISES AT THE END OF THE PROMOTIONAL ACTIVITY.**

11 **(B) PROHIBITED.**

12 **A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CONSUME ON THE**
 13 **LICENSED PREMISES AN ALCOHOLIC BEVERAGE THAT IS:**

14 **(1) NOT PURCHASED ON THE PREMISES FROM THE LICENSE HOLDER;**
 15 **AND**

16 **(2) NOT OTHERWISE ALLOWED BY THIS ARTICLE TO BE CONSUMED ON**
 17 **THE PREMISES.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 12-107(b)(6) and the second clause of (2).

20 In subsection (a)(1) of this section, the reference to "wine or pomace brandy"
 21 is substituted for the former reference to "product" for clarity.

22 Also in subsection (a)(1) of this section, the former reference to a "bona fide"
 23 promotional activity is deleted as surplusage.

24 In subsection (a)(2) of this section, the former reference to the "period of" the
 25 promotional activity is deleted as surplusage.

26 In subsection (a)(3) of this section, the former reference to "rules" is deleted in
 27 light of the reference to "regulations". See General Revisor's Note to article.

28 In the introductory language of subsection (b) of this section, the reference to
 29 "consume" is substituted for the former reference to "drink" to conform to the
 30 terminology used throughout this article.

31 In subsection (b)(2) of this section, the word "otherwise" is added for clarity.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Comptroller” § 1–101

3 “License holder” § 1–101

4 “Pomace brandy” § 1–101

5 “Wine” § 1–101

6 **6–309. ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC**
7 **BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

8 **(A) PROHIBITED.**

9 **A LICENSE HOLDER, A PROPRIETOR, OR AN OPERATOR OF AN**
10 **ESTABLISHMENT THAT PROVIDES ALCOHOLIC BEVERAGES MAY NOT ALLOW**
11 **ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY AN**
12 **INDIVIDUAL UNDER THE AGE OF 21 YEARS, REGARDLESS OF WHO PURCHASED OR**
13 **OBTAINED THE ALCOHOLIC BEVERAGES.**

14 **(B) PENALTY.**

15 **IN ADDITION TO ANY OTHER PENALTY UNDER THIS ARTICLE, A LICENSE**
16 **HOLDER, A PROPRIETOR, OR AN OPERATOR WHO VIOLATES THIS SECTION IS GUILTY**
17 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
18 **\$50.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 12–108(d).

21 Defined terms: “Alcoholic beverage” § 1–101

22 “License holder” § 1–101

23 **6–310. PROVIDING FREE FOOD.**

24 **(A) PROHIBITED.**

25 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
26 **LICENSE HOLDER MAY NOT DIRECTLY OR INDIRECTLY GIVE OR OFFER WITHOUT**
27 **CHARGE FOOD TO A CUSTOMER TO INDUCE THE CUSTOMER TO PURCHASE**
28 **ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION.**

29 **(2) THIS SECTION DOES NOT APPLY TO HORS D’OEUVRES, PRETZELS,**
30 **CHEESE, OR CRACKERS THAT ARE PLACED ON A COUNTER IN THE LICENSED**
31 **PREMISES FOR CUSTOMERS TO CONSUME WITHOUT CHARGE.**

32 **(B) EVIDENCE OF VIOLATION.**

1 **THE PLACEMENT OF FOOD BY A LICENSE HOLDER IN THE LICENSED PREMISES**
2 **FOR CUSTOMERS TO CONSUME WITHOUT CHARGE IS PRIMA FACIE EVIDENCE OF A**
3 **VIOLATION OF THIS SECTION.**

4 **(C) PENALTY.**

5 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
6 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10 FOR EACH OFFENSE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 12-106.

9 In subsection (a)(1) of this section, the reference to giving or offering "without
10 charge" is added for clarity.

11 Also in subsection (a)(1) of this section, the defined term "license holder" is
12 substituted for the former reference to "[a]ny person engaged in the sale or
13 barter of spirituous, malt or intoxicating liquors, and licensed under the laws
14 of Maryland, to engage in such sale or barter" for brevity.

15 Also in subsection (a)(1) of this section, the reference to "a customer" is
16 substituted for the former reference to "anyone visiting the premises of such
17 licensed person" for brevity.

18 Also in subsection (a)(1) of this section, the reference to a "licensed premises"
19 is substituted for the former reference to the "premises of such licensed person,
20 where spirituous, malt or intoxicating liquors of any kind are sold or bartered,
21 or offered for sale or barter" for brevity.

22 Also in subsection (a)(1) of this section, the reference to the "customer" is
23 substituted for the former reference to the "person to whom the same may be
24 offered" for brevity.

25 Also in subsection (a)(1) of this section, the defined term "alcoholic
26 beverage[s]" is substituted for the former reference to "spirituous, malt or
27 intoxicating liquor" for clarity.

28 Also in subsection (a)(1) of this section, the former phrase "in any quantity" is
29 deleted as surplusage.

30 In subsections (a)(2) and (b) of this section, the references to "consume" are
31 substituted for the former references to "use" for consistency with terminology
32 used throughout this article.

1 In subsection (a)(2) of this section, the reference to customers “of such licensed
2 person” is deleted as surplusage.

3 Also in subsection (a)(2) of this section, the reference to “food” is substituted
4 for the former reference to “any viands, food or lunch of any character” for
5 brevity. Similarly, in subsection (b) of this section, the reference to “food” is
6 substituted for the former reference to “any viands, food or lunch”.

7 In subsection (b) of this section, the former phrase “other than hereinbefore
8 excepted” is deleted as surplusage.

9 Defined terms: “Alcoholic beverage” § 1–101
10 “License holder” § 1–101
11 “Person” § 1–101

12 **6–311. RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER.**

13 **(A) SCOPE OF SECTION.**

14 **THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS E, CLASS F, OR**
15 **CLASS G LICENSE.**

16 **(B) PROHIBITED.**

17 **A RETAIL DEALER MAY NOT:**

18 **(1) PURCHASE ANY ALCOHOLIC BEVERAGE EXCEPT FROM A**
19 **LICENSED MANUFACTURER OR WHOLESALER, PRIVATE BULK SALE PERMIT**
20 **HOLDER, OR NONRESIDENT WINERY PERMIT HOLDER;**

21 **(2) SELL ANY ALCOHOLIC BEVERAGE TO ANY OTHER RETAIL DEALER**
22 **EXCEPT THE HOLDER OF A CLASS C BEER, BEER AND WINE, OR BEER, WINE, AND**
23 **LIQUOR LICENSE; OR**

24 **(3) KEEP OR ALLOW TO BE KEPT ANY ALCOHOLIC BEVERAGE ON THE**
25 **LICENSED PREMISES EXCEPT THOSE THAT HAVE BEEN PURCHASED BY THE RETAIL**
26 **DEALER.**

27 **REVISOR’S NOTE:** This section is new language derived without substantive
28 change from former Art. 2B, § 12–107(a).

29 In subsection (b)(1) of this section, the former reference to “duly” licensed is
30 deleted as surplusage.

1 Also in subsection (b)(1) of this section, the former phrase “under the
2 provisions of this article” is deleted as surplusage.

3 In subsection (b)(3) of this section, the reference to alcoholic beverages “that
4 have been purchased by the retail dealer” is substituted for the former
5 reference to alcoholic beverages “so purchased” for clarity.

6 Also in subsection (b)(3) of this section, the former phrase “at any time” is
7 deleted as surplusage.

8 Defined terms: “Alcoholic beverage” § 1–101

9 “Beer” § 1–101

10 “Retail dealer” § 1–101

11 “Wholesaler” § 1–101

12 “Wine” § 1–101

13 **6–312. BEVERAGE MISREPRESENTATION.**

14 **(A) PROHIBITED.**

15 **(1) A PERSON MAY NOT MANUFACTURE, SELL, OR OFFER FOR SALE,**
16 **OR ORDER OR ALLOW AN EMPLOYEE OR OTHER PERSON TO SELL OR OFFER FOR**
17 **SALE, A BEVERAGE AS MALT EXTRACT OR BEER UNLESS THE BEVERAGE HAS BEEN**
18 **BREWED AND FERMENTED AS SUCH.**

19 **(2) A PERSON MAY NOT SELL OR OFFER FOR SALE, OR ORDER OR**
20 **ALLOW AN EMPLOYEE OR OTHER PERSON TO SELL OR OFFER FOR SALE:**

21 **(I) BEER TO WHICH COLORING OR PORTERINE HAS BEEN**
22 **ADDED SO AS TO REPRESENT THE BEER TO BE MALT EXTRACT, PORTER, OR**
23 **ANOTHER BEVERAGE; OR**

24 **(II) A MALT OR LIQUOR UNLESS THE MALT OR LIQUOR IS**
25 **IDENTIFIED BY ITS PROPER NAME.**

26 **(B) PENALTY.**

27 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
28 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
29 **NOT EXCEEDING \$500 OR BOTH.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 22–101.

1 In subsection (a)(1) of this section, the former reference to sales “either at
2 wholesale or retail” is deleted as surplusage.

3 In subsection (a)(2)(i) of this section, the former reference to coloring “matter”
4 is deleted as surplusage.

5 In subsection (a)(2)(ii) of this section, the phrase “unless the malt or liquor is
6 identified” is substituted for the former phrase “other than” for clarity.

7 Defined terms: “Beer” § 1–101
8 “Person” § 1–101

9 **6–313. TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER.**

10 **(A) PROHIBITED.**

11 **(1) A RETAIL DEALER OR AN AGENT OR EMPLOYEE OF A RETAIL
12 DEALER MAY NOT:**

13 **(i) TAMPER WITH OR CHANGE THE QUANTITY OR QUALITY OF
14 THE CONTENTS OF A CONTAINER OF AN ALCOHOLIC BEVERAGE:**

15 **1. AFTER THE CONTAINER HAS BEEN LAWFULLY
16 SEALED; AND**

17 **2. WHILE THE CONTENTS REMAIN IN THE CONTAINER;
18 OR**

19 **(ii) EXCEPT AS SPECIFICALLY AUTHORIZED BY THIS ARTICLE
20 WITH RESPECT TO REFILLABLE BEER AND WINE CONTAINERS, REFILL A CONTAINER
21 OF AN ALCOHOLIC BEVERAGE WITH A SUBSTANCE AFTER THE CONTAINER HAS BEEN
22 EMPTIED OF ITS ORIGINAL CONTENTS.**

23 **(2) A RETAIL DEALER MAY NOT POSSESS A CONTAINER OF AN
24 ALCOHOLIC BEVERAGE THAT HAS BEEN TAMPERED WITH OR REFILLED IN
25 VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.**

26 **(B) PENALTY.**

27 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
28 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE
29 NOT EXCEEDING \$1,000 OR BOTH.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 12–113(b), (c), (d), and (e).

1 In the introductory language of subsection (a)(1)(i) of this section, the former
2 phrase “in any manner” is deleted as surplusage.

3 Also in the introductory language of subsection (a)(1)(i) of this section, the
4 former phrase “by the addition to” is deleted as included in the reference to
5 “change”.

6 In subsection (a)(1)(i)1 of this section, the reference to “lawfully sealed” is
7 substituted for the former reference to “sealed in accordance with the laws of
8 the United States and/or the laws of the State of Maryland” for brevity.

9 In subsection (a)(1)(ii) of this section, the former reference to the “original”
10 container is deleted as surplusage.

11 In subsection (a)(2) of this section, the former references to “containers” are
12 deleted in light of the reference to “container” and GP § 1–202, which provides
13 that the singular generally includes the plural.

14 Defined terms: “Alcoholic beverage” § 1–101

15 “Beer” § 1–101

16 “Person” § 1–101

17 “Retail dealer” § 1–101

18 “Wine” § 1–101

19 **6–314. SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB.**

20 **(A) PROHIBITED.**

21 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
22 **PERSON MAY NOT SELL OR OFFER FOR SALE AT RETAIL AN ALCOHOLIC BEVERAGE**
23 **CONTAINER THAT IS:**

24 **(I) MADE FROM METAL OR A COMPOSITE MATERIAL; AND**

25 **(II) DESIGNED AND CONSTRUCTED WITH AN ALL–METAL TAB**
26 **OPENING DEVICE THAT DETACHES FROM THE CONTAINER WHEN THE CONTAINER IS**
27 **OPENED IN A MANNER THAT IS NORMALLY USED TO EMPTY THE CONTENTS OF THE**
28 **CONTAINER.**

29 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO:**

30 **(I) A BEVERAGE CONTAINER SEALED WITH A LAMINATED TAPE**
31 **SEAL, INCLUDING ONE WITH ALUMINUM FOIL, THAT IS NOT RIGID;**

1 **(II) AN ALL-METAL CONTAINER WITH A DETACHABLE METAL**
2 **PULL TAB FOR A FROZEN BEVERAGE CONCENTRATE THAT IS CUSTOMARILY AND**
3 **PRIMARILY PURCHASED FOR DILUTION AND USE IN THE HOME OR A SIMILAR**
4 **PURPOSE; AND**

5 **(III) A METAL BEVERAGE CONTAINER WITH A DETACHABLE**
6 **METAL PULL TAB FOR A MILK-BASED, SOY-BASED, OR SIMILAR PRODUCT THAT**
7 **REQUIRES STERILIZATION AND PRESSURE IN THE CANNING PROCESS.**

8 **(B) PENALTY.**

9 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
10 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE**
11 **NOT EXCEEDING \$100 OR BOTH.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 21-102.

14 In the introductory language of subsection (a)(1) of this section, the former
15 references to "beer, wine, or other" alcoholic beverage container is deleted as
16 included in the reference to an "alcoholic beverage container".

17 Also in the introductory language of subsection (a)(1) of this section, the
18 former phrase "in this State" is deleted as surplusage.

19 In subsection (a)(1)(i) of this section, the reference to a composite "material" is
20 added for clarity.

21 In subsection (b) of this section, the former reference to imprisonment "in jail"
22 is deleted as surplusage.

23 Defined terms: "Alcoholic beverage" § 1-101
24 "Person" § 1-101

25 **6-315. ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL**
26 **PRESUMED ILLICIT.**

27 **(A) IN GENERAL.**

28 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN ALCOHOLIC**
29 **BEVERAGE IS PRESUMED TO BE AN ILLICIT ALCOHOLIC BEVERAGE IF IT IS FOUND IN**
30 **A CONTAINER THAT DOES NOT HAVE A REGULAR LABEL THAT:**

31 **(1) DESCRIBES THE TRUE CONTENTS OF THE CONTAINER; AND**

1 **(2) STATES THE TRUE NAME OF THE IMPORTER, MANUFACTURER,**
2 **BOTTLER, OR RECTIFIER.**

3 **(B) EXCEPTION.**

4 **THE PRESUMPTION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT**
5 **APPLY TO AN ALCOHOLIC BEVERAGE FOUND IN:**

6 **(1) A DRINKING GLASS OR OTHER SIMILAR OPEN CONTAINER FOR**
7 **DRINKING PURPOSES;**

8 **(2) A HOME-TYPE DECANTER FOUND IN A HOUSE OR A PUNCH BOWL**
9 **OR SIMILAR RECEPTACLE IF THE CIRCUMSTANCES INDICATE THAT THE ALCOHOLIC**
10 **BEVERAGE IS FOR ON-PREMISES CONSUMPTION AND IS NOT FOR SALE; OR**

11 **(3) A CONTAINER POSSESSED BY A RETAIL LICENSE HOLDER WHEN**
12 **THE ALCOHOLIC BEVERAGE IS PREMIXED FOR LAWFUL SALE AND CONSUMPTION.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 1-102(a)(11)(ii).

15 In subsection (a)(1) of this section, the reference to "describes the true contents
16 of the container" is substituted for the former reference to "truly describes its
17 contents" for clarity.

18 In subsection (b)(2) of this section, the former reference to "dwelling" house is
19 deleted as surplusage.

20 Also in subsection (b)(2) of this section, the former reference to "by consumers"
21 is deleted as surplusage.

22 In subsection (b)(3) of this section, the former reference to a "proper" retail
23 license holder is deleted as surplusage.

24 Defined terms: "Alcoholic beverage" § 1-101

25 "Illicit alcoholic beverage" § 1-101

26 "License holder" § 1-101

27 **6-316. MAXIMUM ALCOHOL CONTENT.**

28 **(A) IN GENERAL.**

29 **A PERSON MAY NOT SELL AT RETAIL AN ALCOHOLIC BEVERAGE WITH AN**
30 **ALCOHOL CONTENT BY VOLUME OF 95% (190 PROOF) OR MORE.**

1 **(B) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
3 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

4 REVISOR'S NOTE: This section formerly was Art. 2B, § 16-505.2.

5 No changes are made.

6 Defined terms: "Alcoholic beverage" § 1-101

7 "Person" § 1-101

8 **6-317. RESERVED.**

9 **6-318. RESERVED.**

10 **PART III. PROHIBITED ACTS BY INDIVIDUAL CONSUMER.**

11 **6-319. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED**
12 **FROM LICENSE HOLDER.**

13 **(A) SCOPE OF SECTION.**

14 **THIS SECTION DOES NOT APPLY TO A CLASS 4 LIMITED WINERY THAT**
15 **BRINGS WINE OR POMACE BRANDY MANUFACTURED ON ITS LICENSED PREMISES**
16 **ONTO A RETAIL LICENSED PREMISES IF:**

17 **(1) THE WINE OR POMACE BRANDY IS PROVIDED FOR A**
18 **PROMOTIONAL ACTIVITY CONDUCTED BY THE LIMITED WINERY, A RETAIL**
19 **LICENSE HOLDER, AN ALCOHOLIC BEVERAGES TRADE ASSOCIATION, OR A**
20 **NONPROFIT ORGANIZATION;**

21 **(2) A REPRESENTATIVE OF THE LIMITED WINERY OR A TRADE**
22 **ASSOCIATION REPRESENTING MARYLAND WINERIES IS PRESENT AT ALL TIMES**
23 **DURING THE PROMOTIONAL ACTIVITY;**

24 **(3) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION**
25 **COMPLIES WITH ANY REGULATIONS THAT THE COMPTROLLER ADOPTS RELATING**
26 **TO ON-PREMISES PROMOTIONS AND PRODUCT SAMPLING;**

27 **(4) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION HAS**
28 **ADVANCE WRITTEN PERMISSION OF THE RETAIL LICENSE HOLDER TO BRING**
29 **WINE PRODUCTS ON THE RETAIL LICENSED PREMISES FOR THE PROMOTIONAL**
30 **ACTIVITY; AND**

1 **(5) ALL UNOPENED OR PARTIALLY CONSUMED CONTAINERS OF**
 2 **WINE AND POMACE BRANDY ARE REMOVED FROM THE RETAIL LICENSED**
 3 **PREMISES AT THE END OF THE PROMOTIONAL ACTIVITY.**

4 **(B) PROHIBITED.**

5 **AN INDIVIDUAL MAY NOT CONSUME ON THE LICENSED PREMISES OF A**
 6 **LICENSE HOLDER AN ALCOHOLIC BEVERAGE THAT IS:**

7 **(1) NOT PURCHASED ON THE PREMISES FROM THE LICENSE HOLDER;**
 8 **AND**

9 **(2) NOT OTHERWISE ALLOWED BY THIS ARTICLE TO BE CONSUMED ON**
 10 **THE PREMISES.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 12-107(b)(6) and the first clause of (2).

13 In subsection (a)(1) of this section, the reference to "wine or pomace brandy"
 14 is substituted for the former reference to "product" for clarity.

15 Also in subsection (a)(1) of this section, the former reference to a "bona fide"
 16 promotional activity is deleted as surplusage.

17 In subsection (a)(2) of this section, the former reference to the "period of" the
 18 promotional activity is deleted as surplusage.

19 In subsection (a)(3) of this section, the former reference to "rules" is deleted in
 20 light of the reference to "regulations". *See* General Revisor's Note to article.

21 In the introductory language of subsection (b) of this section, the reference to
 22 "consume" is substituted for the former reference to "drink" to conform to the
 23 terminology used throughout this article.

24 In subsection (b)(2) of this section, the word "otherwise" is added for clarity.

25 Defined terms: "Alcoholic beverage" § 1-101

26 "Comptroller" § 1-101

27 "License holder" § 1-101

28 "Pomace brandy" § 1-101

29 "Wine" § 1-101

30 **6-320. DISORDERLY INTOXICATION.**

31 **(A) PROHIBITED.**

1 **AN INDIVIDUAL MAY NOT:**

2 **(1) BE INTOXICATED AND ENDANGER THE SAFETY OF ANOTHER**
3 **INDIVIDUAL OR PROPERTY; OR**

4 **(2) BE INTOXICATED OR CONSUME AN ALCOHOLIC BEVERAGE IN A**
5 **PUBLIC PLACE AND CAUSE A PUBLIC DISTURBANCE.**

6 **(B) PENALTY.**

7 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
8 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE**
9 **NOT EXCEEDING \$100 OR BOTH.**

10 REVISOR'S NOTE: This section is new language derived without substantive change
11 from former Art. 2B, §§ 19–102 and 19–101(a).

12 In subsection (a)(2) of this section, the reference to “consume” is substituted
13 for the former reference to “drink” to conform to the terminology used
14 throughout this article.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “Person” § 1–101

17 **6–321. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC.**

18 **(A) “PUBLIC PROPERTY” DEFINED.**

19 **IN THIS SECTION, “PUBLIC PROPERTY” INCLUDES PROPERTY THAT IS:**

20 **(1) A STRUCTURE, ROAD, PARKING AREA, OR GROUNDS; AND**

21 **(2) LOCATED ON LAND OWNED, LEASED, OR OPERATED BY:**

22 **(I) THE STATE;**

23 **(II) A COUNTY;**

24 **(III) A MUNICIPALITY;**

25 **(IV) THE WASHINGTON SUBURBAN SANITARY COMMISSION;**

1 (V) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
2 COMMISSION;

3 (VI) THE MONTGOMERY COUNTY REVENUE AUTHORITY; OR

4 (VII) THE WASHINGTON METROPOLITAN AREA TRANSIT
5 AUTHORITY.

6 (B) PROHIBITED.

7 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
8 SUBSECTION, AN INDIVIDUAL MAY NOT CONSUME AN ALCOHOLIC BEVERAGE:

9 (I) ON PUBLIC PROPERTY;

10 (II) ON THE MALL, ADJACENT PARKING AREA, OR OTHER
11 OUTSIDE AREA OF A SHOPPING CENTER;

12 (III) ON AN ADJACENT PARKING AREA OR OTHER OUTSIDE AREA
13 OF ANY OTHER RETAIL ESTABLISHMENT; AND

14 (IV) IN A PARKED VEHICLE LOCATED IN AN AREA DESCRIBED
15 UNDER ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

16 (2) AN INDIVIDUAL MAY CONSUME AN ALCOHOLIC BEVERAGE ON:

17 (I) PUBLIC PROPERTY IF AUTHORIZED BY THE
18 GOVERNMENTAL ENTITY THAT HAS AUTHORITY OVER THE PROPERTY; OR

19 (II) PRIVATE PROPERTY DESCRIBED UNDER PARAGRAPH (1)(II)
20 THROUGH (IV) OF THIS SUBSECTION IF AUTHORIZED BY THE OWNER OF THE
21 PROPERTY.

22 (3) IF THE OWNER OR OPERATOR OF A MOTOR HOME OR CHARTERED
23 BUS HAS CONSENTED TO THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES,
24 PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO PASSENGERS:

25 (I) IN THE LIVING QUARTERS OF A MOTOR HOME EQUIPPED
26 WITH A TOILET AND CENTRAL HEATING; OR

27 (II) OF A CHARTERED BUS IN TRANSIT.

28 (C) PENALTY.

1 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
2 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 19–202, 19–201(a), and 19–204(a).

5 In subsection (a)(1) of this section, the reference to “a structure, road, parking
6 area, or grounds” is substituted for the former reference to “any building,
7 ground, park, street, highway, alley, sidewalk, station, terminal or other
8 structure, road or parking area” for brevity.

9 In the introductory language of subsection (b)(1) of this section, the reference
10 to “consume” is substituted for the former reference to “drink” to conform to
11 the terminology used throughout this article.

12 Also in the introductory language of subsection (b)(1) of this section, the
13 former phrase “as defined in this article” is deleted as unnecessary.

14 In subsection (b)(1)(ii) of this section, the reference to a “shopping center” is
15 substituted for the former reference to “any combination of privately owned
16 retail establishments, like a shopping center, where the general public is
17 invited for business purposes” for brevity.

18 In subsection (c) of this section, the former phrase “[s]ubject to subsection (b)
19 of this section”, which referred to a provision applicable only to Prince George’s
20 County, is deleted as unnecessary in light of the organization of this revised
21 article.

22 Defined terms: “Alcoholic beverage” § 1–101

23 “County” § 1–101

24 “Person” § 1–101

25 “State” § 1–101

26 **6–322. POSSESSION OF OPEN CONTAINER.**

27 **(A) PROHIBITED.**

28 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
29 **AN INDIVIDUAL MAY NOT POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN**
30 **CONTAINER WHILE:**

31 **(I) ON THE MALL, ADJACENT PARKING AREA, OR OTHER**
32 **OUTSIDE AREA OF A SHOPPING CENTER;**

1 **(II) ON AN ADJACENT PARKING AREA OR OTHER OUTSIDE AREA**
 2 **OF ANY OTHER RETAIL ESTABLISHMENT; OR**

3 **(III) IN A PARKED VEHICLE LOCATED IN AN AREA DESCRIBED**
 4 **UNDER ITEM (I) OR (II) OF THIS PARAGRAPH.**

5 **(2) AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN**
 6 **OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER PARAGRAPH (1) OF**
 7 **THIS SUBSECTION IF THE INDIVIDUAL IS AUTHORIZED BY THE OWNER OF THE**
 8 **ESTABLISHMENT.**

9 **(B) PENALTY.**

10 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 11 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, §§ 19-301(b) and 19-302(a).

14 In the introductory language of subsection (a)(1) of this section, the former
 15 phrase "as defined in this article" is deleted as unnecessary.

16 In subsection (a)(1)(i) of this section, the reference to a "shopping center" is
 17 substituted for the former reference to "any combination of privately owned
 18 retail establishments, commonly known as a shopping center, to which the
 19 general public is invited for business purposes" for brevity.

20 In subsection (b) of this section, the former phrase "[s]ubject to subsection (b)
 21 of this section", which referred to a provision applicable only to Prince George's
 22 County, is deleted as unnecessary in light of the organization of this revised
 23 article.

24 Former Art. 2B, § 19-303(1), (3), (4), and (6) through (17), which stated that
 25 former Art. 2B, §§ 19-301 and 19-302 applied only in certain counties, is
 26 deleted as unnecessary in light of the organization of this revised article.

27 Defined terms: "Alcoholic beverage" § 1-101
 28 "Person" § 1-101

29 **6-323. POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE.**

30 **(A) "AWOL MACHINE" DEFINED.**

31 **IN THIS SECTION, "AWOL MACHINE" MEANS AN ALCOHOL WITHOUT LIQUID**
 32 **DEVICE, A VAPORTINI, OR ANY SIMILAR DEVICE THAT MIXES AN ALCOHOLIC**

1 PRODUCT WITH PURE OXYGEN OR OTHER GAS TO PRODUCE A VAPORIZED PRODUCT
2 THAT CAN BE INHALED.

3 (B) PROHIBITED.

4 A PERSON MAY NOT:

5 (1) USE AN AWOL MACHINE TO INHALE ALCOHOL VAPOR OR
6 OTHERWISE INTRODUCE ALCOHOL IN ANY FORM INTO THE HUMAN BODY; OR

7 (2) WITH THE INTENT TO INTRODUCE ALCOHOL INTO THE HUMAN
8 BODY, POSSESS, PURCHASE, TRANSFER, OR OFFER FOR SALE OR USE AN AWOL
9 MACHINE.

10 (C) PENALTY.

11 (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
12 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

13 (2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

14 REVISOR'S NOTE: This section formerly was Art. 2B, § 16-505.1.

15 No changes are made.

16 Defined term: "Person" § 1-101

17 6-324. RESERVED.

18 6-325. RESERVED.

19 PART IV. OTHER PROHIBITED ACTS.

20 6-326. UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES.

21 (A) PROHIBITED.

22 (1) A PERSON IN THE BUSINESS OF SELLING OR DISTRIBUTING
23 ALCOHOLIC BEVERAGES IN OR FROM ANOTHER STATE MAY NOT SHIP, CAUSE TO BE
24 SHIPPED, OR DELIVER ALCOHOLIC BEVERAGES DIRECTLY TO A RECIPIENT IN THE
25 STATE IF THE SELLER, DISTRIBUTOR, SHIPPER, TRANSPORTER, OR RECIPIENT DOES
26 NOT HOLD THE REQUIRED LICENSE OR PERMIT.

1 **(2) THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION**
2 **APPLIES TO ALCOHOLIC BEVERAGES ORDERED OR PURCHASED THROUGH A**
3 **COMPUTER NETWORK.**

4 **(B) PENALTY.**

5 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON**
6 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
7 **NOT EXCEEDING \$1,000 OR BOTH.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 16-506.1.

10 In subsection (a)(1) of this section, the former phrase "under this article" is
11 deleted as surplusage.

12 Defined terms: "Alcoholic beverage" § 1-101

13 "License" § 1-101

14 "Person" § 1-101

15 "State" § 1-101

16 **6-327. TAX EVASION.**

17 **(A) PROHIBITED.**

18 **A PERSON MAY NOT:**

19 **(1) KNOWINGLY OR WILLFULLY POSSESS, TRANSPORT, SELL, OFFER**
20 **FOR SALE, OR, ON THE PERSON'S PROPERTY, STORE OR AUTHORIZE STORAGE OF AN**
21 **ALCOHOLIC BEVERAGE ON WHICH THE TAX IMPOSED BY THE TAX - GENERAL**
22 **ARTICLE HAS NOT BEEN PAID;**

23 **(2) EVADE A TAX IMPOSED ON AN ALCOHOLIC BEVERAGE UNDER THE**
24 **TAX - GENERAL ARTICLE;**

25 **(3) COUNTERFEIT A STAMP OR CERTIFICATE REQUIRED UNDER THIS**
26 **ARTICLE OR THE TAX - GENERAL ARTICLE; OR**

27 **(4) VIOLATE A REGULATION THAT THE COMPTROLLER ADOPTS**
28 **UNDER THIS ARTICLE OR THE TAX - GENERAL ARTICLE.**

29 **(B) PENALTY.**

1 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 2 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE**
 3 **NOT EXCEEDING \$10,000 OR BOTH.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 16–506.

6 In subsection (a)(1) and (2) of this section, the references to “the Tax – General
 7 Article” are substituted for the former references to “this article” for clarity
 8 and accuracy. Similarly, in subsection (a)(3) and (4) of this section, the
 9 references to “the Tax – General Article” are added.

10 In subsection (a)(1) of this section, the reference to the prohibition to “on the
 11 person’s property, store or authorize storage” is substituted for the former
 12 phrase “permit to be kept upon his premises” for clarity.

13 In subsection (a)(3) of this section, the former reference to “forge” is deleted as
 14 included in the reference to “counterfeit”.

15 In subsection (b) of this section, the reference to being “guilty of a
 16 misdemeanor” is added to state expressly that which was only implied in the
 17 former law. In this State, any crime that was not a felony at common law and
 18 has not been declared a felony by statute is considered to be a misdemeanor.
 19 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
 20 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
 21 123 Md. 373, 378 (1914).

22 Also in subsection (b) of this section, the former reference to both “fine and
 23 imprisonment in the discretion of the court” is deleted as unnecessary.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Comptroller” § 1–101

26 “Person” § 1–101

27 **6–328. DESTRUCTION OF EVIDENCE.**

28 **(A) PROHIBITED.**

29 **(1) A PERSON MAY NOT REMOVE OR DESTROY OR CAUSE TO BE**
 30 **REMOVED OR DESTROYED PROPERTY THAT HAS BEEN SEIZED UNDER:**

31 **(I) THIS ARTICLE; OR**

32 **(II) THE PROVISIONS OF THE TAX – GENERAL ARTICLE**
 33 **RELATING TO THE TAX ON ALCOHOLIC BEVERAGES.**

1 **(2) A PERSON MAY NOT PREVENT OR ATTEMPT TO PREVENT THE**
 2 **SEIZURE OF PROPERTY BY:**

3 **(I) POURING OUT THE CONTENTS OF THE PROPERTY;**

4 **(II) BREAKING OR DESTROYING THE PROPERTY;**

5 **(III) REMOVING THE PROPERTY FROM THE PREMISES; OR**

6 **(IV) OTHERWISE DISPOSING OF THE PROPERTY.**

7 **(B) FLUID PRESUMED TO BE ALCOHOLIC BEVERAGE.**

8 **WHEN A PREMISES, PLACE, OR THING IS BEING SEARCHED OR ABOUT TO BE**
 9 **SEARCHED, ANY FLUID POURED OUT OR OTHERWISE DISPOSED OF BY A PERSON IN**
 10 **VIOLATION OF SUBSECTION (A) OF THIS SECTION IS PRIMA FACIE EVIDENCE THAT**
 11 **THE FLUID IS AN ALCOHOLIC BEVERAGE AND INTENDED FOR SALE OR OTHER USE IN**
 12 **VIOLATION OF THIS ARTICLE OR THE TAX – GENERAL ARTICLE.**

13 REVISOR'S NOTE: This section is new language derived without substantive change
 14 from former Art. 2B, § 1–201(g).

15 In subsection (b) of this section, the phrase “by a person in violation of
 16 subsection (a) of this section” is added for clarity.

17 Also in subsection (b) of this section, the phrase “is prima facie evidence that
 18 the fluid is an alcoholic beverage” is substituted for the former phrase “shall
 19 be held prima facie to be an alcoholic beverage” for clarity.

20 Defined terms: “Alcoholic beverage” § 1–101
 21 “Person” § 1–101

22 **6–329. PERJURY.**

23 **(A) PROHIBITED.**

24 **A PERSON MAY NOT MAKE A FALSE STATEMENT WHEN TAKING AN OATH OR IN**
 25 **ANY OF THE FOLLOWING DOCUMENTS REQUIRED UNDER THIS ARTICLE:**

26 **(1) A SIGNED STATEMENT;**

27 **(2) A REPORT; OR**

28 **(3) AN AFFIDAVIT.**

1 **(B) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF**
3 **PERJURY AND ON CONVICTION IS SUBJECT TO THE PENALTY STATED UNDER § 9–101**
4 **OF THE CRIMINAL LAW ARTICLE.**

5 REVISOR’S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 16–501.

7 In subsection (b) of this section, the reference to “[a] person who violates this
8 section” is substituted for the former reference to “the offender” to conform to
9 the terminology used in other similar provisions of this subtitle.

10 Also in subsection (b) of this section, the reference to the “penalty stated under
11 § 9–101 of the Criminal Law Article” is substituted for the former reference to
12 the “penalties provided by law for that crime” for clarity and accuracy.
13 Currently, under § 9–101 of the Criminal Law Article, the penalty for perjury
14 is imprisonment not exceeding 10 years.

15 Defined term: “Person” § 1–101

16 **SUBTITLE 4. PENALTIES.**

17 **6–401. SCOPE OF SUBTITLE.**

18 **SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES**
19 **STATEWIDE.**

20 REVISOR’S NOTE: This section is new language added to clarify that the provisions
21 of this subtitle prevail unless they conflict with other provisions in Division II
22 of this article.

23 **6–402. GENERAL PENALTY.**

24 **(A) IN GENERAL.**

25 **IF A PERSON VIOLATES THIS ARTICLE AND NO PENALTY OTHER THAN THE**
26 **SUSPENSION OR REVOCATION OF A LICENSE OR PERMIT IS PROVIDED, THE PERSON**
27 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
28 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

29 **(B) IMPOSITION OF PENALTY.**

1 **IF A COURT HAS IMPOSED A PENALTY ON AN INDIVIDUAL LICENSE HOLDER**
 2 **WHO HAS OBTAINED A LICENSE FOR OR ON BEHALF OF A CORPORATION, A**
 3 **PARTNERSHIP, OR AN UNINCORPORATED ASSOCIATION:**

4 **(1) IF THE PENALTY IS A FINE, THE CORPORATION, PARTNERSHIP, OR**
 5 **UNINCORPORATED ASSOCIATION ALSO SHALL BE LIABLE FOR THE PAYMENT OF THE**
 6 **FINE; AND**

7 **(2) IF THE PENALTY IS IMPRISONMENT, THE INDIVIDUAL LICENSE**
 8 **HOLDER SHALL BE LIABLE TO SERVE THE TERM OF IMPRISONMENT.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, §§ 16–503 and 16–504.

11 In subsection (a) of this section, the former reference to imprisonment in “the
 12 House of Correction, or jail” is deleted as unnecessary.

13 Defined terms: “License” § 1–101
 14 “License holder” § 1–101
 15 “Person” § 1–101

16 GENERAL REVISOR'S NOTE TO DIVISION I

17 Former Art. 2B, § 12–103, which instituted a system in which the Comptroller set
 18 the maximum discounts allowable by a licensed manufacturer or wholesaler or nonresident
 19 winery permit holder in the sale and distribution of wine and liquor, is deleted as obsolete.
 20 This system required those license holders and permit holders to file schedules of prices
 21 and proposed price changes with the Comptroller. The price filing requirement was needed
 22 for the Comptroller to maintain a post–and–hold system that prescribed how and when
 23 liquor wholesalers may change their prices by requiring wholesalers to file a schedule of
 24 prices with the Comptroller by a fixed date every month. However, in 2009, the *United*
 25 *States Court of Appeals for the Fourth Circuit in TFWS, Inc. v. Franchot*, 572 F. 3d 186 (4th
 26 Cir. 2009) held the post–and–hold system and its accompanying volume–discount ban to be
 27 hybrid restraints on trade and per se violations of the Sherman Act. Consequently, the
 28 Comptroller has abandoned both practices.

29 DIVISION II. PROVISIONS AFFECTING INDIVIDUAL JURISDICTIONS.

30 TITLE 9. ALLEGANY COUNTY.

31 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

32 9–101. DEFINITIONS.

33 (A) IN GENERAL.

1 **IN THIS TITLE:**

2 **(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**
 3 **DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR**
 4 **VARIATION; AND**

5 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

6 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
 7 by reference terms defined for the entire article.

8 Item (2) of this subsection is new language added as the standard introductory
 9 language to a definition section.

10 **(B) BOARD.**

11 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ALLEGANY**
 12 **COUNTY.**

13 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
 14 full reference to the “Board of License Commissioners for Allegany County”.

15 **(C) CLUB.**

16 **THE BOARD SHALL DETERMINE WHETHER AN ESTABLISHMENT MEETS THE**
 17 **DEFINITION OF A “CLUB” UNDER § 1–101 OF THIS ARTICLE.**

18 REVISOR’S NOTE: This subsection is new language derived without substantive
 19 change from former Art. 2B, § 1–102(a)(4)(ii).

20 The word “determine” is substituted for the former phrase “be the judges of”
 21 for brevity and clarity.

22 The former phrase “is operated in good faith” is deleted as surplusage.

23 Defined terms: “Board” § 9–101

24 “Club” § 1–101

25 **(D) COUNTY.**

26 **“COUNTY” MEANS ALLEGANY COUNTY.**

27 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
 28 full reference to “Allegany County”.

1 **(E) LIGHT WINE.**

2 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
3 **ALCOHOL BY VOLUME.**

4 REVISOR’S NOTE: This subsection is new language derived without substantive
5 change from former Art. 2B, § 4–101(a) and (b).

6 The defined term “wine” is substituted for the former reference to “a fermented
7 beverage” to conform to the terminology used throughout this article.

8 Defined term: “Wine” § 1–101

9 **9–102. SCOPE OF TITLE.**

10 **THIS TITLE APPLIES ONLY IN ALLEGANY COUNTY.**

11 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
12 organization of this revised article.

13 **9–103. COPY OF LEGISLATION.**

14 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
15 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
16 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
17 **MARYLAND 21401.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 18–103.

20 The reference to the “County Commissioners” is substituted for the former
21 reference to the “local governing body” for clarity.

22 The reference to this “title” is substituted for the former reference to this
23 “subtitle” to conform to the organization of this revised article. Under the
24 former law, each local governing body derived its authority to enact alcoholic
25 beverages legislation from a common subtitle. Under this revised article, each
26 local governing body derives its authority from the title dedicated to the
27 jurisdiction of the local governing body.

28 Defined terms: “Alcoholic beverage” § 1–101
29 “County” § 9–101

30 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

1 **9-201. ESTABLISHED.**

2 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ALLEGANY COUNTY.**

3 REVISOR'S NOTE: This section is new language added to state expressly what was
4 only implied in the former law, that an entity known as the Board of License
5 Commissioners for Allegany County exists.

6 **9-202. MEMBERSHIP.**

7 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

8 **(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE**
9 **BOARD.**

10 **(2) THE APPOINTMENTS SHALL BE MADE:**

11 **(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND**
12 **CONSENT OF THE SENATE; OR**

13 **(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR**
14 **ALONE.**

15 **(B) QUALIFICATIONS.**

16 **(1) EACH MEMBER OF THE BOARD SHALL BE:**

17 **(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

18 **(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND**
19 **OF RECOGNIZED BUSINESS CAPACITY.**

20 **(2) TWO MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS**
21 **SHALL BE MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING**
22 **GENERAL ELECTION POLLED THE HIGHEST NUMBER OF VOTES IN THE AGGREGATE**
23 **FOR SEATS ON THE BOARD OF COUNTY COMMISSIONERS.**

24 **(3) ONE MEMBER OF THE BOARD OF LICENSE COMMISSIONERS**
25 **SHALL BE A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING**
26 **GENERAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE**
27 **AGGREGATE FOR SEATS ON THE BOARD OF COUNTY COMMISSIONERS.**

28 **(C) TENURE.**

1 **(1) THE TERM OF A MEMBER IS 6 YEARS.**

2 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
 3 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

4 **(D) VACANCIES.**

5 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
 6 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
 7 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
 8 **THIS SECTION.**

9 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
 10 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
 11 **QUALIFIES.**

12 **(E) REMOVAL.**

13 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
 14 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

15 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
 16 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
 17 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

18 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
 19 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
 20 **MEMBER AND THE FINDINGS OF THE GOVERNOR ON THE CHARGES.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (b)(2) and (3) and
 23 15–110(a).

24 In subsection (a)(1) of this section, the defined term “Board” is substituted for
 25 the former reference to “persons who shall constitute and be styled ‘The Board
 26 of License Commissioners for Baltimore City or ... County’, as the case may
 27 be” because this title applies only to the Board of License Commissioners for
 28 Allegany County.

29 Also in subsection (a)(1) of this section, the former phrase “[f]or the
 30 jurisdictions in which this section is effective,” is deleted as unnecessary in
 31 light of the organization of this revised article.

1 In subsection (a)(2)(i) of this section, the former reference to “by and” with the
2 advice and consent of the Senate is deleted as surplusage.

3 In the introductory language of subsection (b)(1) of this section, the reference
4 to “[e]ach member of the Board” is substituted for the former reference to
5 “[t]he commissioners” to conform to the terminology used throughout this
6 subtitle.

7 In subsection (b)(1)(i) of this section, the defined term “County” is substituted
8 for the former reference to “Baltimore City or the respective counties, as the
9 case may be” because this title applies only to Allegany County.

10 In subsection (b)(1)(ii) of this section, the reference to an “individual” is
11 substituted for the former reference to “persons” because only a human being
12 and not the other entities included in the definition of “person” may serve as
13 a member of a board of license commissioners.

14 In subsection (b)(2) and (3) of this section, the references to “seats on the Board
15 of County Commissioners” is substituted for the former references to “the
16 several offices of County Commissioner therein” for clarity.

17 In subsection (c)(2) of this section, the former reference to the requirement
18 that the Governor “biennially” appoint persons to the Board is deleted as
19 included in the requirement that the terms of the members of the Board be
20 staggered as required on July 1, 2016. This substitution is not intended to
21 alter the term of any member of the Board of License Commissioners for
22 Allegany County.

23 Subsection (d) of this section is standard language substituted for the former
24 reference to the duty of the Governor, if a vacancy occurs on the Board when
25 the General Assembly is not in session, to appoint an eligible individual to fill
26 the vacancy for the remainder of the term. The standard language is intended
27 to correct a gap in the former law, which was silent as to the procedure to be
28 followed if a vacancy occurs when the General Assembly is in session.

29 In subsection (e)(1) of this section, the former reference to a member “of any
30 board of license commissioners appointed by him under the provisions of this
31 article” is deleted as surplusage.

32 In subsection (e)(2) of this section, the former phrase “in his own defense” is
33 deleted as surplusage.

34 Former Art. 2B, § 15–101(b)(1), which provided that former Art. 2B, §
35 15–101(b) applied only in Allegany County, is deleted as unnecessary in light
36 of the organization of this revised article.

37 Defined terms: “Board” § 9–101

1 “County” § 9–101

2 **9–203. CHAIR.**

3 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
4 **FROM AMONG THE MEMBERS OF THE BOARD.**

5 REVISOR’S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 15–101(a)(2).

7 The defined term “Board” is substituted for the former reference to “Baltimore
8 City and each of the counties” because this section applies only to the Board
9 of License Commissioners for Allegany County. Correspondingly, the former
10 phrase “of the respective boards” is deleted.

11 The reference to a “chair” is substituted for the former reference to a
12 “chairman” because SG § 2–1238 requires the use of words that are neutral as
13 to gender to the extent practicable.

14 The reference to “members” is substituted for the former reference to
15 “appointees” to conform to the terminology used throughout this subtitle.

16 Defined term: “Board” § 9–101

17 **9–204. SALARIES; STAFF; BUDGET.**

18 **(A) SALARIES.**

19 **IN ACCORDANCE WITH TITLE 28, SUBTITLE 1 OF THE LOCAL GOVERNMENT**
20 **ARTICLE, THE COUNTY COMMISSIONERS SHALL SET THE ANNUAL SALARY OF THE**
21 **MEMBERS OF THE BOARD.**

22 **(B) STAFF.**

23 **THE BOARD MAY:**

24 **(1) EMPLOY:**

25 **(I) A SECRETARY;**

26 **(II) INSPECTORS; AND**

27 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

1 **(2) SET THE COMPENSATION OF THE EMPLOYEES, SUBJECT TO**
2 **SUBSECTION (C)(3) OF THIS SECTION.**

3 **(C) BUDGET.**

4 **(1) THE CHAIR OF THE BOARD SHALL SUBMIT TO THE DIRECTOR OF**
5 **FINANCE OF THE COUNTY THE TOTAL AMOUNT OF THE BOARD'S BUDGET,**
6 **INCLUDING:**

7 **(I) SALARIES FOR MEMBERS AND EMPLOYEES OF THE BOARD;**
8 **AND**

9 **(II) ALL OTHER NECESSARY EXPENSES.**

10 **(2) FROM THE RECEIPTS COLLECTED BY THE BOARD, THE COUNTY**
11 **COMMISSIONERS SHALL PAY:**

12 **(I) THE SALARIES OF THE MEMBERS AND EMPLOYEES OF THE**
13 **BOARD ONCE EVERY 2 WEEKS; AND**

14 **(II) THE EXPENSES OF THE BOARD ON WRITTEN APPROVAL OF**
15 **THE CHAIR OF THE BOARD.**

16 **(3) THE SALARIES AND EXPENSES OF THE EMPLOYEES OF THE**
17 **BOARD ARE SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, §§ 10–204(b)(3), 15–109(b), and 15–112(a)(2).

20 In subsection (b)(1)(iii) of this section, the reference to “assistants” is
21 substituted for the former reference to “assistance” for clarity.

22 In the introductory language of subsection (c)(1) and in (c)(2)(ii) of this section,
23 the references to the “chair” are substituted for the former references to the
24 “chairman” because SG § 2–1238 requires the use of words that are neutral as
25 to gender to the extent practicable.

26 In the introductory language of subsection (c)(1) of this section, the reference
27 to the Director of Finance “of the County” is added for clarity.

28 In the introductory language of subsection (c)(2) of this section, the reference
29 to receipts “collected by the Board” is added for clarity.

30 In subsection (c)(2)(ii) of this section, the requirement to pay the expenses of
31 the Board “on written approval of” the chair is substituted for the former

1 requirement to pay the expenses of the Board “upon draft property signed by”
2 the chair for clarity.

3 Defined terms: “Board” § 9–101
4 “County” § 9–101

5 **9–205. INSPECTORS.**

6 **(A) POWERS.**

7 **AN INSPECTOR HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN**
8 **THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

9 **(B) OATH.**

10 **AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE**
11 **MARYLAND CONSTITUTION.**

12 **(C) BOND.**

13 **(1) AN INSPECTOR SHALL PROVIDE A PENALTY BOND OF \$2,000 TO**
14 **THE BOARD AND THE COUNTY COMMISSIONERS JOINTLY ON THE CONDITION THAT**
15 **THE INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.**

16 **(2) THE COUNTY SHALL PAY THE COST OF THE BOND.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 15–112(b)(2).

19 In subsection (a) of this section, the reference to the powers “arising out of or
20 relating to the enforcement of this article” is added for clarity.

21 Also in subsection (a) of this section, the former reference to a “constable” is
22 deleted as unnecessary in light of the reference to a “peace officer”.

23 Also in subsection (a) of this section, the former requirement that the
24 inspectors “be known as ‘alcoholic beverage inspectors for Allegany County’”
25 is deleted as surplusage.

26 In subsection (b) of this section, the reference to the requirement to “take the
27 oath required by Article I, § 9 of the Maryland Constitution” is substituted for
28 the former reference to the requirement to “[m]ake oath to faithfully perform
29 the duties entrusted to them, as provided in Article I, § 9 of the Constitution
30 of this State” for brevity.

1 In subsection (c)(1) of this section, the reference to the condition that the
2 inspector “faithfully perform the duties of office” is substituted for the former
3 reference to the condition that the inspector “well and faithfully execute the
4 office in all things appertaining thereto” for brevity and clarity.

5 In subsection (c)(2) of this section, the requirement that the “County” pay the
6 cost of the bond is substituted for the former requirement that the “County
7 Commissioners” pay the cost of the bond for accuracy.

8 Former Art. 2B, § 15–112(b)(1), which provided that former Art. 2B, §
9 15–112(b) applied only in Allegany County, is deleted as unnecessary in light
10 of the organization of this revised article.

11 Defined terms: “Board” § 9–101

12 “County” § 9–101

13 “State” § 1–101

14 **9–206. REGULATIONS.**

15 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 16–301(a), as it related to the authority of the
18 Board to adopt regulations.

19 The former phrase “[i]n addition to the powers otherwise provided by this
20 article,” is deleted as surplusage.

21 The defined term “Board” is substituted for the former reference to “the board
22 of license commissioners from any county or Baltimore City, respectively,”
23 because this section applies only to the Board of License Commissioners for
24 Allegany County.

25 The reference to the Board “adopt[ing] regulations to carry out” this article is
26 substituted for the former reference to the Board “hav[ing] full power and
27 authority to adopt such reasonable rules and regulations as they may deem
28 necessary to enable them effectively to discharge the duties imposed upon
29 them by” this article for brevity.

30 Defined term: “Board” § 9–101

31 **SUBTITLE 3. LIQUOR CONTROL.**

32 **9–301. LIQUOR CONTROL — NOT APPLICABLE.**

1 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
2 **IN THE COUNTY.**

3 REVISOR'S NOTE: This section is new language added to clarify that there is no
4 liquor control board or department of liquor control in the County.

5 Defined term: "County" § 9-101

6 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

7 **9-401. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
10 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
11 **EXCEPTION OR VARIATION:**

12 (1) **§ 2-201 ("ISSUANCE BY COMPTROLLER");**

13 (2) **§ 2-202 ("CLASS 1 DISTILLERY LICENSE");**

14 (3) **§ 2-204 ("CLASS 2 RECTIFYING LICENSE");**

15 (4) **§ 2-205 ("CLASS 3 WINERY LICENSE");**

16 (5) **§ 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**

17 (6) **§ 2-207 ("CLASS 5 BREWERY LICENSE");**

18 (7) **§ 2-210 ("CLASS 8 FARM BREWERY LICENSE");**

19 (8) **§ 2-211 ("RESIDENCY REQUIREMENT");**

20 (9) **§ 2-212 ("ADDITIONAL LICENSES");**

21 (10) **§ 2-213 ("ADDITIONAL FEES");**

22 (11) **§ 2-214 ("SALE OR DELIVERY RESTRICTED");**

23 (12) **§ 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER**
24 **PROHIBITED");**

1 **(13) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES**
2 **AND RETAILERS”);**

3 **(14) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
4 **PROHIBITED PRACTICES”); AND**

5 **(15) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
6 **RETAILERS — PROHIBITED”).**

7 **(B) EXCEPTIONS.**

8 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
9 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

10 **(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND**

11 **(2) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”).**

12 **(C) VARIATION.**

13 **SECTION 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”) OF DIVISION I OF**
14 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 9–403 OF THIS SUBTITLE.**

15 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
16 incorporate by reference general provisions relating to the issuance of
17 manufacturer’s licenses.

18 Subsection (b) of this section is new language derived without substantive
19 change from former Art. 2B, § 2–207(a)(4)(i).

20 Subsection (b)(1) of this section is new language derived without substantive
21 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
22 implicit in the former law, that a limited distillery license may not be issued
23 in the County.

24 Defined terms: “County” § 9–101
25 “Manufacturer’s license” § 1–101

26 **9–402. HOURS AND DAYS OF SALE OR DELIVERY.**

27 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
28 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
29 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11-101(b)(1).

3 Defined terms: "Alcoholic beverage" § 1-101
4 "Manufacturer's license" § 1-101

5 **9-403. CLASS 7 MICRO-BREWERY LICENSE.**

6 **(A) APPLICATION OF SECTION.**

7 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
8 **COUNTY.**

9 **(B) POWERS; REQUIREMENTS.**

10 **A HOLDER OF THE LICENSE:**

11 **(1) MAY BREW A MALT BEVERAGE IN ONE LOCATION AND CONTRACT**
12 **FOR THE BOTTLING OF THE MALT BEVERAGE IN ANOTHER LOCATION; AND**

13 **(2) (I) SHALL MEET THE REQUIREMENTS FOR A RESTAURANT FOR**
14 **WHICH A CLASS B BEER, WINE, AND LIQUOR LICENSE IS SOUGHT; BUT**

15 **(II) NEED NOT MEET THE REQUIREMENTS FOR A HOTEL OR**
16 **MOTEL FOR WHICH A CLASS B BEER, WINE, AND LIQUOR LICENSE IS SOUGHT; AND**

17 **(3) IS NOT SUBJECT TO THE MANUFACTURING AND LICENSING**
18 **PROHIBITIONS UNDER § 2-209(E) OF THIS ARTICLE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 2-208(a), (b)(2)(i), (c)(4), and, as it related to
21 Allegany County, (e)(1).

22 In subsection (b)(2) of this section, the reference to the "requirements for a
23 hotel or motel for which a Class B beer, wine, and liquor license is sought" is
24 substituted for the former reference to the "hotel/motel requirements for a
25 Class B beer, wine and liquor licensee" for clarity. Similarly, the reference to
26 the requirements for "a restaurant for which a Class B beer, wine, and liquor
27 license is sought" is substituted for the former reference to the requirements
28 for "those Class B restaurants".

29 Defined terms: "Beer" § 1-101
30 "County" § 9-101
31 "Hotel" § 1-101
32 "License" § 1-101

1 "Restaurant" § 1-101

2 "Wine" § 1-101

3 **SUBTITLE 5. WHOLESALER'S LICENSES.**

4 **9-501. APPLICATION OF GENERAL PROVISIONS.**

5 **TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS**
6 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

7 REVISOR'S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to the issuance of wholesaler's licenses.

9 Defined terms: "County" § 9-101

10 "Wholesaler's license" § 1-101

11 **9-502. HOURS AND DAYS OF SALE OR DELIVERY.**

12 **(A) IN GENERAL.**

13 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 9-503 OF**
14 **THIS SUBTITLE, A HOLDER OF A WHOLESALER'S LICENSE MAY SELL OR DELIVER**
15 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
16 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

17 **(B) DELIVERY OF DRAFT BEER.**

18 **A HOLDER OF A BEER WHOLESALER'S LICENSE MAY DELIVER DRAFT BEER TO**
19 **A HOLDER OF A RETAIL LICENSE ON SUNDAY.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 11-102(a) and, as it related to the delivery of
22 draft beer, the first sentence of (c).

23 Defined terms: "Alcoholic beverage" § 1-101

24 "Beer" § 1-101

25 "Wholesaler's license" § 1-101

26 **9-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

27 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

28 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
29 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**

1 TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT
2 RETURNS ON THE SAME DAY.

3 (B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.

4 THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION
5 SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES
6 REQUIRED TO DISPENSE DRAFT BEER.

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 11-102(b).

9 In subsection (a) of this section, the reference to a “per diem” license is
10 substituted for the former reference to a “special 1-day” license to conform to
11 the terminology used throughout this article.

12 Also in subsection (a) of this section, the reference to a per diem license issued
13 “under Subtitle 13 of this title” is substituted for the former reference to a
14 license issued “pursuant to § 7-101 of this article” to reflect the reorganization
15 of material relating to per diem licenses in titles for each applicable
16 jurisdiction in this revision.

17 Also in subsection (a) of this section, the reference to delivery of beer on the
18 “effective date of the per diem license” is substituted for the former reference
19 to delivery on the “effective day of the license” for clarity.

20 Also in subsection (a) of this section, the former reference to accepting returns
21 on the same day “of delivery” is deleted as surplusage.

22 In subsection (b) of this section, the language that the “agreement entered into
23 under subsection (a) of this section shall include [the type of equipment to
24 dispense draft beer]” is substituted for the former language that the “parties
25 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

26 Defined terms: “Beer” § 1-101
27 “Wholesaler’s license” § 1-101

28 **9-504. RENTAL PRICE FOR BEER-DISPENSING EQUIPMENT.**

29 A HOLDER OF A BEER WHOLESALER’S LICENSE MAY NOT PROVIDE EQUIPMENT
30 TO DISPENSE DRAFT BEER AT A RENTAL PRICE THAT IS LESS THAN THE FAIR
31 MARKET COST FOR THE RENTAL.

32 REVISOR'S NOTE: This section is new language derived without substantive
33 change from the first sentence of former Art. 2B, § 11-102(c), as it related to
34 equipment for dispensing draft beer.

1 The second sentence of former Art. 2B, § 11–102(c), which stated that former
2 Art. 2B, § 11–102(c) did not violate former Art. 2B, § 12–104, is deleted as
3 unnecessary in light of the organization of this revised article.

4 Defined terms: “Beer” § 1–101

5 “Wholesaler’s license” § 1–101

6 **9–505. SIZE OF LIQUOR CONTAINER.**

7 **THE HOLDER OF A CLASS 1 OR CLASS 2 WHOLESALER’S LICENSE MAY NOT**
8 **SELL LIQUOR IN A CONTAINER SMALLER THAN 23 OUNCES OR 680 MILLILITERS TO**
9 **A HOLDER OF A PER DIEM LICENSE ISSUED UNDER § 9–1307 OF THIS TITLE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 2–301(b)(6).

12 The reference to a “per diem license” is substituted for the former obsolete
13 reference to a “special permit” for accuracy.

14 Defined term: “Wholesaler’s license” § 1–101

15 **SUBTITLE 6. BEER LICENSES.**

16 **9–601. CLASS A BEER LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS A BEER LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
21 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

22 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
23 **PACKAGE OR CONTAINER.**

24 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
25 **CONTENTS MAY NOT BE CONSUMED ON:**

26 **(I) THE PREMISES WHERE THE BEER WAS SOLD; OR**

27 **(II) ANY PREMISES IN WHICH THE LICENSE HOLDER HAS A**
28 **DIRECT OR INDIRECT INTEREST.**

1 **(C) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$125.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 3–101(b) and (a)(1).

5 In subsection (a) of this section, the former reference to a license being “issued
6 by the license issuing authority of the county in which the place of business is
7 located” is deleted as surplusage.

8 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
9 as implicit in the word “sell”.

10 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
11 deleted as surplusage.

12 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
13 the former reference to “deliver[ing]” for clarity and accuracy.

14 In subsection (c) of this section, the reference to the annual “license” fee is
15 added for clarity and consistency with other similar provisions of this article.

16 Defined terms: “Beer” § 1–101
17 “Consumer” § 1–101

18 **9–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

19 **A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 3–201(b).

22 Defined terms: “Beer” § 1–101
23 “County” § 9–101

24 **9–603. CLASS C BEER LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS C BEER LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
2 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
3 **LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

4 **(C) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$150.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 3-301(b) and (a)(1).

8 In subsection (a) of this section, the former reference to a license being "issued
9 by the local licensing authority of the county in which the place of business is
10 located" is deleted as surplusage.

11 In subsection (b) of this section, the reference to "on- and off-premises
12 consumption" is substituted for the former reference to consumption "on the
13 premises or elsewhere" for clarity. Similarly, the reference to "on- and
14 off-premises consumption" is substituted for the former reference to
15 consumption "on the premises only" in accordance with the rule followed in
16 this revision, that a provision of this article that is applicable to a specific
17 jurisdiction prevails over an inconsistent general provision.

18 Also in subsection (b) of this section, the former phrase "keep for sale" is
19 deleted as included in the word "sell".

20 Also in subsection (b) of this section, the former reference to "bona fide"
21 members is deleted as surplusage.

22 Defined terms: "Beer" § 1-101

23 "Club" §§ 1-101, 9-101

24 **9-604. CLASS D BEER LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS D BEER LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

28 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
29 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
30 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

31 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

1 **(C) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$200.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 3-401(b) and (a)(1).

5 In subsection (a) of this section, the former reference to a license being "issued
6 by the license issuing authority of the county in which the place of business is
7 located" is deleted as surplusage.

8 In subsection (b)(1) of this section, the reference to "on- and off-premises"
9 consumption is substituted for the former reference to consumption "on the
10 premises or elsewhere" for clarity.

11 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
12 deleted as implicit in the word "sell".

13 Defined term: "Beer" § 1-101

14 **SUBTITLE 7. LIGHT WINE LICENSES.**

15 **9-701. LIGHT WINE LICENSES — NOT APPLICABLE.**

16 **A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

17 REVISOR'S NOTE: This section is new language added to clarify that a light wine
18 license may not be issued in Allegany County.

19 Defined terms: "County" § 9-101

20 "Light wine" § 9-101

21 **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

22 **9-801. CLASS A BEER AND LIGHT WINE LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
27 **AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

1 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN**
2 **A SEALED PACKAGE OR CONTAINER.**

3 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
4 **CONTENTS MAY NOT BE CONSUMED ON:**

5 **(I) THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD;**
6 **OR**

7 **(II) A PREMISES IN WHICH THE LICENSE HOLDER HAS A DIRECT**
8 **OR INDIRECT INTEREST.**

9 **(C) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$150.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 5–101(b) and (a)(1).

13 Subsection (a) of this section is revised in standard language used throughout
14 this article to establish a license.

15 In subsection (a) of this section and throughout this subtitle, the former
16 references to the license being “issued by the license issuing authority of the
17 county in which the place of business is located” are deleted as surplusage.

18 In subsection (b)(1) of this section and throughout this subtitle, the former
19 references to “keep[ing] for sale” are deleted as implicit in the references to
20 “sell[ing]”.

21 In subsection (b)(1) of this section, the former reference to selling “in any
22 quantity to any consumers” is deleted as surplusage.

23 In subsection (b)(2) of this section, the word “sell” is substituted for the former
24 word “deliver” to conform to the terminology used throughout this article.

25 Defined terms: “Beer” § 1–101

26 “Light wine” § 9–101

27 **9–802. CLASS B BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

28 **A CLASS B BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE**
29 **COUNTY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5-201(b).

3 Defined terms: "Beer" § 1-101

4 "County" § 9-101

5 "Light wine" § 9-101

6 **9-803. CLASS B-MB LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS B-MB (MICRO-BREWERY/RESTAURANT) LICENSE.**

9 **(B) AUTHORIZED HOLDER.**

10 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 7**
11 **MICRO-BREWERY LICENSE.**

12 **(C) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL:**

14 **(1) BEER AND LIGHT WINE BY THE DRINK OR BOTTLE AND LIQUOR BY**
15 **THE DRINK FOR ON-PREMISES CONSUMPTION, INCLUDING:**

16 **(I) IN A BANQUET ROOM OR BANQUET FACILITY THAT IS ON THE**
17 **LICENSED PREMISES; AND**

18 **(II) ON A PATIO THAT IS PART OF THE LICENSED PREMISES AS**
19 **EVIDENCED BY LEASE DOCUMENTS OR BY AGREEMENT OF THE OWNER OF THE**
20 **LICENSED PREMISES; AND**

21 **(2) BEER AND LIGHT WINE BY THE BOTTLE FOR OFF-PREMISES**
22 **CONSUMPTION.**

23 **(D) HOURS AND DAYS OF SALE.**

24 **THE HOURS AND DAYS OF SALE ARE:**

25 **(1) FOR ON-PREMISES CONSUMPTION:**

26 **(I) FROM MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2**
27 **A.M. THE FOLLOWING DAY; AND**

1 **(II) ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY;**
2 **AND**

3 **(2) FOR OFF-PREMISES CONSUMPTION, FROM MONDAY THROUGH**
4 **SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.**

5 **(E) FEE.**

6 **THE ANNUAL LICENSE FEE IS \$900.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 6-201(b)(4).

9 In subsection (b) of this section, the reference to a "Class 7 micro-brewery
10 license" is substituted for the former reference to a "Class 7 manufacturer's
11 license" for clarity.

12 Defined terms: "Beer" § 1-101
13 "Board" § 9-101
14 "Light wine" § 9-101

15 **9-804. CLASS C BEER AND LIGHT WINE LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
20 **WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE**
21 **PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

22 **(C) FEE.**

23 **THE ANNUAL LICENSE FEE IS \$150.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 5-301(b)(2) and (3) and, except as it related to
26 on-premises consumption only, (a)(1).

27 Subsection (a) of this section is revised in standard language used throughout
28 this article to establish a license.

1 In subsection (b) of this section, the reference to “on– and off–premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 Also in subsection (b) of this section, the former reference to a “bona fide”
5 member is deleted as surplusage.

6 Former Art. 2B, § 5–301(b)(1), which stated that former Art. 2B, § 5–301(b)
7 applied only in Allegany County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Defined terms: “Beer” § 1–101
10 “Club” § 1–101
11 “Light wine” § 9–101

12 **9–805. CLASS D BEER AND LIGHT WINE LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

15 **(B) SCOPE OF AUTHORIZATION.**

16 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
17 **WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND**
18 **OFF–PREMISES CONSUMPTION.**

19 **(C) DRUGSTORE PROHIBITION.**

20 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

21 **(D) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$210.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 5–401(b) and (a)(1).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

27 In subsection (b) of this section, the reference to “on– and off–premises
28 consumption” is substituted for the former reference to “consumption on the
29 premises or elsewhere” for clarity.

1 Defined terms: "Beer" § 1-101
2 "Light wine" § 9-101

3 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

4 **9-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

7 **(B) SCOPE OF AUTHORIZATION.**

8 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
9 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

10 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
11 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
12 **CONTENTS CONSUMED ON THE LICENSED PREMISES OR ON A PREMISES IN WHICH**
13 **THE LICENSE HOLDER HAS A DIRECT OR AN INDIRECT INTEREST.**

14 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

15 **A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

16 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
17 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
18 **THE LICENSE;**

19 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
20 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
21 **APPLIED FOR; OR**

22 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
23 **LEAST 3 YEARS.**

24 **(D) FEE.**

25 **THE ANNUAL LICENSE FEE IS \$650.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 6-101(b) and (a)(1) and (3).

1 Subsection (a) of this section is revised in standard language used throughout
2 this title to establish a license.

3 In subsection (b) of this section, the references to the phrase “beer, wine, or
4 liquor” are substituted for the former references to the phrase “alcoholic
5 beverages” for clarity.

6 In subsection (b)(1) of this section, the former phrase “in any quantity” is
7 deleted as surplusage.

8 In subsection (b)(1)(i) of this section, the phrase “to sell” is substituted for the
9 former phrase “to keep for sale and to sell” for brevity.

10 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
11 of the application for the license” is substituted for the former phrase “that
12 length of time” for clarity.

13 In subsection (c)(3) of this section, the former reference to being “actually”
14 engaged is deleted as surplusage.

15 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
16 deleted as surplusage.

17 In subsection (d) of this section, the former requirement that the license fee is
18 to be paid to the local collecting agent before the license is issued is deleted as
19 redundant of § 4–111 of this article.

20 Defined terms: “Beer” § 1–101

21 “Wine” § 1–101

22 **9–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

27 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
28 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

29 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

30 **(3) CONTAINS:**

1 (I) AT LEAST ONE PASSENGER ELEVATOR;

2 (II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE
3 PUBLIC; AND

4 (III) A DINING ROOM WITH FACILITIES FOR PREPARING AND
5 SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.

6 (C) SCOPE OF AUTHORIZATION.

7 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
8 WINE, AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.

9 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD
10 MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT:

11 (I) IN A HOTEL OR MOTEL WITH AT LEAST 100 BEDROOMS FOR
12 PUBLIC ACCOMMODATION; OR

13 (II) OPERATED IN CONJUNCTION WITH A CLASS 7
14 MICRO-BREWERY.

15 (3) TO BE LICENSED, A RESTAURANT:

16 (I) SHALL BE IN A PERMANENT BUILDING WITH AMPLE SPACE
17 AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING MEALS TO THE
18 PUBLIC DURING BUSINESS HOURS;

19 (II) SHALL DERIVE AT LEAST 60% OF ITS GROSS MONTHLY
20 REVENUE FROM THE SALE OF FOOD;

21 (III) SHALL PROVIDE WAITERS TO SERVE CUSTOMERS WHO ARE
22 SEATED AT TABLES FOR DINING; AND

23 (IV) MAY NOT BE A FAST-FOOD STYLE FACILITY.

24 (D) EXEMPTION FROM POPULATION QUOTA.

25 THE LICENSE IS EXEMPT FROM ANY LICENSE POPULATION QUOTA
26 LIMITATION.

27 (E) LICENSE LOCATION TRANSFER PROHIBITED.

1 **THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

2 **(F) FEE.**

3 **THE ANNUAL LICENSE FEE IS \$800.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 6–201(a)(3)(i) and (b)(2)(i) through (v) and (vii)
6 through (ix).

7 Subsection (a) of this section is standard language used throughout this article
8 to establish a license.

9 In subsection (b) of this section, the former phrase “[e]xcept in Montgomery
10 County or in the case of a contrary provision in this subtitle” is deleted as
11 unnecessary in light of the organization of this revised article.

12 In subsection (b)(3)(iii) of this section, the reference to “individuals” is
13 substituted for the former reference to “persons” because this subsection refers
14 only to human beings.

15 In subsection (c)(1) of this section, the former reference that the license “does
16 not have off–sale privileges” is deleted as implicit in the phrase “for
17 on–premises consumption”.

18 In the introductory language of subsection (c)(2) of this section, the reference
19 to “for use by a restaurant” is substituted for the former reference to “for the
20 exclusive use [o]n the premises of a restaurant” for brevity.

21 In subsection (c)(2)(ii) of this section, the phrase “operated in conjunction
22 with” is substituted for the former phrase “[i]f used in conjunction with” for
23 clarity.

24 In the introductory language of subsection (c)(3) of this section, the phrase
25 “[t]o be licensed” is substituted for the former phrase “[i]n addition to other
26 county requirements provided for in this article” for clarity.

27 In subsection (c)(3)(iii) of this section, the phrase “provide waiters to serve” is
28 substituted for the former phrase “has waiter or waitress service” for brevity.

29 In subsection (e) of this section, the former reference “[n]otwithstanding any
30 law to the contrary” is deleted as surplusage.

31 Also in subsection (e) of this section, the former phrase “other than the
32 premises for which it was issued” is deleted as surplusage.

1 Former Art. 2B, § 6–201(b)(1), which stated that former Art. 2B, § 6–201(b)
 2 applied only in Allegany County, is deleted as unnecessary in light of the
 3 organization of this revised article.

4 Former Art. 2B, § 6–201(b)(2)(vi), which stated that the hours and days of sale
 5 for the license are as provided under [former Art. 2B] § 11–501(a) and (b), is
 6 deleted as unnecessary in light of the organization of this revised article.

7 Defined terms: “Beer” § 1–101

8 “Board” § 9–101

9 “Hotel” § 1–101

10 “License” § 1–101

11 “Restaurant” § 1–101

12 “Wine” § 1–101

13 **9–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

16 **(B) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 18 **LIQUOR AT RETAIL AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
 19 **ON– OR OFF–PREMISES CONSUMPTION.**

20 **(C) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$500.**

22 REVISOR’S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 6–301(a)(1) and (b)(1)(ii) and (iii).

24 Subsection (a) of this section is revised in standard language used throughout
 25 this article to establish a license.

26 In subsection (b) of this section, the phrase “for on– or off–premises
 27 consumption”, which revises the provision specifically applicable to Allegany
 28 County – former Art. 2B, § 6–301(b)(1)(iii) – supersedes the provision of former
 29 Art. 2B, § 6–301(a)(1), which stated in general terms that a Class C license
 30 shall be issued “for consumption on the premises only”. The revision follows §
 31 1–202 of this article, which states that to the extent that a statement of a
 32 general rule of law conflicts or is inconsistent with an exception or

1 qualification applicable to a special area, the exception or qualification
2 prevails.

3 Also in subsection (b) of this section, the reference to “beer, wine, and liquor”
4 is substituted for the former references to “all alcoholic beverages” and
5 “[b]everages” for clarity.

6 Also in subsection (b) of this section, the former reference to “keep[ing] for
7 sale” is deleted as implicit in the reference to “sell[ing]”.

8 Former Art. 2B, § 6–301(a)(3), which defined “board” as meaning the board of
9 commissioners for a specific jurisdiction, is deleted as unnecessary in light of
10 the organization of this revised article.

11 Former Art. 2B, § 6–301(b)(1)(i), which stated that former Art. 2B, § 6–301(b)
12 applied only in Allegany County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of
15 this title.

16 Defined terms: “Beer” § 1–101

17 “Board” § 9–101

18 “Club” § 1–101

19 “Wine” § 1–101

20 **9–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
25 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
26 **OFF-PREMISES CONSUMPTION.**

27 **(C) DRUGSTORE PROHIBITION.**

28 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

29 **(D) FEE.**

30 **THE ANNUAL LICENSE FEE IS \$700.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6–401(b) and (a)(1).

3 Subsection (a) of this section is revised in standard language used throughout
4 this title to establish a license.

5 In subsection (b) of this section, the reference to “on– and off–premises
6 consumption” is substituted for the former reference to “consumption on the
7 premises or elsewhere” for clarity.

8 Also in subsection (b) of this section, the phrase “at the place described in the
9 license” is substituted for the former phrase “at the place described in it” for
10 clarity.

11 Former Art. 2B, § 6–401(a)(3), which defined “Board” to mean “the Board of
12 License Commissioners for the jurisdiction to which the subsection applies” is
13 deleted as unnecessary because each title in Division II of this article has a
14 definition of Board.

15 Defined terms: “Beer” § 1–101
16 “Wine” § 1–101

17 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

18 **9–1001. BUFFET THEATER LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS B–BT (BUFFET THEATER) BEER, LIGHT WINE, AND LIQUOR**
21 **LICENSE.**

22 **(B) AUTHORIZED HOLDER.**

23 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN ESTABLISHMENT**
24 **THAT:**

25 **(1) IS OPERATED AS A NONPROFIT PROFESSIONAL THEATER;**

26 **(2) PROVIDES TO THE CUSTOMERS OF THE ESTABLISHMENT LIVE**
27 **BROADWAY–STYLE MUSICALS, COMEDY, DRAMA, LIVE ACOUSTIC–STYLE MUSIC, OR**
28 **FEATURE FILMS; AND**

29 **(3) IS OPEN TO THE PUBLIC BY RESERVATION.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE CLASS B–BT LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
 3 **RETAIL BEER AND LIGHT WINE BY THE DRINK OR BY THE BOTTLE AND LIQUOR BY**
 4 **THE DRINK ONLY FOR ON–PREMISES CONSUMPTION AND IN CONJUNCTION WITH**
 5 **THE BUFFET THEATER.**

6 **(D) HOURS AND DAYS OF SALE.**

7 **(1) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FOR**
 8 **ON–PREMISES CONSUMPTION BEGINNING 2 HOURS BEFORE THE PERFORMANCE,**
 9 **DURING THE PERFORMANCE, AND FOR 2 HOURS AFTER THE END OF THE**
 10 **PERFORMANCE ON:**

11 **(I) MONDAY THROUGH SATURDAY; AND**

12 **(II) SUNDAY NO EARLIER THAN 1 P.M.**

13 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR:**

14 **(I) FOR OFF–PREMISES CONSUMPTION BY THE DRINK OR BY**
 15 **THE BOTTLE; OR**

16 **(II) AT ANY TIME EXCEPT IN CONJUNCTION WITH THE BUFFET**
 17 **THEATER.**

18 **(E) FEE.**

19 **THE ANNUAL FEE FOR THE LICENSE IS \$350.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 6–201(b)(3).

22 Defined terms: “Alcoholic beverage” § 1–101

23 “Beer” § 1–101

24 “Board” § 9–101

25 “License holder” § 1–101

26 “Wine” § 1–101

27 **9–1002. VIDEO LOTTERY CONCESSIONAIRE LICENSE.**

28 **(A) DEFINITIONS.**

1 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY**
4 **OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

5 **(I) ENGAGES IN THE SALE OF BEER, WINE, AND LIQUOR BY THE**
6 **DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A**
7 **VIDEO LOTTERY FACILITY; AND**

8 **(II) IS OPERATED AS A CONCESSION INDEPENDENT OF A CLASS**
9 **BWL-VLF LICENSE.**

10 **(3) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A**
11 **LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

12 **(B) ESTABLISHED.**

13 **THERE IS A CLASS BWL-VLC (VIDEO LOTTERY CONCESSIONAIRE) BEER,**
14 **WINE, AND LIQUOR LICENSE.**

15 **(C) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE TO ONE OR MORE CONCESSIONAIRES**
17 **OPERATING IN A VIDEO LOTTERY FACILITY.**

18 **(D) SCOPE OF AUTHORIZATION.**

19 **(1) THE LICENSE AUTHORIZES:**

20 **(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON**
21 **THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION:**

22 **1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**

23 **2. ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF**
24 **LICENSE HOLDER, AS DEFINED IN THE CLASS BWL-VLF LICENSE;**

25 **(II) THE PLAYING OF MUSIC AND DANCING; AND**

26 **(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR**
27 **THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE**

1 **CLASS BWL-VLF LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE**
 2 **VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

3 **(2) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS**
 4 **BWL-VLC LICENSE MAY BE TAKEN ANYWHERE IN THE VIDEO LOTTERY FACILITY**
 5 **OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSE HOLDER, AS**
 6 **DEFINED IN THE CLASS BWL-VLF LICENSE.**

7 **(E) HOURS AND DAYS OF SALE.**

8 **THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER THE LICENSE**
 9 **ARE THE SAME AS THE HOURS OF OPERATION OF A VIDEO LOTTERY FACILITY.**

10 **(F) FEE.**

11 **(1) THE ANNUAL LICENSE FEE IS \$5,000.**

12 **(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.**

13 **(G) PENALTY.**

14 **A PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A**
 15 **REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A HOLDER OF A CLASS**
 16 **BWL-VLC LICENSE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD**
 17 **DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 6-201(b-1)(1), (3), (8), (4)(ii) and (iii), and, as
 20 they related to Class BWL-VLC licenses, (5)(ii) and (6) and § 11-501(d).

21 In subsection (a)(2)(i) of this section, the former reference to the "daily" sale of
 22 beer, wine, and liquor is deleted for accuracy.

23 In the introductory language of subsection (d)(1) of this section, the former
 24 phrase "[n]otwithstanding any other provision of this article," is deleted as
 25 unnecessary in light of the organization of this revised article.

26 In subsection (d)(3) of this section, the language that the license does not allow
 27 "sales for off-premises consumption" is substituted for the former language
 28 that an "off-sale privilege is not conferred by" the license for clarity.

29 In subsection (e) of this section, the former reference to May 1 "of each year"
 30 is deleted as surplusage.

1 The part of former Art. 2B, § 6-201(b-1)(5)(i) that stated that an off-sale
2 privilege is not conferred by a Class BWL-VLC license is deleted as
3 surplusage.

4 Former Art. 2B, § 6-201(b-1)(7), which stated that Class BWL-VLF and Class
5 BWL-VLC licenses and licensees are subject to all laws and regulations
6 applicable to the sale of alcoholic beverages not inconsistent with this section
7 and § 6-1213 of this subtitle, is deleted as an unnecessary statement of
8 common practice.

9 Former Art. 2B, § 11-304(b)(3), which provided for the hours of consumption,
10 is deleted as duplicative of and unnecessary in light of subsection (e) of this
11 section. The hours of operation for a video lottery facility are 24 hours a day.

12 Defined terms: "Beer" § 1-101

13 "Board" § 9-101

14 "Wine" § 1-101

15 **9-1003. VIDEO LOTTERY FACILITY LICENSE.**

16 **(A) "VIDEO LOTTERY FACILITY" DEFINED.**

17 **IN THIS SECTION, "VIDEO LOTTERY FACILITY" MEANS A FACILITY THAT HOLDS**
18 **A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

19 **(B) ESTABLISHED.**

20 **THERE IS A CLASS BWL-VLF (VIDEO LOTTERY FACILITY) BEER, WINE, AND**
21 **LIQUOR LICENSE.**

22 **(C) AUTHORIZED HOLDER.**

23 **(1) THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL OR**
24 **ENTITY THAT OWNS A VIDEO LOTTERY FACILITY THAT CONTAINS AT LEAST ONE**
25 **FOOD SERVICE FACILITY, BAR, OR LOUNGE.**

26 **(2) THE BOARD MAY NOT REQUIRE AN APPLICANT FOR THE LICENSE**
27 **TO MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENT.**

28 **(D) SCOPE OF AUTHORIZATION.**

29 **(1) THE LICENSE AUTHORIZES:**

1 **(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY**
 2 **THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY**
 3 **FACILITY FOR CONSUMPTION:**

4 **1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**

5 **2. ON GROUNDS CONTROLLED BY THE LICENSE HOLDER,**
 6 **AS DEFINED IN THE LICENSE;**

7 **(II) THE PLAYING OF MUSIC AND DANCING; AND**

8 **(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR**
 9 **THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE**
 10 **LICENSE HOLDER DURING THE DAYS AND HOURS THAT THE VIDEO LOTTERY**
 11 **FACILITY IS OPEN FOR BUSINESS.**

12 **(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY**
 13 **BE TAKEN ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS**
 14 **CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE LICENSE.**

15 **(E) HOURS AND DAYS OF SALE.**

16 **THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER THE LICENSE**
 17 **ARE THE SAME AS THE HOURS OF OPERATION OF A VIDEO LOTTERY FACILITY.**

18 **(F) FEE.**

19 **(1) THE ANNUAL LICENSE FEE IS \$15,000.**

20 **(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 6–201(b–1)(2), (1)(i) and (iii), (4)(i) and (iii), and,
 23 as they related to Class BWL–VLF licenses, (5)(ii) and (6) and § 11–501(d).

24 In subsection (c) of this section, the former requirement that an individual or
 25 entity own a video lottery facility and hold “a license under Title 9, Subtitle
 26 1A of the State Government Article” is deleted as redundant of the defined
 27 term “video lottery facility”.

28 In subsection (f)(2) of this section, the former reference to May 1 “of each year”
 29 is deleted as surplusage.

1 The part of former Art. 2B, § 6–201(b–1)(5)(i) that stated that an off–sale
2 privilege is not conferred by a Class BWL–VLF license is deleted as
3 surplusage.

4 Defined terms: “Beer” § 1–101
5 “Board” § 9–101
6 “Wine” § 1–101

7 **9–1004. VOLUNTEER COMPANY LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A CLASS C (VOLUNTEER COMPANY) BEER, WINE, AND LIQUOR**
10 **LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

13 **(1) A VOLUNTEER FIRE COMPANY;**

14 **(2) A VOLUNTEER AMBULANCE COMPANY; OR**

15 **(3) A COMBINED VOLUNTEER FIRE AND AMBULANCE COMPANY.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
18 **LIQUOR FOR ON–PREMISES OR OFF–PREMISES CONSUMPTION.**

19 **(D) CUSTOMERS.**

20 **A CUSTOMER NEED NOT BE A MEMBER OF THE COMPANY FOR WHICH THE**
21 **LICENSE IS ISSUED OR A MEMBER’S GUEST.**

22 **(E) HOURS AND DAYS OF SALE.**

23 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
24 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
25 **UNDER § 9–2004 OF THIS TITLE.**

26 **(F) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$500.**

1 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
 2 language derived without substantive change from former Art. 2B, §
 3 6-301(b)(2).

4 Subsection (e) of this section is new language added to provide a
 5 cross-reference to the hours and days of sale provision that applies to a Class
 6 C beer, wine, and liquor license in Allegany County.

7 In subsection (c) of this section, the reference to "beer, wine, and liquor" is
 8 substituted for the former reference to "all alcoholic beverages" for clarity.

9 Also in subsection (c) of this section, the former reference to "keep[ing]"
 10 alcoholic beverages is deleted as implicit in the reference to "sell[ing]" alcoholic
 11 beverages.

12 In subsection (d) of this section, the clause "[a] customer need not be a
 13 member" is substituted for the former clause "[p]atrons ... are not limited to
 14 the members" to conform to the terminology used throughout this article.

15 Also in subsection (d) of this section, the former reference to a patron "of a
 16 club" is deleted as implicit in the reference to a "customer".

17 Also in subsection (d) of this section, the reference to the "company" is
 18 substituted for the former reference to the "license holder" for accuracy.

19 Defined terms: "Beer" § 1-101

20 "Board" § 9-101

21 "Wine" § 1-101

22 SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.

23 9-1101. APPLICATION OF GENERAL PROVISIONS.

24 (A) WITHOUT EXCEPTION OR VARIATION.

25 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 ("ADDITIONAL LICENSE
 26 PRIVILEGES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
 27 EXCEPTION OR VARIATION:

28 (1) § 4-1102 ("CORKAGE - CONSUMING WINE NOT PURCHASED FROM
 29 LICENSE HOLDER ON LICENSED PREMISES"); AND

30 (2) § 4-1103 ("REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE
 31 FROM LICENSED PREMISES").

1 **(B) EXCEPTIONS.**

2 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
3 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

4 **(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”);**
5 **AND**

6 **(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT – WINE”).**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to additional privileges of license holders.

9 Defined terms: “Beer” § 1–101

10 “County” § 9–101

11 “License” § 1–101

12 “License holder” § 1–101

13 “Wine” § 1–101

14 **9–1102. PERMIT FOR SALE OF LIQUOR BY DRINK.**

15 **(A) ESTABLISHED.**

16 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE TO A**
17 **HOLDER OF A CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSE A PERMIT**
18 **THAT ALLOWS THE SALE OF BEER, WINE, AND LIQUOR BY THE DRINK FOR**
19 **ON–PREMISES CONSUMPTION.**

20 **(B) SCOPE OF AUTHORIZATION.**

21 **THE PERMIT HOLDER:**

22 **(1) MAY CONTINUE TO SELL BEER OR BEER AND LIGHT WINE FOR**
23 **ON– OR OFF–PREMISES CONSUMPTION; BUT**

24 **(2) MAY NOT:**

25 **(I) SELL LIQUOR FOR OFF–PREMISES CONSUMPTION; OR**

26 **(II) PURCHASE OR POSSESS LIQUOR ON THE PREMISES IN A**
27 **CONTAINER SMALLER THAN 23 OUNCES OR 680 MILLILITERS.**

28 **(C) TIME OF APPLICATION.**

1 **APPLICATION FOR THE PERMIT MAY BE MADE NOT LESS THAN 30 DAYS**
 2 **BEFORE THE DAY ON WHICH THE PERMIT IS TO TAKE EFFECT.**

3 **(D) LIMIT ON PERMITS.**

4 **(1) NOT MORE THAN 50 PERMITS MAY BE IN EXISTENCE AT ANY ONE**
 5 **TIME.**

6 **(2) A LICENSE HOLDER WHO IS ISSUED A PERMIT SHALL RECEIVE A**
 7 **PRO RATA CREDIT FOR THE UNEXPIRED PART OF THE LICENSE HELD WHEN THE**
 8 **LICENSE HOLDER IS ISSUED THE PERMIT.**

9 **(E) FEE.**

10 **THE ANNUAL PERMIT FEE IS \$500.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, §§ 7–101(h)(3) and 9–202(f)(2).

13 In subsection (d) of this section, the former reference to the Board
 14 “continu[ing] to issue” permits is deleted as surplusage.

15 Also in subsection (d) of this section, the reference to a holder who “is issued
 16 a permit” is substituted for the former reference to a license holder who
 17 “applies for and receives a special permit” for brevity.

18 Defined terms: “Beer” § 1–101

19 “Board” § 9–101

20 “License holder” § 1–101

21 “Light wine” § 9–101

22 “Wine” § 1–101

23 **SUBTITLE 12. CATERER'S LICENSES.**

24 **9–1201. RESERVED.**

25 **SUBTITLE 13. TEMPORARY LICENSES.**

26 **PART I. IN GENERAL.**

27 **9–1301. APPLICATION OF GENERAL PROVISIONS.**

28 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
3 EXCEPTION OR VARIATION:

4 (1) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

5 (2) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

6 (3) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

7 (4) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

8 (B) EXCEPTIONS.

9 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
10 LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

11 (1) § 4-1202 (“PER DIEM LICENSES”), WHICH IS SUPERSEDED BY §
12 9-1307 OF THIS SUBTITLE;

13 (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
14 AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 9-1309 OF THIS SUBTITLE;

15 (3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR
16 LICENSE”), WHICH IS SUPERSEDED BY § 9-1309 OF THIS SUBTITLE; AND

17 (4) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 9-1308
18 OF THIS SUBTITLE.

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 the general provisions relating to local temporary licenses.

21 Defined term: “County” § 9-101

22 9-1302. RESERVED.

23 9-1303. RESERVED.

24 PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

25 9-1304. BEER AND WINE FESTIVAL LICENSE.

26 (A) ESTABLISHED.

1 **(1) THERE IS A BEER AND WINE FESTIVAL LICENSE.**

2 **(2) THE BOARD MAY ISSUE ONE FESTIVAL LICENSE EACH YEAR.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
5 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:**

8 **(1) WINE THAT IS:**

9 **(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

10 **(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE**
11 **APPLICATION IS FILED; OR**

12 **(2) BEER THAT IS BREWED BY A BREWER:**

13 **(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER**
14 **ANNUALLY; AND**

15 **(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE**
16 **LICENSE APPLICATION IS FILED.**

17 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

18 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:**

19 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

20 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

21 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

22 **THE BOARD:**

23 **(1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY**
24 **INCLUSIVE, FOR THE FESTIVAL;**

1 **(2) MAY NOT CHOOSE THE WEEKEND SELECTED FOR THE MARYLAND**
2 **WINE FESTIVAL IN CARROLL COUNTY;**

3 **(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;**
4 **AND**

5 **(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
6 **THE PROMOTION OF MARYLAND BEER AND WINE.**

7 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

8 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
9 **OR NATURE.**

10 **(G) INVOICING AND DELIVERY.**

11 **BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

12 **(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3**
13 **WINERY, OR CLASS 4 LIMITED WINERY; AND**

14 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
15 **THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

16 **(H) DELIVERY AGREEMENT.**

17 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
18 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

19 **(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
20 **EFFECTIVE DATE OF THE LICENSE; AND**

21 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
22 **EXPIRATION DATE OF THE LICENSE.**

23 **(I) FEE.**

24 **THE BOARD MAY SET THE LICENSE FEE.**

25 **(J) REGULATIONS.**

26 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8-301(c) through (i).

3 Throughout this section, the former references to a "special" festival license
4 are deleted as surplusage.

5 Subsection (a)(1) of this section is revised in standard language used
6 throughout this article to establish a license.

7 In subsection (b) of this section, the reference to a "retail" license is substituted
8 for the former reference to an "existing State retail alcoholic beverages" license
9 for brevity.

10 Also in subsection (b) of this section, the former phrase "[n]otwithstanding any
11 other provision of this article," is deleted as unnecessary in light of the
12 organization of this revised article.

13 In the introductory language of subsection (c) of this section, the reference to
14 the "license authoriz[ing] the holder" to display and sell is substituted for the
15 former reference to the requirement that the "licensee shall" display and sell
16 for clarity and consistency with terminology used throughout this article.

17 In subsection (c) of this section, the former reference to a limit on the display
18 and sale of wine that is "[p]rice filed in accordance with regulations adopted
19 by the Comptroller" is deleted as obsolete. *See* General Revisor's Note to
20 Division II.

21 In subsection (e)(2) of this section, the reference to the Maryland Wine
22 Festival "in Carroll County" is added for clarity.

23 In subsection (e)(3) of this section, the reference to a location that is not
24 "already licensed" is substituted for the former reference to a location that is
25 not "licensed under this article" for consistency with terminology used
26 throughout this article.

27 Also in subsection (e)(3) of this section, the former reference to a location "for
28 the special festival" is deleted as surplusage.

29 Also in subsection (e)(3) of this section, the former reference to a location "in
30 the county" is deleted as surplusage.

31 In subsection (f) of this section, the reference to a license holder who "may
32 hold" another license is substituted for the former statement "[t]his section
33 does not prohibit the holder ... from holding" another license for clarity.

1 In the introductory language of subsection (g) of this section, the reference to
 2 “[b]eer and wine” is substituted for the former reference to “[p]roducts” for
 3 clarity.

4 In subsection (g)(1) of this section, the reference to a “wholesaler, Class 3
 5 winery, or Class 4 limited winery” is substituted for the former reference to a
 6 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
 7 subsection (g)(2) of this section, the reference to a “wholesaler, Class 3 winery,
 8 or Class 4 limited winery” is substituted for the former reference to the
 9 “wholesaler, winery, or limited winery” and in the introductory language of
 10 subsection (h) of this section, the reference to a “holder of a wholesale, Class 3
 11 winery, or Class 4 limited winery license” is substituted for the reference to
 12 “holders of wholesale, winery, or limited winery licenses”.

13 In the introductory language of subsection (h) of this section, the former
 14 phrase “[w]henever a special festival license is issued under this subsection,”
 15 is deleted as surplusage.

16 In subsection (h)(1) of this section, the reference to the delivery of beer and
 17 wine “not earlier than” 2 days before the effective date of the license is added
 18 for clarity. Similarly, in subsection (h)(2) of this section, the reference to the
 19 acceptance of returns “not later than” 2 days after the expiration date of the
 20 license is added.

21 Former Art. 2B, § 8–301(a), which defined the term “Board” to mean the
 22 Allegany County Board of License Commissioners, is deleted as redundant in
 23 light of the defined term “Board” in § 9–101 of this title.

24 Former Art. 2B, § 8–301(b), which stated that former Art. 2B, § 8–301 applied
 25 only in Allegany County, is deleted as unnecessary in light of the organization
 26 of this revised article.

27 Defined terms: “Beer” § 1–101
 28 “Board” § 9–101
 29 “License” § 1–101
 30 “License holder” § 1–101
 31 “State” § 1–101
 32 “Wholesaler” § 1–101
 33 “Wine” § 1–101

34 **9–1305. RESERVED.**

35 **9–1306. RESERVED.**

36 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

1 **9–1307. PER DIEM LICENSES.**

2 (A) ESTABLISHED.

3 THE BOARD MAY GRANT A PER DIEM LICENSE OF ANY RETAIL CLASS.

4 (B) SCOPE OF AUTHORIZATION.

5 A PER DIEM LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF THE
6 PRIVILEGES CONFERRED BY THE CLASS OF THE LICENSE:

7 (1) AT AN ENTERTAINMENT EVENT HELD BY A CLUB;

8 (2) AT THE PLACE DESCRIBED IN THE LICENSE; AND

9 (3) FOR A PERIOD NOT EXCEEDING:

10 (I) 7 CONSECUTIVE DAYS FOR A BEER OR A BEER AND LIGHT
11 WINE LICENSE; OR

12 (II) 14 CONSECUTIVE DAYS FOR A BEER, WINE, AND LIQUOR
13 LICENSE.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 7–101(h)(2), except as it related to the payment
16 of license fees.

17 In subsection (a) of this section, the reference to any “retail” class is
18 substituted for the former reference to any class “except manufacturer’s and
19 wholesaler’s” for brevity.

20 In subsection (b)(1) of this section, the reference to an entertainment “event”
21 is added for clarity and to conform to the terminology used in this title.

22 Also in subsection (b)(1) of this section, the former reference to a “bona fide”
23 entertainment event is deleted as surplusage.

24 Also in subsection (b)(1) of this section, the former reference to “conducted” is
25 deleted as redundant of the reference to “held”.

26 Defined terms: “Board” § 9–101

27 “Club” § 1–101

28 “License” § 1–101

29 **9–1308. FEES.**

1 **THE FEE FOR A PER DIEM LICENSE IS:**

2 **(1) \$20 PER DAY FOR ANY BEER OR BEER AND LIGHT WINE LICENSE;**

3 **OR**

4 **(2) \$50 PER DAY FOR ANY BEER, WINE, AND LIQUOR LICENSE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 7-101(h)(2), as it related to the payment of
7 license fees.

8 Former Art. 2B, § 7-101(h)(1), which stated that the provisions of former Art.
9 2B, § 7-101(h) applied only in Allegany County, is deleted as unnecessary in
10 light of the organization of this revised article.

11 **9-1309. PER DIEM ENTERTAINMENT LICENSE.**

12 **(A) ESTABLISHED.**

13 **THE BOARD MAY ISSUE A PER DIEM ENTERTAINMENT LICENSE OF ANY CLASS.**

14 **(B) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE A PRIVILEGE**
16 **CONFERRED BY THAT CLASS OF LICENSE AT AN ENTERTAINMENT EVENT ONLY ON**
17 **PROPERTY THAT THE COUNTY OWNS.**

18 **(C) APPLICATION FOR LICENSES.**

19 **TO QUALIFY FOR THE LICENSE, A PERSON SHALL SUBMIT AN APPLICATION**
20 **NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH THE LICENSE IS TO TAKE**
21 **EFFECT.**

22 **(D) LIMITATIONS.**

23 **THE LICENSE IS VALID FOR A PERIOD NOT EXCEEDING 5 CONSECUTIVE DAYS.**

24 **(E) FEES.**

25 **(1) THE FEE FOR THE LICENSE SHALL BE SET BY THE BOARD OF**
26 **COUNTY COMMISSIONERS ON THE RECOMMENDATION OF THE BOARD OF LICENSE**
27 **COMMISSIONERS.**

1 **(2) THE BOARD OF COUNTY COMMISSIONERS SHALL:**

2 **(I) DISTRIBUTE \$100 OF THE LICENSE FEE TO THE BOARD OF**
 3 **LICENSE COMMISSIONERS; AND**

4 **(II) DONATE THE BALANCE OF THE LICENSE FEE TO A**
 5 **CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE**
 6 **UNITED STATES INTERNAL REVENUE CODE.**

7 **(3) THE LICENSE HOLDER, WITH THE APPROVAL OF THE BOARD OF**
 8 **COUNTY COMMISSIONERS, SHALL DESIGNATE THE CHARITABLE ORGANIZATION TO**
 9 **BE THE RECIPIENT OF THE DONATION UNDER PARAGRAPH (2)(II) OF THIS**
 10 **SUBSECTION.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 7-101(h)(4).

13 In subsection (b) of this section, the former reference to a "bona fide"
 14 entertainment event is deleted as surplusage. Similarly, in subsection (e)(2)(ii)
 15 and (3) of this section, the former references to a "bona fide" charitable
 16 organization are deleted as surplusage. Also, in subsection (e)(2)(ii) of this
 17 section, the former reference to a "nonprofit" charitable organization is deleted
 18 as unnecessary in light of the reference to a "charitable organization that is
 19 tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue
 20 Code".

21 Defined terms: "Board" § 9-101
 22 "County" § 9-101
 23 "License" § 1-101
 24 "License holder" § 1-101
 25 "Person" § 1-101

26 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

27 **9-1401. APPLICATION OF GENERAL PROVISIONS.**

28 **(A) WITHOUT EXCEPTION OR VARIATION.**

29 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
 30 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
 31 **WITHOUT EXCEPTION OR VARIATION:**

32 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
 33 **BOARD");**

- 1 (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- 2 (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- 3 (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
4 COMPANY”);
- 5 (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- 6 (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- 7 (7) § 4-111 (“PAYMENT OF LICENSE FEES”);
- 8 (8) § 4-113 (“REFUND OF LICENSE FEES”); AND
- 9 (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

10 **(B) EXCEPTION.**

11 SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF
12 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

13 **(C) VARIATIONS.**

14 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
15 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- 16 (1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
17 GENERAL”), IN ADDITION TO § 9-1403 OF THIS SUBTITLE;
- 18 (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
19 PETITION OF SUPPORT”), IN ADDITION TO § 9-1404 OF THIS SUBTITLE; AND
- 20 (3) § 4-112 (“DISPOSITION OF LICENSE FEES”), IN ADDITION TO §
21 9-1405 OF THIS SUBTITLE.

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
23 general provisions relating to applications for local licenses.

24 Defined terms: “County” § 9-101
25 “License” § 1-101
26 “Local licensing board” § 1-101

27 **9-1402. CITIZENSHIP AND RESIDENCY REQUIREMENTS.**

1 **(A) CITIZENSHIP.**

2 **ONLY A UNITED STATES CITIZEN MAY HAVE AN INTEREST OF ANY KIND IN A**
 3 **BUSINESS FOR WHICH A LICENSE IS ISSUED.**

4 **(B) RESIDENCY.**

5 **THE BOARD MAY NOT ISSUE A LICENSE TO AN INDIVIDUAL WHO IS NOT A**
 6 **RESIDENT OF THE COUNTY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 9-202(b).

9 In subsection (a) of this section, the former reference to an interest of "any ...
 10 character" is deleted as surplusage.

11 In subsection (b) of this section, the reference to an "individual" is substituted
 12 for the former reference to a "person" because only a human being may be a
 13 resident.

14 Also in subsection (b) of this section, the reference to the "Board" issuing a
 15 license is substituted for the former reference to "a license may not be issued"
 16 for clarity.

17 Also in subsection (b) of this section, the reference to "resident" is substituted
 18 for the former reference to "citizen" because the meaning of "citizen" in this
 19 context is unclear and the reference to "resident" is used throughout this
 20 revised article.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
 22 the General Assembly, that the requirement in subsection (b) of this section
 23 that an applicant be a resident of the County may violate the equal protection
 24 guarantees of the Fourteenth Amendment to the United States Constitution
 25 and Article 24 of the Maryland Declaration of Rights. Maryland courts look
 26 unfavorably on legislation that classifies persons by geography, which may be
 27 accomplished by residency requirements, if the primary purpose of the
 28 legislation is economic. *See Verzi v. Baltimore County*, 33 Md. 411 (1994).

29 Defined terms: "Board" § 9-101

30 "County" § 9-101

31 "License" § 1-101

32 **9-1403. REQUIRED STATEMENTS.**

33 **AN APPLICATION SHALL INCLUDE:**

1 **(1) A STATEMENT THAT THE APPLICANT IS AT LEAST 21 YEARS OLD;**

2 **(2) A STATEMENT THAT THE APPLICANT, FOR THE ISSUANCE OR**
3 **RENEWAL OF A LICENSE, WILL PRODUCE ON REQUEST ALL RECORDS THAT AN**
4 **APPLICANT UNDER THIS ARTICLE IS REQUIRED TO KEEP:**

5 **(I) TO THE COMPTROLLER, A DEPUTY COMPTROLLER, THE**
6 **COUNTY SHERIFF, OR THE POLICE OF A MUNICIPALITY IN THE COUNTY; OR**

7 **(II) IN A PROCEEDING BEFORE THE BOARD OR THE CIRCUIT**
8 **COURT FOR THE COUNTY RELATING TO THE LICENSE OR BUSINESS;**

9 **(3) THE NAMES OF TWO PERSONS OR THE NAME OF A BONDING**
10 **COMPANY AUTHORIZED UNDER THIS ARTICLE WHO WILL ACT AS A SURETY ON THE**
11 **BOND REQUIRED BY THE COUNTY;**

12 **(4) A STATEMENT OF ALL PERSONS INTERESTED IN THE LICENSE,**
13 **INCLUDING THE NAME OF A BUSINESS ENTITY ON WHOSE BEHALF THE LICENSE**
14 **APPLICATION IS MADE; AND**

15 **(5) CERTIFICATES OF RECEIPT FROM THE COUNTY TAX AND UTILITY**
16 **OFFICE AND THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, SHOWING**
17 **THAT, FOR THE CALENDAR YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE**
18 **LICENSE IS TO BE ISSUED, THERE ARE NO UNPAID TAXES ON THE MERCHANDISE,**
19 **FIXTURES, OR INVENTORY FOR THE BUSINESS DUE TO THE STATE, COUNTY, OR**
20 **MUNICIPALITY IN WHICH THE LICENSED ACTIVITY IS TO BE CARRIED ON.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from the first and second sentences of former Art. 2B, § 10-104(b).

23 In the introductory language of item (2) of this section, the former reference
24 to a "condition for" the issuance of a license is deleted as surplusage.

25 Also in the introductory language of item (2) of this section, the reference to
26 "renewal" is substituted for the former reference to "continuance" for clarity.

27 Also in the introductory language of item (2) of this section, the former phrase
28 "under the provisions of this article" is deleted as surplusage.

29 In item (2)(ii) of this section, the former reference to a "place of" business is
30 deleted as surplusage.

1 In item (4) of this section, the reference to “business entity” is substituted for
2 the former reference to “corporation, partnership or unincorporated
3 association” for brevity.

4 In item (5) of this section, the phrase “immediately before” is substituted for
5 the former phrase “next preceding” for clarity.

6 Also in item (5) of this section, the reference to “the County Tax and Utility
7 Office and the State Department of Assessments and Taxation” is substituted
8 for the former obsolete reference to “the Office of the Supervisor of
9 Assessments of Allegany County” for accuracy.

10 Also in item (5) of this section, the reference to “inventory” is substituted for
11 the former reference to “stock-in-trade” to conform to the terminology used
12 throughout this article.

13 Also in item (5) of this section, the reference to a “municipality” is substituted
14 for the former reference to the “incorporated city or town” for brevity.

15 Defined terms: “Board” § 9–101

16 “Comptroller” § 1–101

17 “County” § 9–101

18 “License” § 1–101

19 “Person” § 1–101

20 **9–1404. PETITION OF SUPPORT.**

21 **(A) IN GENERAL.**

22 **(1) WITH THE LICENSE APPLICATION, THE APPLICANT SHALL SUBMIT**
23 **A PETITION SIGNED BY AT LEAST 10 RESIDENTS, VOTERS, OR PROPERTY OWNERS**
24 **WHO:**

25 **(I) HAVE NOT SIGNED ANY OTHER PETITION FOR A LICENSE;**
26 **AND**

27 **(II) LIVE OR OWN PROPERTY IN THE VICINITY OF THE PLACE**
28 **FOR WHICH THE LICENSE APPLICATION IS MADE.**

29 **(2) THE PETITION SHALL STATE THE FULL NAME, RESIDENCE, OR**
30 **PROPERTY OWNED OF EACH PERSON WHO SIGNS THE PETITION.**

31 **(3) EACH PERSON WHO SIGNS THE PETITION SHALL CERTIFY THAT**
32 **THE PERSON:**

1 **(I) HAS BEEN ACQUAINTED WITH THE APPLICANT FOR MORE**
2 **THAN 1 YEAR BEFORE THE DATE THAT LICENSE APPLICATION IS MADE;**

3 **(II) HAS GOOD REASON TO BELIEVE THAT ALL THE STATEMENTS**
4 **IN THE PETITION ARE TRUE; AND**

5 **(III) REQUESTS THAT THE PETITION BE APPROVED AND THAT**
6 **THE LICENSE BE ISSUED.**

7 **(B) PETITION VERIFICATION.**

8 **THE APPLICANT SHALL VERIFY THE PETITION BY AFFIDAVIT MADE BEFORE A**
9 **NOTARY OR THE CLERK OF THE CIRCUIT COURT.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from the third and fourth sentences of former Art. 2B, § 10-104(b).

12 In subsection (a) of this section, the reference to "residents" is substituted for
13 the former reference to "citizens" because the meaning of the word "citizens"
14 in this context is unclear.

15 Defined term: "License" § 1-101

16 **9-1405. COLLECTION AND DISPOSITION OF LICENSE FEES.**

17 **(A) COLLECTION OF FEES.**

18 **THE BOARD SHALL PROCESS AND THE DIRECTOR OF FINANCE SHALL**
19 **COLLECT THE FEES.**

20 **(B) DISPOSITION OF FEES.**

21 **FROM THE FEES COLLECTED FROM LICENSES ISSUED TO A BUSINESS IN A**
22 **MUNICIPALITY, THE DIRECTOR OF FINANCE SHALL:**

23 **(1) CREDIT 5% TO THE GENERAL FUND OF THE COUNTY TO COVER**
24 **ADMINISTRATIVE COSTS; AND**

25 **(2) PAY 50% OF THE REMAINING FEES TO THE MUNICIPALITY WHERE**
26 **THE BUSINESS IS LOCATED.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10-204(b)(2) and, as it related to accepting and
29 processing fees, § 10-202(c)(1)(i).

1 In this section, the former references to a “place of” business are deleted as
2 surplusage.

3 In subsection (a) of this section, the former reference to the Director of Finance
4 being “the local collecting agent” is deleted as surplusage.

5 Also in subsection (a) of this section, the former reference to the requirement
6 that the Board “accept and process applications” is deleted as included in §
7 4–102 of this article which states that license applications are to be filed with
8 the local licensing board.

9 In subsection (b)(2) of this section, the former reference to a municipality “in
10 the county” is deleted as implicit.

11 Former Art. 2B, § 10–204(b)(1), which stated that former Art. 2B, § 10–204(b)
12 applied only in Allegany County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Defined terms: “Board” § 9–101
15 “County” § 9–101
16 “License” § 1–101

17 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

18 **9–1501. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
21 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
22 **WITHOUT EXCEPTION OR VARIATION:**

23 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

24 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

25 **(3) § 4–207 (“LICENSES ISSUED TO MINORS”);**

26 **(4) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

27 **(5) § 4–212 (“LICENSE NOT PROPERTY”);**

28 **(6) § 4–213 (“REPLACEMENT LICENSES”); AND**

1 **(7) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
2 **APPLICATIONS”).**

3 **(B) EXCEPTIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
5 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE**
6 **COUNTY:**

7 **(1) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”) AND IS**
8 **SUPERSEDED BY § 9-1504 OF THIS SUBTITLE; AND**

9 **(2) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”) AND**
10 **IS SUPERSEDED BY § 9-1506 OF THIS SUBTITLE.**

11 **(C) VARIATIONS.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
13 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

14 **(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
15 **TO § 9-1502 OF THIS SUBTITLE;**

16 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
17 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 9-1503 OF THIS SUBTITLE**
18 **AND SUBTITLE 13, PART III OF THIS TITLE;**

19 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
20 **FOR SAME PREMISES”), SUBJECT TO § 9-1503 OF THIS SUBTITLE; AND**

21 **(4) § 4-209 (“HEARING”), IN ADDITION TO § 9-1505 OF THIS**
22 **SUBTITLE.**

23 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
24 general provisions relating to the issuance of local licenses.

25 **Defined terms: “County” § 9-101**

26 **“License” § 1-101**

27 **“Local licensing board” § 1-101**

28 **9-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

1 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
 2 **LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT**
 3 **HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 9-102(b-3)(1), except as it related to the
 6 renewal of a license by a person that holds an out-of-state license.

7 The reference to "[t]he Board" is added for clarity.

8 The reference to an "out-of-state" license is substituted for the former
 9 reference to a license "in any other state or in Washington, D.C." for brevity.

10 The former reference to a "corporation, or limited liability company" is deleted
 11 as included in the reference to a "person".

12 Defined terms: "Alcoholic beverage" § 1-101

13 "Beer" § 1-101

14 "Board" § 9-101

15 "Light wine" § 9-101

16 "Person" § 1-101

17 "State" § 1-101

18 "Wine" § 1-101

19 **9-1503. BOWLING ESTABLISHMENTS.**

20 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 21 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 22 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

23 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**
 24 **WINE LICENSES; AND**

25 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 26 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 9-102(b-1)(1)(i).

29 In item (1) of this section, the reference to "Class D beer or Class D beer and
 30 light wine licenses" is substituted for the former reference to licenses issued
 31 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

32 In item (2) of this section, the former reference to the premises "operated as"
 33 a bowling establishment is deleted as surplusage.

1 Defined terms: "Beer" § 1-101

2 "License" § 1-101

3 "Light wine" § 9-101

4 **9-1504. NOTICE OF LICENSE APPLICATION.**

5 **(A) PUBLICATION IN NEWSPAPER.**

6 **(1) THE BOARD SHALL PUBLISH A NOTICE OF THE LICENSE**
7 **APPLICATION ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST ONE**
8 **NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY NEAREST TO THE**
9 **LOCATION DESCRIBED IN THE APPLICATION, AS DETERMINED BY THE APPLICANT.**

10 **(2) THE NOTICE SHALL STATE:**

11 **(I) THE RESIDENCE OF THE APPLICANT; AND**

12 **(II) THE LOCATION DESCRIBED IN THE APPLICATION AND THE**
13 **OWNER OF THE LOCATION.**

14 **(3) THE FIRST PUBLICATION UNDER THIS SUBSECTION SHALL BE AT**
15 **LEAST 15 DAYS BEFORE THE APPLICATION HEARING.**

16 **(B) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

17 **(1) IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER §**
18 **4-208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A**
19 **CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT**
20 **LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

21 **(2) A NOTICE UNDER THIS SUBSECTION SHALL STATE THE CLASS OF**
22 **LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION**
23 **SET BY THE BOARD FOR AN APPLICATION HEARING.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10-202(b)(1)(i)1 and (ii) and, as it related to
26 publishing notices of license applications, (c)(1).

27 In subsection (a)(1) of this section, the reference to publication in a newspaper
28 "as determined by the applicant" is substituted for the former reference to
29 "[w]here the publication might be made in one of several newspapers the
30 applicant may designate the one in which the publication shall be made" for
31 brevity.

1 Also in subsection (a)(1) of this section, the reference requiring the Board to
2 “publish a notice of the license application” is substituted for the former
3 reference requiring the Board to “cause notice of each application to be
4 published” for clarity.

5 Also in subsection (a)(1) of this section, the reference to the “location described
6 in the application” is substituted for the former reference to where the
7 “applicant’s proposed place of business is to be located” for consistency with
8 terminology used throughout this article.

9 In subsection (a)(2)(ii) of this section, the reference to the “location described
10 in the application and the owner of the location” is substituted for the former
11 reference to the “location of the place of business and the owner of the premises
12 for which said application is made” for brevity and consistency with other
13 terminology used throughout this article.

14 In subsection (a)(3) of this section, the reference to publication 15 days before
15 “the application hearing” is substituted for the former reference to publication
16 15 days before “the time fixed for the consideration of such application” for
17 clarity and brevity.

18 In subsection (b)(1) of this section, the reference to the “location” is substituted
19 for the former reference to the “premises” for consistency with terminology
20 used throughout this article.

21 Also in subsection (b)(1) of this section, the reference to “post[ing] a suitable
22 notice ... for” at least 10 days is substituted for the former reference to
23 “caus[ing] a suitable sign or notice to be posted and to remain posted for a
24 period of” at least 10 days for brevity.

25 Also in subsection (b)(1) of this section, the reference to an “application
26 hearing” is substituted for the former reference to “action upon the
27 application” for consistency with the language used in subsection (b)(2) of this
28 section.

29 In subsection (b)(2) of this section, the reference to the “date” for an application
30 hearing is added for clarity.

31 Former Art. 2B, § 10–202(c)(2) which provided that any person shall be heard,
32 is deleted as redundant of § 4–209(b) of this article.

33 Defined terms: “Board” § 9–101

34 “License” § 1–101

35 **9–1505. ADDITIONAL BOARD DETERMINATIONS.**

1 **IN A HEARING ON AN APPLICATION OR PROTEST, THE GENERAL REPUTATION**
2 **OF THE FOLLOWING IS ADMISSIBLE:**

3 **(1) THE APPLICANT OR LICENSE HOLDER;**

4 **(2) THE LOCATION DESCRIBED IN THE APPLICATION; AND**

5 **(3) THE PERSONS WHO CONGREGATE AT THE LOCATION DESCRIBED**
6 **IN THE APPLICATION.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 10–202(c)(3).

9 In the introductory language of this section, the reference to a “protest”
10 hearing is substituted for the former reference to hearings on “remonstrances”
11 for clarity.

12 In item (2) of this section, the reference to the “location described in the
13 application” is substituted for the former reference to the “place of business”
14 to conform to terminology used throughout this article.

15 In item (3) of this section, the reference to persons who congregate “at the
16 location described in the application” is substituted for the former reference to
17 persons who congregate “therein or thereat” for clarity.

18 Defined terms: “License holder” § 1–101

19 “Person” § 1–101

20 **9–1506. FACTORS FOR DENIAL.**

21 **(A) APPLICANT AND NEIGHBORHOOD.**

22 **THE BOARD MAY DENY A LICENSE APPLICATION IF IT DECIDES THAT:**

23 **(1) THE APPLICANT IS UNFIT TO BE ISSUED THE LICENSE; OR**

24 **(2) THE LOCATION DESCRIBED IN THE APPLICATION IS NOT A PROPER**
25 **ONE WITH REFERENCE TO ENSURING THE PUBLIC PEACE, GENERAL WELFARE, OR**
26 **CHARACTER OF THE NEIGHBORHOOD.**

27 **(B) LICENSES IN NEIGHBORHOOD.**

28 **DUE REGARD SHALL BE GIVEN TO THE NUMBER OF LICENSES ISSUED FOR A**
29 **NEIGHBORHOOD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9–202(e)(1).

3 In the introductory language of subsection (a) of this section, the reference to
4 the Board “decid[ing]” is substituted for the former references to the Board “in
5 its opinion” and “in [its] discretion” for clarity.

6 In subsection (a)(1) of this section, the reference to “the applicant” is
7 substituted for the former reference to “any petitioner or petitioners” for
8 consistency with terminology used throughout this article.

9 In subsection (a)(2) of this section, the reference to “ensuring” the public peace,
10 general welfare, or character of the neighborhood is added for clarity.

11 Also in subsection (a)(2) of this section, the reference to the “location described
12 in the application” is substituted for the former reference to the “place for
13 which the application for a license is made” for consistency with terminology
14 used throughout this article.

15 Also in subsection (a)(2) of this section, the reference to the “public peace,
16 general welfare, or character of the neighborhood” is substituted for the former
17 reference to the “public peace and general welfare of the neighborhood or to
18 the character of its inhabitants” for clarity.

19 In subsection (b) of this section, the former phrase “as well as all specific
20 restrictions and conditions set forth in this article” is deleted as implicit.

21 Defined terms: “Board” § 9–101
22 “License” § 1–101

23 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

24 **PART I. LICENSING CONDITIONS.**

25 **9–1601. AUTHORITY OF BOARD TO RESTRICT LICENSES.**

26 **(A) IN GENERAL.**

27 **THE BOARD MAY:**

28 **(1) RESTRICT THE NUMBER OF LICENSES IN A NEIGHBORHOOD TO**
29 **THE NUMBER OF LICENSES THAT THE BOARD CONSIDERS SUFFICIENT;**

30 **(2) REGULATE THE USE OF MECHANICAL MUSIC BOXES AND OTHER**
31 **SOUND-MAKING DEVICES; AND**

1 **(3) SPECIFY AREAS IN WHICH LICENSES WILL NOT BE ISSUED.**

2 **(B) RIGHT TO PETITION FOR REVIEW.**

3 **AN APPLICANT OR LICENSE HOLDER WHO IS AGGRIEVED BY ANY LIMITATION,**
4 **RESTRICTION, OR PROHIBITION IMPOSED BY THE BOARD UNDER SUBSECTION (A)**
5 **OF THIS SECTION MAY PETITION FOR JUDICIAL REVIEW.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 9-202(h).

8 In subsection (a)(1) of this section, the former reference to "limit[ing]" the
9 number of licenses is deleted as unnecessary in light of the reference to
10 "restrict[ing]" the number of licenses. Similarly, in subsection (a)(2) of this
11 section, the former reference to "limit[ing]" certain items is deleted as
12 unnecessary in light of the reference to "regulat[ing]" the items.

13 In subsection (b) of this section, the reference to any limitation, restriction, or
14 prohibition imposed by the Board "under subsection (a) of this section" is
15 added for clarity.

16 Also in subsection (b) of this section, the reference to "petition[ing] for judicial
17 review" of certain actions of the Board is substituted for the former reference
18 to "appeal[ing]" those actions for accuracy.

19 Defined terms: "Board" § 9-101

20 "License" § 1-101

21 "License holder" § 1-101

22 **9-1602. POPULATION RESTRICTION FOR CLASS A AND CLASS D BEER, WINE, AND**
23 **LIQUOR LICENSES.**

24 **(A) IN GENERAL.**

25 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE:**

26 **(1) CLASS A AND CLASS D BEER, WINE, AND LIQUOR LICENSES SO**
27 **THAT THE NUMBER OF LICENSES ISSUED IN EACH OF THESE CLASSES EXCEEDS ONE**
28 **FOR EVERY 1,300 RESIDENTS IN THE COUNTY, AS DETERMINED BY THE LATEST**
29 **FEDERAL CENSUS; AND**

30 **(2) CLASS A AND CLASS D BEER LICENSES OR CLASS A AND CLASS D**
31 **BEER AND LIGHT WINE LICENSES SO THAT THE AGGREGATE NUMBER IN THESE**
32 **CLASSES EXCEEDS ONE FOR EVERY 1,300 RESIDENTS IN THE COUNTY, AS**
33 **DETERMINED BY THE LATEST FEDERAL CENSUS.**

1 **(B) TRANSFER OF LICENSE.**

2 **THE BOARD MAY APPROVE THE TRANSFER OF A LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 9–202(e)(2) and (f)(1).

5 In subsection (b) of this section, the former phrase “[s]ubject to the population
6 limitations on licenses elsewhere provided in this article” is deleted as
7 surplusage.

8 Also in subsection (b) of this section, the former prohibition against the Board
9 issuing “any additional beer, wine and liquor Class A or Class D license” is
10 deleted as unnecessary in light of the restrictions against issuing these
11 licenses established in subsection (a) of this section.

12 Also in subsection (b) of this section, the former reference to the transfer of an
13 “existing” license is deleted as implicit.

14 Also in subsection (b) of this section, the former reference to the Board
15 approving the transfer of a license “as elsewhere provided in this article” is
16 deleted as surplusage.

17 Defined terms: “Board” § 9–101

18 “County” § 9–101

19 “License” § 1–101

20 **9–1603. LOCATION RESTRICTION FOR CERTAIN CLASS A, CLASS B, AND CLASS D**
21 **LICENSES.**

22 **(A) SCOPE OF SECTION.**

23 **THIS SECTION APPLIES TO:**

24 **(1) CLASS A BEER LICENSES, BEER AND LIGHT WINE LICENSES, AND**
25 **BEER, WINE, AND LIQUOR LICENSES;**

26 **(2) CLASS B BEER LICENSES, BEER AND LIGHT WINE LICENSES, AND**
27 **BEER, WINE, AND LIQUOR LICENSES; AND**

28 **(3) CLASS D BEER, WINE, AND LIQUOR LICENSES.**

29 **(B) IN GENERAL.**

1 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY**
2 **NOT ISSUE A LICENSE SPECIFIED IN SUBSECTION (A) OF THIS SECTION TO A PERSON**
3 **WHOSE ESTABLISHMENT IS OUTSIDE:**

4 **(1) A MUNICIPALITY; OR**

5 **(2) A COMMUNITY WITH AT LEAST 500 RESIDENTS IN A 1-MILE**
6 **RADIUS.**

7 **(C) EXCEPTIONS.**

8 **SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PROHIBITION AGAINST**
9 **ISSUING A LICENSE IN SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:**

10 **(1) A RESTAURANT THAT DERIVES MORE THAN 50% OF ITS AVERAGE**
11 **MONTHLY GROSS RECEIPTS FROM SALES OTHER THAN ALCOHOLIC BEVERAGES; OR**

12 **(2) A HOTEL OR MOTEL THAT HAS AT LEAST 20 ROOMS REGULARLY**
13 **FOR HIRE AND THAT OFFERS MEALS FOR SALE AS A REGULAR AND SUBSTANTIAL**
14 **PART OF ITS BUSINESS.**

15 **(D) REISSUANCE, RENEWAL, OR TRANSFER OF LICENSE.**

16 **A LICENSE ISSUED UNDER SUBSECTION (C) OF THIS SECTION MAY NOT BE**
17 **REISSUED, RENEWED, OR TRANSFERRED IF THE LICENSE HOLDER FAILS TO**
18 **CONTINUE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 9-202(c).

21 In the introductory language of subsection (b) of this section, the reference to
22 the "Board" is added to state expressly what was only implicit in the former
23 law, that the Board is the governmental unit that issues licenses.

24 Also in the introductory language of subsection (b) of this section, the term
25 "establishment" is used to encompass the former reference to a "location or
26 business" to conform to the terminology used throughout this article.

27 Also in the introductory language of subsection (b) of this section, the reference
28 to a person whose establishment is "outside" a municipality or a community
29 with at least 500 residents is substituted for the former reference to a person
30 whose establishment is "in any part of the county except" a municipality or a
31 community with at least 500 residents for clarity.

1 In subsection (b)(1) of this section, the reference to a “municipality” is
 2 substituted for the former reference to “incorporated towns and cities” to
 3 conform to the terminology used throughout this article.

4 In subsection (b)(2) of this section, the former reference to “bona fide” residents
 5 is deleted as surplusage.

6 In subsection (c)(2) of this section, the former reference to “lodging” rooms is
 7 deleted as surplusage.

8 Also in subsection (c)(2) of this section, the former reference to rooms “or units
 9 regularly for hire as such” is deleted as surplusage.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “Board” § 9–101

12 “Hotel” § 1–101

13 “License” § 1–101

14 “License holder” § 1–101

15 “Person” § 1–101

16 “Restaurant” § 1–101

17 **9–1604. LIMIT ON CLASS C LICENSES.**

18 **NOT MORE THAN 60 CLASS C LICENSES MAY BE IN EXISTENCE AT ANY ONE**
 19 **TIME.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 9–202(g).

22 The former reference to Class C licenses “issued for the retail sale of alcoholic
 23 beverages” is deleted as surplusage.

24 **9–1605. PROHIBITION AGAINST CHAIN STORES, SUPERMARKETS, AND DISCOUNT**
 25 **HOUSES.**

26 **A CLASS A, CLASS B, OR CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT**
 27 **BE ISSUED FOR, TRANSFERRED TO, USED IN CONJUNCTION WITH, USED AT A**
 28 **LOCATION HAVING A DIRECT OR INDIRECT CONNECTION WITH, OR USED AT THE**
 29 **LOCATION OF:**

30 **(1) A CHAIN STORE;**

31 **(2) A SUPERMARKET; OR**

32 **(3) A DISCOUNT HOUSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9-202(i).

3 In the introductory language of this section, the reference to the "location" is
4 substituted for the former reference to the "premises" for clarity.

5 Also in the introductory language of this section, the former reference to a
6 license being "granted" is deleted as unnecessary in light of the reference to a
7 license being "issued".

8 Also in the introductory language of this section, the former phrase "access to"
9 is deleted as redundant of the reference to "connection with".

10 Also in the introductory language of this section, the former phrase "any food,
11 drug or pharmaceutical, or other business establishment of the type commonly
12 known as" a chain store, supermarket, or discount house is deleted as
13 surplusage.

14 **9-1606. STREET FRONTAGE AND UNOBSTRUCTED VIEW.**

15 **(A) STREET FRONTAGE REQUIRED.**

16 **EXCEPT FOR A CLUB, HOTEL, OR MOTEL, THE BOARD MAY NOT ISSUE A**
17 **LICENSE FOR AN ESTABLISHMENT THAT DOES NOT FRONT ON A PUBLIC STREET.**

18 **(B) FULL VIEW REQUIRED.**

19 **A BLIND OR AN OBSTRUCTION MAY NOT PREVENT AN INDIVIDUAL PASSING**
20 **ALONG THE STREET FROM HAVING A FULL VIEW OF THE LICENSED PREMISES.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 9-202(d).

23 In subsection (a) of this section, the reference to the "Board" is added to state
24 expressly what was only implicit in the former law, that the Board is the
25 governmental unit that issues licenses.

26 Also in subsection (a) of this section, the reference to "an establishment" is
27 substituted for the former reference to "premises" to conform to the
28 terminology used throughout this article.

29 In subsection (b) of this section, the reference to "individual[s]" is substituted
30 for the former reference to "persons" because only human beings may have a
31 view of an object.

1 Former Art. 2B, § 9–202(a), which stated that Art. 2B, § 9–202 applied only in
2 Allegany County, is deleted as unnecessary in light of the organization of this
3 revised article.

4 Defined terms: “Board” § 9–101
5 “Club” § 1–101
6 “Hotel” § 1–101
7 “License” § 1–101

8 **9–1607. RESERVED.**

9 **9–1608. RESERVED.**

10 **PART II. MULTIPLE LICENSING PLANS.**

11 **9–1609. RESERVED.**

12 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

13 **9–1701. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
16 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
17 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

18 **(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

19 **(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
20 **REQUIRED”); AND**

21 **(3) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

22 **(B) VARIATIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
24 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
25 **APPLY IN THE COUNTY:**

26 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
27 **LICENSE AND INVENTORY”), SUBJECT TO § 9–1702 OF THIS SUBTITLE; AND**

1 **(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO §**
2 **9-1703 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the transfer of licenses and the substitution of
5 names of officers on licenses.

6 Defined terms: “County” § 9-101
7 “License” § 1-101

8 **9-1702. PAYMENT OF TAXES.**

9 **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE**
10 **BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF**
11 **FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE COUNTY OR**
12 **THE STATE ARE PAID.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 10-503(b)(3).

15 The reference to a requirement to show that “all personal property taxes due
16 the County or the State are paid” is substituted for the former requirement to
17 show that “there are no unpaid taxes due to Allegany County or the State of
18 Maryland on the merchandise, fixtures, or stock of the transferor” for clarity
19 and consistency. *See, e.g.* § 12-1502 of this article.

20 The former phrase “within its jurisdiction” is deleted as unnecessary because
21 the authority of the Board does not extend outside of its jurisdiction.

22 Defined terms: “Board” § 9-101
23 “County” § 9-101
24 “License” § 1-101
25 “State” § 1-101

26 **9-1703. FEE.**

27 **THE FEE FOR A TRANSFER OF A LICENSE IS \$200.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 10-503(b)(2).

30 The former reference to an “assignment” of a license is deleted as included in
31 the reference to a “transfer” of a license.

1 Former Art. 2B, § 10–503(b)(1), which stated that former Art. 2B, § 10–503(b)
 2 applied only in Allegany County, is deleted as unnecessary in light of the
 3 organization of this revised article.

4 Defined term: “License” § 1–101

5 **9–1704. POPULATION RESTRICTION FOR TRANSFER OF CERTAIN CLASS A, CLASS**
 6 **B, AND CLASS D LICENSES.**

7 **THE BOARD MAY NOT TRANSFER A LICENSE THAT IS ISSUED UNDER § 9–1603**
 8 **OF THIS TITLE UNLESS THE LICENSE HOLDER CONTINUES TO COMPLY WITH THE**
 9 **REQUIREMENTS OF § 9–1602 OF THIS TITLE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
 11 change from the second sentence of former Art. 2B, § 9–202(c)(2), as it related
 12 to the transfer of a license.

13 The reference to “a license that is issued under § 9–1603 of this title” is
 14 substituted for the former reference to “[a]ny license issued under this
 15 exception to a restaurant, hotel, or motel” to reflect the revision of the first
 16 sentence of former Art. 2B, § 9–202(c)(2) in § 9–1603 of this title. Similarly,
 17 the reference to the requirements of “§ 9–1602 of this title” is substituted for
 18 the former reference to the requirements of “this section”.

19 Defined terms: “Board” § 9–101

20 “License” § 1–101

21 “License holder” § 1–101

22 **SUBTITLE 18. RENEWAL OF LICENSES.**

23 **9–1801. APPLICATION OF GENERAL PROVISIONS.**

24 **TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF**
 25 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

26 REVISOR’S NOTE: This section is new language added to incorporate by reference
 27 general provisions relating to the renewal of local licenses.

28 Defined terms: “County” § 9–101

29 “License” § 1–101

30 **9–1802. HOLDERS OF OUT-OF-STATE LICENSES.**

31 **NOTWITHSTANDING § 9–1502 OF THIS TITLE, THE BOARD MAY RENEW A**
 32 **CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**

1 **WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
 2 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 9-102(b-3)(1), as it related to the renewal of a
 5 license by a person who holds an out-of-state license.

6 The phrase "[n]otwithstanding § 9-1502 of this title," is added to clarify that
 7 this section is an exception to § 9-1502.

8 The reference to an "out-of-state" license is substituted for the former
 9 reference to a license "in any other state or in Washington, D.C." for brevity.

10 The reference to the authority of "the Board" to "renew" a license "originally
 11 issued to a holder of an out-of-state" license is substituted for the former
 12 reference to the "except[ion] by way of renewal, to a person, corporation, or
 13 limited liability company holding" an out-of-state license for clarity and to
 14 avoid the implication that a licensee can obtain an out-of-state license after
 15 obtaining the original license and continue to renew the original license.

16 Defined terms: "Alcoholic beverage" § 1-101

17 "Beer" § 1-101

18 "Board" § 9-101

19 "State" § 1-101

20 "Wine" § 1-101

21 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

22 **9-1901. APPLICATION OF GENERAL PROVISIONS.**

23 **(A) WITHOUT EXCEPTION OR VARIATION.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
 25 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
 26 **WITHOUT EXCEPTION OR VARIATION:**

27 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

28 **(2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
 29 **PREMISES");**

30 **(3) § 4-505 ("ALCOHOL AWARENESS PROGRAM");**

31 **(4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");**

1 **(5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

2 **(6) § 4-508 (“DISPLAY OF LICENSE”).**

3 **(B) VARIATION.**

4 **SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I**
 5 **OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 9-1902 OF THIS SUBTITLE.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
 7 general provisions relating to the conduct of local license holders.

8 Defined terms: “Alcoholic beverage” § 1-101

9 “County” § 9-101

10 “License” § 1-101

11 “License holder” § 1-101

12 **9-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

13 **(A) FOR GENERAL PURPOSE OF EMPLOYMENT.**

14 **A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL BETWEEN THE AGES OF 18**
 15 **AND 21 YEARS.**

16 **(B) TO SELL OR SERVE BEER AND LIGHT WINE.**

17 **TO BE ALLOWED TO SELL OR SERVE BEER AND LIGHT WINE, AN INDIVIDUAL**
 18 **SHALL BE AT LEAST 18 YEARS OLD.**

19 **(C) TO SELL OR SERVE LIQUOR.**

20 **TO BE ALLOWED TO SELL OR SERVE LIQUOR, AN INDIVIDUAL SHALL BE AT**
 21 **LEAST 21 YEARS OLD.**

22 REVISOR’S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 12-201(b).

24 Throughout this section, the references to an “individual” are substituted for
 25 the former overly broad references to a “person” because this section applies
 26 only to human beings.

27 In subsection (b) of this section, the phrase “at least 18 years old” is
 28 substituted for the former phrase “between ages 18 and 21 years” to conform
 29 to the terminology used in subsection (c) of this section. Similarly, in
 30 subsection (b) of this section, the phrase “[t]o be allowed to sell or serve beer

1 and light wine” is substituted for the former phrase “may sell or serve beer
2 and light wine”.

3 In subsection (c) of this section, the reference to “liquor” is substituted for the
4 former reference to “distilled spirits” to conform to the terminology used
5 throughout this article.

6 Defined terms: “Beer” § 1–101
7 “License holder” § 1–101
8 “Wine” § 1–101

9 **9–1903. UNDERAGE INDIVIDUALS AT FUNCTIONS HELD ON CLASS C OR CLASS D**
10 **LICENSED PREMISES.**

11 **(A) PRESENCE OF INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

12 **SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A CLASS C OR CLASS**
13 **D LICENSE HOLDER MAY ALLOW INDIVIDUALS UNDER THE AGE OF 21 YEARS ON THE**
14 **PREMISES TO HOLD OR ATTEND A DANCE OR OTHER FUNCTION AT WHICH**
15 **INDIVIDUALS UNDER THE AGE OF 21 YEARS MAY BE PRESENT.**

16 **(B) ALCOHOLIC BEVERAGES PROHIBITED TO BE SOLD OR PRESENT.**

17 **ALCOHOLIC BEVERAGES MAY NOT BE SOLD AT THE FUNCTION OR BE PRESENT**
18 **IN THE ROOM WHERE THE FUNCTION IS HELD.**

19 **(C) ADULT SUPERVISION REQUIRED.**

20 **THE SPONSOR OF THE FUNCTION SHALL PROVIDE ADULT SUPERVISION.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 12–201(i).

23 Throughout this section, the references to an “individual” are substituted for
24 the former overly broad references to a “person” because this section applies
25 only to human beings.

26 In subsection (b) of this section, the word “in” is substituted for the former
27 word “within” for clarity.

28 In subsection (c) of this section, the former reference to “appropriate” adult
29 supervision is deleted as surplusage.

30 Also in subsection (c) of this section, the former reference to adult supervision
31 “at the function” is deleted as surplusage.

1 Defined term: "Alcoholic beverage" § 1-101

2 **9-1904. SALE OF ALCOHOLIC BEVERAGES BY RETAIL DEALERS.**

3 (A) IN GENERAL.

4 A RETAIL DEALER MAY NOT EXTEND CREDIT TO A CUSTOMER.

5 (B) NO SUITS BASED ON ALCOHOLIC BEVERAGES SOLD ON CREDIT.

6 A SUIT MAY NOT BE MAINTAINED BY A RETAIL DEALER AGAINST A PERSON FOR
7 ALCOHOLIC BEVERAGES THAT HAVE BEEN SOLD ON CREDIT.

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 12-201(h).

10 In subsection (a) of this section, the reference to the prohibition against a
11 retail dealer extending credit to a customer is substituted for the former
12 statement that all sales of alcoholic beverages by retail dealers shall be for
13 cash only, for clarity and to avoid the erroneous interpretation that a retail
14 dealer may not accept payment by means other than cash (*e.g.*, credit card).

15 Defined terms: "Alcoholic beverage" § 1-101

16 "Person" § 1-101

17 "Retail dealer" § 1-101

18 **9-1905. SIGNAGE PROHIBITING LIQUOR SALES.**

19 (A) TO BE POSTED ON PREMISES OF LICENSE HOLDER NOT AUTHORIZED TO
20 SELL LIQUOR.

21 AN ESTABLISHMENT LICENSED FOR THE SALE OF BEER OR OF BEER AND WINE
22 SHALL POST AT LEAST FOUR CONSPICUOUS NOTICES ON THE LICENSED PREMISES,
23 INCLUDING A BUILDING, A PARKING LOT, A TERRACE, OR GROUNDS THAT ARE AN
24 INTEGRAL PART OF THE LICENSED PREMISES, STATING "UNLAWFUL TO DRINK OR
25 DISPLAY LIQUOR ON THESE PREMISES."

26 (B) PENALTY.

27 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
28 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE
29 NOT EXCEEDING \$1,000 OR BOTH.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 12–201(j)(3) and (4) and (k).

3 In subsection (b) of this section, the reference to being “guilty of a
4 misdemeanor” is added to state expressly that which was only implied in the
5 former law. In this State, any crime that was not a felony at common law and
6 has not been declared a felony by statute is considered to be a misdemeanor.
7 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
8 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
9 123 Md. 373, 378 (1914).

10 Also in subsection (b) of this section, the former phrase “upon indictment” is
11 deleted as surplusage.

12 Also in subsection (b) of this section, the former reference to “[a]ny licensee or
13 other” person is deleted as included in the defined term “person”.

14 Defined terms: “Beer” § 1–101

15 “Person” § 1–101

16 “Wine” § 1–101

17 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

18 **9–2001. HOURS WHEN CONSUMING ALCOHOLIC BEVERAGES IS PROHIBITED.**

19 **(A) PROHIBITION AGAINST INDIVIDUAL.**

20 **(1) UNLESS OTHERWISE PROVIDED UNDER THIS TITLE, FROM 1 A.M.**
21 **TO 7 A.M. ON MONDAY THROUGH SATURDAY AND AFTER 1 A.M. ON SUNDAY, AN**
22 **INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED**
23 **UNDER THIS TITLE.**

24 **(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED**
25 **UNDER THIS TITLE MAY NOT ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES**
26 **THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

27 **(B) PENALTY.**

28 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
29 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.**

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 11–304(b)(1)(iii), (iv), and (v) and (4).

1 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
2 under this title” is added for clarity.

3 Also in subsection (a)(1) of this section, the reference to an “individual” is
4 substituted for the former reference to a “person” because the prohibition
5 against consumption applies only to human beings.

6 Also in subsection (a)(1) of this section, the reference to a “premises licensed
7 under this title” is substituted for the former references to any “[p]remises
8 open to the general public”, “[p]lace operated as a club”, “[p]lace of public
9 entertainment”, and “[p]lace at which setups or other component parts of
10 mixed alcoholic drinks are sold under any license issued under the provisions
11 of this article” for brevity.

12 In subsection (a)(2) of this section, the reference to “a premises licensed under
13 this title” is substituted for the former reference to “the premises” for
14 consistency with the terminology used in subsection (a)(1) of this section.

15 In subsection (b) of this section, the former minimum penalty of \$50 is deleted
16 to conform to the statement of legislative policy in § 14–102 of the Criminal
17 Law Article, which sets forth the general rule that, notwithstanding a
18 statutory minimum penalty, a court may impose a lesser penalty of the same
19 character.

20 Defined terms: “Alcoholic beverage” § 1–101
21 “Person” § 1–101

22 **9–2002. BEER LICENSES.**

23 **(A) CLASS A BEER LICENSE.**

24 **EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND**
25 **JANUARY 1, A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY**
26 **THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.**

27 **(B) CLASS B BEER LICENSE.**

28 **RESERVED.**

29 **(C) CLASS C BEER LICENSE.**

30 **(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR**
31 **DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER LICENSE MAY SELL**
32 **BEER:**

1 **(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND**
2 **OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

3 **(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1**
4 **P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

5 1. **PAYS AN ADDITIONAL FEE OF \$250; OR**

6 2. **IS ISSUED A 2-DAY SUNDAY SALES PERMIT IN**
7 **ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

8 **(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO**
9 **A HOLDER OF A CLASS C BEER LICENSE.**

10 **(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED**
11 **NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

12 **(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER**
13 **TO SELL BEER FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS**
14 **IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

15 **(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS**
16 **USED.**

17 **(D) CLASS D BEER LICENSE.**

18 **(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR**
19 **DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER LICENSE MAY SELL**
20 **BEER:**

21 **(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND**
22 **OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

23 **(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1**
24 **P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

25 1. **PAYS AN ADDITIONAL FEE OF \$250; AND**

26 2. **IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN**
27 **A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE**
28 **MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE**
29 **RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

1 (III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT
2 ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

3 (2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO
4 A HOLDER OF A CLASS D BEER LICENSE.

5 (II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED
6 NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

7 (III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER
8 TO SELL BEER FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS
9 IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

10 (IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS
11 USED.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to
14 beer licenses, (1).

15 In this section and throughout this subtitle, the permissible hours of sale for
16 a holder of the particular license that is the subject of the section – in this
17 case, the beer licenses – are stated rather than the prohibited hours of sale for
18 “any person having a license under this article” for clarity and to conform to
19 the organizational scheme of this subtitle.

20 In this section, the references to “beer” are substituted for the former
21 references to the broader term “intoxicating beverages” in accordance with the
22 scope of this section.

23 In subsection (d)(1)(ii)2 of this section, the former definition of “restaurant” is
24 incorporated into the substantive law for brevity and to avoid possible
25 confusion because “restaurant” is a term defined for the entire article, but the
26 word has a somewhat different meaning in this section.

27 Defined terms: “Beer” § 1-101

28 “Board” § 9-101

29 “License” § 1-101

30 **9-2003. BEER AND LIGHT WINE LICENSES.**

31 (A) CLASS A BEER AND LIGHT WINE LICENSE.

32 EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND
33 JANUARY 1, A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL

1 BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY FROM 7 A.M. TO 2 A.M.
2 THE FOLLOWING DAY.

3 (B) CLASS B BEER AND LIGHT WINE LICENSE.

4 RESERVED.

5 (C) CLASS C BEER AND LIGHT WINE LICENSE.

6 (1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR
7 DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER AND LIGHT WINE
8 LICENSE MAY SELL BEER AND LIGHT WINE:

9 (I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND
10 OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;

11 (II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1
12 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:

13 1. PAYS AN ADDITIONAL FEE OF \$250; OR

14 2. IS ISSUED A 2-DAY SUNDAY SALES PERMIT IN
15 ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

16 (2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO
17 A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE.

18 (II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED
19 NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.

20 (III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER
21 TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION ON NOT MORE
22 THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

23 (IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS
24 USED.

25 (D) CLASS D BEER AND LIGHT WINE LICENSE.

26 (1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR
27 DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER AND LIGHT WINE
28 LICENSE MAY SELL BEER AND LIGHT WINE:

1 **(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND**
 2 **OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

3 **(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1**
 4 **P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

5 1. **PAYS AN ADDITIONAL FEE OF \$250; AND**

6 2. **IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN**
 7 **A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE**
 8 **MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE**
 9 **RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

10 **(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT**
 11 **ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

12 **(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO**
 13 **A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE.**

14 **(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED**
 15 **NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

16 **(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER**
 17 **TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION ON NOT MORE**
 18 **THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

19 **(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS**
 20 **USED.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to
 23 beer and light wine licenses, (1).

24 In this section and throughout this subtitle, the permissible hours of sale for
 25 a holder of the particular license that is the subject of the section – in this
 26 case, the beer and light wine licenses – are stated rather than the prohibited
 27 hours of sale for “any person having a license under this article” for clarity and
 28 to conform to the organizational scheme of this subtitle.

29 In this section, the references to “beer and light wine” are substituted for the
 30 former references to the broader term “intoxicating beverages” in accordance
 31 with the scope of this section.

32 In subsection (d)(1)(ii)2 of this section, the former definition of “restaurant” is
 33 incorporated into the substantive law for brevity and to avoid possible

1 confusion because “restaurant” is a term defined for the entire article, but the
2 word has a somewhat different meaning in this section.

3 Defined terms: “Beer” § 1–101
4 “Board” § 9–101
5 “License” § 1–101
6 “Wine” § 1–101

7 **9–2004. BEER, WINE, AND LIQUOR LICENSES.**

8 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

9 **EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND**
10 **JANUARY 1, A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL**
11 **BEER, WINE, AND LIQUOR FOR OFF–PREMISES CONSUMPTION ON MONDAY**
12 **THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.**

13 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

14 **(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR**
15 **DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR**
16 **LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

17 **(I) ON MONDAY THROUGH SATURDAY, FOR ON–PREMISES AND**
18 **OFF–PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

19 **(II) ON SUNDAY, FOR ON–PREMISES CONSUMPTION, FROM 1**
20 **P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

21 **1. PAYS AN ADDITIONAL FEE OF \$250;**

22 **2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN**
23 **A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE**
24 **MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE**
25 **RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

26 **3. IS ISSUED A 2–DAY SUNDAY SALES PERMIT IN**
27 **ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

28 **(2) (I) THE BOARD MAY ISSUE A 2–DAY SUNDAY SALES PERMIT TO**
29 **A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE, INCLUDING A CLASS B**
30 **BEER, WINE, AND LIQUOR LICENSE ISSUED FOR USE IN A RESTAURANT OR BANQUET**
31 **ROOM IN A HOTEL OR MOTEL.**

1 **(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED**
2 **NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

3 **(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER**
4 **TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE**
5 **THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

6 **(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS**
7 **USED.**

8 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

9 **(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR**
10 **DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR**
11 **LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

12 **(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND**
13 **OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

14 **(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1**
15 **P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

16 **1. PAYS AN ADDITIONAL FEE OF \$250; OR**

17 **2. IS ISSUED A 2-DAY SUNDAY SALES PERMIT IN**
18 **ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

19 **(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO**
20 **A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

21 **(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED**
22 **NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

23 **(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER**
24 **TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE**
25 **THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

26 **(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS**
27 **USED.**

28 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

1 **(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR**
2 **DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR**
3 **LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

4 **(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND**
5 **OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

6 **(II) ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF**
7 **THE HOLDER:**

8 **1. PAYS AN ADDITIONAL FEE OF \$250; AND**

9 **2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN**
10 **A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE**
11 **MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE**
12 **RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

13 **(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT**
14 **ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

15 **(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO**
16 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

17 **(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED**
18 **NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

19 **(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER**
20 **TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE**
21 **THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

22 **(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS**
23 **USED.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to
26 beer, wine, and liquor licenses, (1).

27 In this section and throughout this subtitle, the permissible hours of sale for
28 a holder of the particular license that is the subject of the section – in this
29 case, beer, wine, and liquor licenses – are stated rather than the prohibited
30 hours of sale for “any person having a license under this article” for clarity and
31 to conform to the organizational scheme of this part.

1 In this section, the references to “beer, wine, and liquor” are substituted for
 2 the former references to the broader term “intoxicating beverages” in
 3 accordance with the scope of this subtitle.

4 In subsections (b)(1)(ii)2 and (d)(1)(ii)2 of this section, references to the former
 5 definition of “restaurant” are incorporated into the substantive law for brevity
 6 and to avoid possible confusion because “restaurant” is a term defined for the
 7 entire article, but the word has a somewhat different meaning in this section.

8 Also in subsections (b)(1)(ii)2 and (d)(1)(ii)2 of this section, the former
 9 references to “[e]xcept as provided under § 6–201(b) of this article for purposes
 10 of this section” are deleted as surplusage.

11 In subsection (b)(2)(i) of this section, the former reference to a license issued
 12 for use in a restaurant or banquet room in a hotel or motel “as provided under
 13 § 6–201(b) of this article” is deleted as surplusage.

14 Defined terms: “Beer” § 1–101

15 “Board” § 9–101

16 “Hotel” § 1–101

17 “License” § 1–101

18 “Wine” § 1–101

19 **9–2005. HOURS FOR DECEMBER 31 AND JANUARY 1.**

20 **THE BOARD SHALL DETERMINE THE HOURS OF SALE FOR DECEMBER 31 AND**
 21 **JANUARY 1, REGARDLESS OF THE DAYS OF THE WEEK ON WHICH THOSE DATES FALL.**

22 REVISOR’S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 11–402(b)(2).

24 The reference to “hours of sale” is substituted for the former reference to “the
 25 hour at which establishments serving alcoholic beverages must cease sales”
 26 for brevity.

27 The phrase “for December 31 and January 1” is substituted for the former
 28 phrase “on New Year’s Eve Day and on New Year’s Day” for clarity.

29 The former reference to the Board determining “within their sole discretion”
 30 is deleted as surplusage.

31 Former Art. 2B, § 11–402(a), which stated that former Art. 2B, § 11–402
 32 applied “primarily to January 1 of each year, New Year’s Day but may also
 33 apply to December 24 and 31, as specified for each jurisdiction”, is deleted as
 34 unnecessary in light of the organization of this revised article.

1 Former Art. 2B, § 11-402(b)(1), which stated that former Art. 2B, § 11-402(b)
2 applied only in Allegany County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Former Art. 2B, § 11-403(b)(4), which stated that Sunday sales when New
5 Year's Eve or New Year's Day falls on a Sunday are governed by former §
6 11-402(b), is deleted as surplusage.

7 Defined term: "Board" § 9-101

8 **9-2006. ELECTION DAY.**

9 **A LICENSE HOLDER WHOSE PREMISES ARE ALSO USED AS A POLLING PLACE**
10 **MAY NOT EXERCISE ANY PRIVILEGE CONFERRED BY THAT LICENSE ON THE DAY OF**
11 **AN ELECTION WHEN THE POLLS ARE OPEN.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11-401(b)(1).

14 Former Art. 2B, § 11-401(b)(2) through (24), which listed all of the
15 jurisdictions exempt from the general prohibition, is deleted as unnecessary
16 because the general prohibition applies only to Talbot County and is revised
17 in § 30-2005 of this article.

18 Defined terms: "License" § 1-101
19 "License holder" § 1-101

20 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

21 **9-2101. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND**
24 **SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE**
25 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

26 **(1) § 4-602 ("POWER OF LOCAL LICENSING BOARD"); AND**

27 **(2) § 4-605 ("NUDITY AND SEXUAL DISPLAYS").**

28 **(B) EXCEPTION.**

1 **SECTION 4-606 (“EFFECTS OF REVOCATION”) OF DIVISION I OF THIS ARTICLE**
 2 **DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 9-2105 OF THIS**
 3 **SUBTITLE.**

4 **(C) VARIATIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
 6 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
 7 **COUNTY:**

8 **(1) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”),**
 9 **SUBJECT TO §§ 9-2102 AND 9-2103 OF THIS SUBTITLE; AND**

10 **(2) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”),**
 11 **SUBJECT TO § 9-2104 OF THIS SUBTITLE.**

12 REVISOR’S NOTE: This section is new language added to incorporate by reference
 13 general provisions relating to the revocation and suspension of local licenses.

14 Former Art. 2B, § 10-405(a)(1), which stated that the provisions of former §
 15 10-405, which related to nudity and sexual displays, applied to Allegany
 16 County, is deleted as unnecessary in light of the organization of this revised
 17 article.

18 Defined terms: “County” § 9-101

19 “License” § 1-101

20 “Local licensing board” § 1-101

21 **9-2102. PROCEDURES TO INITIATE COMPLAINT.**

22 **IN ADDITION TO THE REVOCATION AND SUSPENSION PROCEDURES PROVIDED**
 23 **UNDER § 4-603(A) OF THIS ARTICLE, A COMPLAINT MAY BE MADE BY AT LEAST 10**
 24 **PERSONS IN THE VICINITY OF THE LICENSED PREMISES.**

25 REVISOR’S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 10-403(b).

27 The phrase “[i]n addition to the revocation and suspension procedures
 28 provided under § 4-603(a) of this article,” is added for clarity.

29 The reference to the vicinity “of the licensed premises” is substituted for the
 30 former reference to the vicinity “in which any licensed place of business is
 31 situated” for brevity and to conform to the terminology used throughout this
 32 article.

1 Defined term: "Person" § 1-101

2 **9-2103. ADMISSIBLE EVIDENCE IN HEARING.**

3 **IN A HEARING ON A COMPLAINT FOR REVOCATION OR SUSPENSION OF A**
4 **LICENSE, ADMISSIBLE EVIDENCE INCLUDES THE GENERAL REPUTATION OF:**

5 **(1) THE APPLICANT OR LICENSE HOLDER;**

6 **(2) THE ESTABLISHMENT; AND**

7 **(3) THE INDIVIDUALS WHO CONGREGATE AT THE ESTABLISHMENT.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10-202(c)(3), as it related to complaints for
10 revocation or suspension.

11 In the introductory language of this section, the reference to a "complaint for
12 revocation or suspension" is substituted for the former reference to
13 "remonstrances" for clarity.

14 In item (2) of this section, the reference to the "establishment" is substituted
15 for the former reference to the "place of business" to conform to the
16 terminology used throughout this article.

17 Defined terms: "License" § 1-101

18 "License holder" § 1-101

19 **9-2104. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

20 **IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION PROVIDED**
21 **UNDER § 4-604 OF THIS ARTICLE, THE BOARD SHALL REVOKE OR SUSPEND A**
22 **LICENSE FOR CONVICTION OF THE LICENSE HOLDER'S AGENT OR EMPLOYEE FOR A**
23 **VIOLATION OF THIS ARTICLE.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10-401(b).

26 The phrase "[i]n addition to the grounds for revocation or suspension provided
27 under § 4-604 of this article," is added for clarity.

28 The former reference to "the licensee" is deleted as included under § 4-604 of
29 this article.

1 The former reference to “any one or more of the clerks ... and servants” is
2 deleted as included in the reference to “agent or employee”.

3 The former reference to a violation “on the part of any such persons of any of
4 the provisions” of this article is deleted as surplusage.

5 Defined terms: “Board” § 9–101
6 “License” § 1–101
7 “License holder” § 1–101

8 **9–2105. EFFECTS OF REVOCATION.**

9 **IF A LICENSE IS REVOKED BECAUSE THE LICENSE HOLDER WAS CONVICTED**
10 **OF VIOLATING THIS ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE**
11 **THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX, THE BOARD MAY NOT ISSUE A**
12 **LICENSE TO THE FORMER LICENSE HOLDER OR FOR THE PREMISES WITHIN 1 YEAR**
13 **AFTER THE CONVICTION.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10–404(b).

16 The reference to 1 year “after the conviction” is substituted for the former
17 reference to 1 year “thereafter” for clarity.

18 The reference to the “former license holder” is substituted for the former
19 reference to the “same person” for clarity.

20 Defined terms: “Alcoholic beverage” § 1–101
21 “Board” § 9–101
22 “License” § 1–101
23 “License holder” § 1–101

24 **SUBTITLE 22. EXPIRATION OF LICENSES.**

25 **9–2201. APPLICATION OF GENERAL PROVISIONS.**

26 **(A) WITHOUT EXCEPTION OR VARIATION.**

27 **SECTION 4–702(A) (“ON DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
28 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

29 **(B) EXCEPTIONS.**

30 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL**
31 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

1 (1) § 4-702(B) (“AFTER VACATION OF OR EVICTION FROM
2 PREMISES”);

3 (2) § 4-703 (“PENDING OR APPROVED TRANSFERS OR CONTINUATION
4 OF BUSINESS”);

5 (3) § 4-704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);
6 AND

7 (4) § 4-705 (“POSTPONEMENT TO AVOID HARDSHIP”).

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 the general provisions relating to the expiration of local licenses.

10 Defined terms: “County” § 9-101

11 “License” § 1-101

12 “License holder” § 1-101

13 **9-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.**

14 **(A) 180-DAY RULE.**

15 **A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE**
16 **BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT**
17 **THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:**

18 **(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER**
19 **LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN**
20 **APPROVED OR IS PENDING;**

21 **(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A**
22 **RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS**
23 **TITLE HAS BEEN APPROVED OR IS PENDING; OR**

24 **(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER**
25 **SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.**

26 **(B) APPLICATION FOR HARDSHIP EXTENSION.**

27 **(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED**
28 **PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE**
29 **LICENSE DUE TO HARDSHIP.**

1 **(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS**
2 **AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING**
3 **OF BUSINESS OPERATIONS.**

4 **(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE**
5 **BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC**
6 **BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS**
7 **HELD.**

8 **(C) START AND RESTART OF UNEXPIRED PERIOD.**

9 **(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED**
10 **UNEXPIRED:**

11 **(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS**
12 **OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND**

13 **(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR**
14 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

15 **(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF**
16 **THE FOLLOWING EVENTS:**

17 **(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A**
18 **REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;**

19 **(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION**
20 **DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;**

21 **(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL**
22 **REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY**
23 **SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR**

24 **(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE**
25 **BOARD'S ACTION.**

26 **(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A)**
27 **OR (B) OF THIS SECTION IS WITHDRAWN:**

28 **(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE**
29 **MAY NOT BE SUSPENDED; AND**

1 **(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS**
2 **IF IT HAD NOT BEEN FILED.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–504(h)(2) through (4), (5)(ii), and (6).

5 In the introductory language of subsection (a) and in subsection (b)(3) of this
6 section, the references to stopping alcoholic beverages business operations “at
7 the premises” for which the license is held are substituted for the former
8 references to stopping alcoholic beverages business operations “of the
9 business” for which the license is held to conform to the terminology used
10 throughout this article.

11 In subsection (a)(2) of this section, the reference to “a certificate of permission
12 or a renewal license for continuation of business” is added for clarity.

13 In subsection (b)(1) and (2) of this section, the former references to “undue”
14 hardship are deleted as surplusage.

15 In subsection (b)(3) of this section, the requirement that an extension does not
16 “prolong the life of the license beyond 360 days” after the closing or stopping
17 of business operations is substituted for the former reference to a request for
18 an extension “for a time period of no more than a cumulative period of 360
19 days” after the closing or stopping of business for brevity.

20 In the introductory language of subsection (c)(1) of this section, the reference
21 to the period “for which a license may be considered unexpired” is added for
22 clarity.

23 Also in the introductory language of subsection (c)(1) of this section, the former
24 reference to a “time” period is deleted as surplusage.

25 In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that
26 may or may not be “suspended” are substituted for the former references to a
27 period that may or may not be “toll[ed]” for clarity.

28 In the introductory language of subsection (c)(2) of this section, the former
29 phrase “cumulatively to the time period before the filing of the application or
30 request” is deleted as implicit in the word “resumes”.

31 In subsection (c)(2)(iii) of this section, the reference to judicial review being
32 “granted” is substituted for the former reference to judicial review being
33 “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates
34 to “dismissal” of a petition for judicial review.

1 Former Art. 2B, § 10–504(h)(1)(i), which stated that former Art. 2B, §
2 10–504(h) applied only in Allegany County, is deleted as unnecessary in light
3 of the organization of this revised article.

4 Former Art. 2B, § 10–504(h)(1)(ii), which defined “Board” to mean the Board
5 of License Commissioners for Allegany County, is deleted in light of the same
6 term defined in § 9–101 of this title.

7 Former Art. 2B, § 10–504(h)(5)(i), which stated the intent for the total period
8 of time for which a license may be deemed unexpired, is deleted as
9 unnecessary in light of subsections (a) and (b) of this section.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “Board” § 9–101

12 “License” § 1–101

13 “License holder” § 1–101

14 “Person” § 1–101

15 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

16 **9–2301. APPLICATION OF GENERAL PROVISIONS.**

17 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
18 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to the death of a local license holder.

21 Defined terms: “County” § 9–101

22 “License holder” § 1–101

23 **SUBTITLE 24. JUDICIAL REVIEW.**

24 **9–2401. APPLICATION OF GENERAL PROVISIONS.**

25 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
26 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

27 REVISOR’S NOTE: This section is new language added to incorporate by reference
28 general provisions relating to the appeal of the decisions of the Board.

29 Defined term: “County” § 9–101

30 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

1 **9-2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
2 **BEVERAGES IS PROHIBITED.**

3 (A) **PROHIBITION AGAINST INDIVIDUAL.**

4 (1) **AN INDIVIDUAL MAY NOT POSSESS OR CONSUME AN ALCOHOLIC**
5 **BEVERAGE DURING THE HOURS STATED IN PARAGRAPH (2) OF THIS SUBSECTION IN**
6 **AN ESTABLISHMENT THAT:**

7 (I) **IS NOT LICENSED BY THE BOARD; BUT**

8 (II) **IS:**

9 1. **A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE**
10 **STUDIO, OR DISCO;**

11 2. **A PLACE OF PUBLIC ENTERTAINMENT;**

12 3. **A PLACE OPEN TO THE PUBLIC;**

13 4. **A PLACE THAT IS LICENSED BY THE STATE OR THE**
14 **COUNTY; OR**

15 5. **A PLACE AT WHICH SETUPS OR OTHER COMPONENT**
16 **PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD.**

17 (2) **THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION**
18 **IS IN EFFECT:**

19 (I) **FROM MONDAY TO SATURDAY, FROM 1 A.M. TO 7 A.M.; AND**

20 (II) **ON SUNDAY, AFTER 1 A.M.**

21 (B) **PROHIBITION AGAINST OWNER OR MANAGER.**

22 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT UNDER SUBSECTION (A) OF**
23 **THIS SECTION MAY NOT ALLOW CONSUMPTION OR POSSESSION OF ALCOHOLIC**
24 **BEVERAGES THAT IS PROHIBITED UNDER THIS SECTION.**

25 (C) **PENALTY.**

26 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
27 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11–304(b)(1)(ii) and (iii), (2), and (4).

3 In subsection (a)(1) of this section, the reference to an “establishment” is
4 substituted for the former reference to “premises” to avoid the implication that
5 the establishment is licensed.

6 In subsection (a)(1)(i) of this section, the phrase “by the Board” is substituted
7 for the former phrase “under this article” for clarity.

8 In subsection (a)(1)(ii)3 of this section, the former reference to the “general”
9 public is deleted as surplusage.

10 In subsection (b) of this section, the former reference to an “operator” is deleted
11 as included in the reference to a “manager”.

12 In subsection (c) of this section, the former minimum penalty of \$50 is deleted
13 to conform to the statement of legislative policy in § 14–102 of the Criminal
14 Law Article, which sets forth the general rule that, notwithstanding a
15 statutory minimum penalty, a court may impose a lesser penalty of the same
16 character.

17 Former Art. 2B, § 11–304(b)(1)(i), which provided that former Art. 2B, §
18 11–304(b) applied only in Allegany County, is deleted as unnecessary in light
19 of the organization of this revised article.

20 Defined terms: “Alcoholic beverage” § 1–101

21 “Board” § 9–101

22 “Club” § 1–101

23 “County” § 9–101

24 “Person” § 1–101

25 “Restaurant” § 1–101

26 “State” § 1–101

27 SUBTITLE 26. ENFORCEMENT.

28 9–2601. APPLICATION OF GENERAL PROVISIONS.

29 (A) WITHOUT EXCEPTION OR VARIATION.

30 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF
31 DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
32 VARIATION:

33 (1) § 6–202 (“INSPECTIONS”);

1 (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND
2 QUALITY OF ALCOHOLIC BEVERAGES”);

3 (3) § 6-204 (“POWER TO SUMMON WITNESSES”);

4 (4) § 6-205 (“PEACE OFFICERS”);

5 (5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
6 ALCOHOLIC BEVERAGE”);

7 (6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
8 EVIDENCE OF SALE”);

9 (7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
10 ALCOHOL IN PUBLIC PLACES”); AND

11 (8) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY
12 INTOXICATION LAWS”).

13 **(B) VARIATIONS.**

14 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
15 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

16 (1) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
17 CONSUMPTION”), SUBJECT TO § 9-2602 OF THIS SUBTITLE; AND

18 (2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 9-2603 OF
19 THIS SUBTITLE.

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to enforcement.

22 Defined terms: “Alcoholic beverage” § 1-101

23 “County” § 9-101

24 “State” § 1-101

25 **9-2602. AUTHORITY OF MUNICIPALITY TO REGULATE LICENSE HOLDERS.**

26 **A MUNICIPALITY IN THE COUNTY MAY PASS AN ORDINANCE CONSISTENT WITH**
27 **THIS ARTICLE TO REGULATE LICENSE HOLDERS LOCATED WITHIN THE LIMITS AND**
28 **UP TO 1 MILE BEYOND THE LIMITS OF THE MUNICIPALITY TO ASSIST IN THE**
29 **ENFORCEMENT OF THIS ARTICLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16-411.

3 The phrase "to regulate all license holders" is substituted for the former
4 phrase "providing for the regulations and control of all licensees under this
5 article" for brevity.

6 The phrase "located up to 1 mile beyond the limits of the municipality" is
7 substituted for the former phrase "which shall be situate within the limits of
8 the said city, town or municipality, or within one mile thereof" for brevity and
9 clarity.

10 Defined terms: "County" § 9-101
11 "License holder" § 1-101

12 **9-2603. DISTRIBUTION OF FINES.**

13 **FINES IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS FOLLOWS:**

14 **(1) ONE-HALF OF EACH FINE AS PROVIDED UNDER § 7-507 OF THE**
15 **COURTS ARTICLE; AND**

16 **(2) (I) IF THE OFFENSE IS COMMITTED IN A MUNICIPALITY,**
17 **ONE-QUARTER TO THE MUNICIPALITY AND ONE-QUARTER TO THE COUNTY; OR**

18 **(II) IF THE OFFENSE IS COMMITTED OUTSIDE OF A**
19 **MUNICIPALITY, ONE-HALF TO THE COUNTY.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 16-502(b).

22 In item (2)(i) of this section, the former phrase "as the case may be" is deleted
23 as surplusage.

24 Defined term: "County" § 9-101

25 **SUBTITLE 27. PROHIBITED ACTS.**

26 **9-2701. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
2 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
3 VARIATION:

4 (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

5 (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
6 INDIVIDUAL”);

7 (3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF
8 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

9 (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR
10 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
11 YEARS”);

12 (5) § 6–310 (“PROVIDING FREE FOOD”);

13 (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
14 DEALER”);

15 (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);

16 (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
17 CONTAINER”);

18 (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
19 DETACHABLE METAL TAB”);

20 (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
21 REGULAR LABEL PRESUMED ILLICIT”);

22 (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);

23 (12) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC
24 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

25 (13) § 6–320 (“DISORDERLY INTOXICATION”);

26 (14) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
27 PUBLIC”);

28 (15) § 6–322 (“POSSESSION OF OPEN CONTAINER”);

1 (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
2 MACHINE”);

3 (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
4 BEVERAGES”);

5 (18) § 6-327 (“TAX EVASION”);

6 (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

7 (20) § 6-329 (“PERJURY”).

8 **(B) VARIATIONS.**

9 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
10 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

11 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
12 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 9-2702 OF THIS**
13 **SUBTITLE; AND**

14 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
15 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 9-2703 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to prohibited acts.

18 Defined terms: “Alcoholic beverage” § 1-101

19 “County” § 9-101

20 “License holder” § 1-101

21 “Retail dealer” § 1-101

22 **9-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
23 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

24 **(A) SUMMONS; BAIL.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
26 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

27 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
28 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
29 **EMPLOYEE; AND**

1 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
2 **COURT OF THE STATE.**

3 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

4 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
5 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

6 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
7 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
8 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
9 **OF 21 YEARS; AND**

10 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

11 **(C) PENALTY.**

12 **A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER WHO**
13 **VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON**
14 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
15 **NOT EXCEEDING \$1,000 OR BOTH.**

16 **(D) BAR TO ADMINISTRATIVE ACTION.**

17 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
18 **VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
19 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
20 **BEFORE JUDGMENT FOR, THE VIOLATION.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 12-108(a)(2) and (3)(i)1, (ii), and (iv).

23 In subsection (a)(2) of this section, the former reference to bail "bond" is
24 deleted as surplusage.

25 In subsection (b)(1) of this section, the reference to the "finder of fact" is
26 substituted for the former reference to the "jury or the court sitting as a jury"
27 for brevity.

28 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
29 as surplusage.

1 In subsection (c) of this section, the reference to “imprisonment not exceeding
2 2 years or a fine not exceeding \$1,000 or both” is substituted for the former
3 reference to “[t]he penalties provided by § 16–503 of [former Article 2B]” for
4 clarity.

5 In subsection (d) of this section, the reference to the “Board” is substituted for
6 the former reference to “any alcoholic beverage law enforcement or licensing
7 authorities” to conform to terminology used throughout this title.

8 Also in subsection (d) of this section, the reference to probation before
9 “judgment” is substituted for the former reference to a probation “without a
10 verdict” to conform to current terminology.

11 Also in subsection (d) of this section, the former phrase “[e]xcept as otherwise
12 provided in this section,” is deleted as unnecessary in light of the organization
13 of this revised article.

14 Defined terms: “Board” § 9–101

15 “License holder” § 1–101

16 “State” § 1–101

17 **9–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
18 **INDIVIDUAL — CRIMINAL PROCEDURE.**

19 **(A) SUMMONS; BAIL.**

20 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
21 **CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

22 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
23 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
24 **EMPLOYEE; AND**

25 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
26 **COURT OF THE STATE.**

27 **(B) PENALTY.**

28 **A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER WHO**
29 **VIOLATES § 6–307 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON**
30 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
31 **NOT EXCEEDING \$1,000 OR BOTH.**

32 **(C) BAR TO ADMINISTRATIVE ACTION.**

1 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
2 **VIOLATION OF § 6-307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
3 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
4 **BEFORE JUDGMENT FOR, THE VIOLATION.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 12-108(a)(2) and (3)(i)1 and (iv).

7 In subsection (b) of this section, the reference to "imprisonment not exceeding
8 2 years or a fine not exceeding \$1,000 or both" is substituted for the former
9 reference to "[t]he penalties provided by § 16-503 of [former Article 2B]" for
10 clarity.

11 In subsection (c) of this section, the reference to the "Board" is substituted for
12 the former reference to "any alcoholic beverage law enforcement or licensing
13 authorities" to conform to terminology used throughout this title.

14 Also in subsection (c) of this section, the reference to probation before
15 "judgment" is substituted for the former reference to a probation "without a
16 verdict" to conform to current terminology.

17 Also in subsection (c) of this section, the former phrase "[e]xcept as otherwise
18 provided in this section," is deleted as unnecessary in light of the organization
19 of this revised article.

20 Defined terms: "Board" § 9-101

21 "License holder" § 1-101

22 "State" § 1-101

23 **9-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD**
24 **OR INTELLECTUALLY DISABLED INDIVIDUAL.**

25 **(A) "KNOWINGLY" DEFINED.**

26 **IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE**
27 **INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE**
28 **HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

29 **(B) PROHIBITED.**

30 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT**
31 **KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

32 **(1) A HABITUAL DRUNKARD;**

1 **(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

2 **(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN**
3 **WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER**
4 **NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE**
5 **OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND**
6 **MIND.**

7 **(C) PENALTY.**

8 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
9 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
10 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 12-110(a), except as it related to the specific
13 penalty, and, as it related to Allegany County, (b).

14 In subsection (a) of this section, the former reference to the definition of
15 knowingly applying "as to habitual drunkards" is deleted as surplusage.

16 In subsection (b) of this section, the defined term "alcoholic beverage" is
17 substituted for the former references to "intoxicating beverages" for clarity
18 and consistency with the terminology used throughout this article.

19 Also in subsection (b) of this section, the former references to "barter" and
20 "furnish" are deleted as included in the references to "sell" and "provide".

21 In subsection (b)(2) of this section, the reference to an individual with an
22 "intellectual disability" is substituted for the former reference to a "mentally
23 deficient" person to conform to the requirements of Chapter 119 of the Acts of
24 2009. Chapter 119 requires the substitution of the term "mentally retarded"
25 in the Code with "intellectual disability".

26 In subsection (b)(3) of this section, the reference to a "family member or
27 guardian" is substituted for the former reference to "parent or parents,
28 guardian, husband, wife, son, daughter, brother, or sister" for brevity.

29 Also in subsection (b)(3) of this section, the reference to "an employee of the
30 license holder" is added for consistency within this subsection.

31 In subsection (c) of this section, the former references to imprisonment "in the
32 county jail, or house of correction" and to both fine and imprisonment "in the
33 discretion of the court" are deleted as surplusage and to conform to standard
34 language for imposition of a penalty for a criminal conviction.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that the penalty stated in subsection (c) of this section
3 applies only to a license holder who violates this section and not to an
4 employee of a license holder, even though, under subsection (b) of this section,
5 both a license holder and the license holder's employee are prohibited from
6 selling or providing an alcoholic beverage to a habitual drunkard, an
7 individual with an intellectual disability, or an individual whose relative has
8 given notice. The employee would, presumably, be subject to the general
9 penalty for a violation of this article under § 6-402 of this article.

10 Defined terms: "Alcoholic beverage" § 1-101

11 "License holder" § 1-101

12 **9-2705. GAMBLING ON PREMISES.**

13 **(A) PROHIBITED.**

14 **A LICENSE HOLDER MAY NOT ALLOW GAMBLING THAT IS PROHIBITED BY LAW**
15 **ON THE LICENSED PREMISES.**

16 **(B) PENALTY.**

17 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
18 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
19 **NOT EXCEEDING \$1,000 OR BOTH.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 12-201(e) and (k).

22 In subsection (a) of this section, the former reference to "or gaming" is deleted
23 as included in the reference to "gambling".

24 In subsection (b) of this section, the reference to being "guilty of a
25 misdemeanor" is added to state expressly that which was only implied in the
26 former law. In this State, any crime that was not a felony at common law and
27 has not been declared a felony by statute is considered to be a misdemeanor.
28 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
29 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
30 123 Md. 373, 378 (1914).

31 Also in subsection (b) of this section, the former phrase "upon indictment" is
32 deleted as surplusage.

33 Also in subsection (b) of this section, the former reference to "[a]ny licensee or
34 other" person is deleted as included in the defined term "person".

Former Art. 2B, § 12–201(a), which stated that the provisions of Art. 2B, § 12–201 applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License holder” § 1–101
 “Person” § 1–101

9–2706. LEASE OF LICENSE PRIVILEGE.

(A) PROHIBITED.

A LICENSE HOLDER WHOSE LICENSE HAS THE PRIVILEGE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES BY CLUBS MAY NOT LEASE THE PRIVILEGE TO A PERSON WHO, BY AN AGREEMENT WITH THE LICENSE HOLDER, MAY MAKE A PROFIT FROM THE LICENSE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(g) and (k).

In subsection (b) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

Also in subsection (b) of this section, the former phrase “upon indictment” is deleted as surplusage.

Also in subsection (b) of this section, the former reference to “[a]ny licensee or other” person is deleted as included in the defined term “person”.

Defined terms: “Alcoholic beverage” § 1–101
 “Club” § 1–101
 “License” § 1–101
 “License holder” § 1–101
 “Person” § 1–101

1 **9-2707. DISORDERLY CONGREGATION ON PREMISES.**

2 **(A) PROHIBITED.**

3 **A LICENSE HOLDER MAY NOT ALLOW DISORDERLY OR DISREPUTABLE**
4 **INDIVIDUALS TO CONGREGATE ON THE LICENSED PREMISES.**

5 **(B) PENALTY.**

6 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
7 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
8 **NOT EXCEEDING \$1,000 OR BOTH.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 12-201(f) and (k).

11 In subsection (a) of this section, the word "individuals" is substituted for the
12 former word "persons" because this section applies only to human beings.

13 Also in subsection (a) of this section, the phrase "on the licensed premises" is
14 substituted for the former phrase "at the place for which such license is
15 granted" for brevity.

16 In subsection (b) of this section, the reference to being "guilty of a
17 misdemeanor" is added to state expressly that which was only implied in the
18 former law. In this State, any crime that was not a felony at common law and
19 has not been declared a felony by statute is considered to be a misdemeanor.
20 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
21 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
22 123 Md. 373, 378 (1914).

23 Also in subsection (b) of this section, the former phrase "upon indictment" is
24 deleted as surplusage.

25 Also in subsection (b) of this section, the former reference to "[a]ny licensee or
26 other" person is deleted as included in the defined term "person".

27 Defined terms: "License holder" § 1-101
28 "Person" § 1-101

29 **9-2708. LOITERING.**

30 **(A) PROHIBITED.**

1 **A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS NOT A CONSUMER**
 2 **TO LOITER ABOUT THE PLACE OF BUSINESS FOR WHICH THE LICENSE IS ISSUED.**

3 **(B) PENALTY.**

4 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 5 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 6 **NOT EXCEEDING \$1,000 OR BOTH.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 12-201(c) and (k).

9 In subsection (a) of this section, the reference to an "individual" is substituted
 10 for the former reference to a "person" because this section applies only to
 11 human beings.

12 Also in subsection (a) of this section, the defined term "consumer" is
 13 substituted for the former reference to an individual who is not "designated
 14 under § 1-102(a)(6) of this article" for clarity. Former Art. 2B, § 1-102(a)(6)
 15 defined "consumer".

16 Also in subsection (a) of this section, the former reference to "loaf[ing]" is
 17 deleted as included in the reference to "loiter[ing]".

18 In subsection (b) of this section, the reference to being "guilty of a
 19 misdemeanor" is added to state expressly that which was only implied in the
 20 former law. In this State, any crime that was not a felony at common law and
 21 has not been declared a felony by statute is considered to be a misdemeanor.
 22 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
 23 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
 24 123 Md. 373, 378 (1914).

25 Also in subsection (b) of this section, the former phrase "upon indictment" is
 26 deleted as surplusage.

27 Also in subsection (b) of this section, the former reference to "[a]ny licensee or
 28 other" person is deleted as included in the defined term "person".

29 Defined terms: "Consumer" § 1-101

30 "License" § 1-101

31 "License holder" § 1-101

32 "Person" § 1-101

33 **9-2709. UNLAWFUL DISPLAY OR CONSUMPTION OF OTHER ALCOHOLIC BEVERAGES.**

34 **(A) IN GENERAL.**

1 **SECTION 6-402(A) (“GENERAL PENALTY — IN GENERAL”) OF DIVISION I OF**
 2 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 9-2802**
 3 **OF THIS SUBTITLE.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
 5 general provisions relating to imposing a penalty for a violation for which no
 6 specific penalty is provided.

7 Defined term: “County” § 9-101

8 **9-2802. GENERAL PENALTY.**

9 **A PERSON WHO VIOLATES A PROVISION OF THIS ARTICLE FOR WHICH NO**
 10 **OTHER PENALTY IS PROVIDED IS GUILTY OF A MISDEMEANOR AND ON CONVICTION**
 11 **IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING**
 12 **\$500 OR BOTH.**

13 REVISOR’S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 16-507(b)(1)(ii).

15 The reference to being “guilty of a misdemeanor” is added to state expressly
 16 that which was only implied in the former law. In this State, any crime that
 17 was not a felony at common law and has not been declared a felony by statute
 18 is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490
 19 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Williams v. State*, 4 Md. App.
 20 342, 347 (1968); and *Dutton v. State*, 123 Md. 373, 378 (1914).

21 The former phrase “in the discretion of the court” is deleted as surplusage.

22 Defined term: “Person” § 1-101

23 **9-2803. PENALTY IMPOSED BY BOARD.**

24 **(A) AUTHORIZATION.**

25 **THE BOARD MAY REVOKE OR SUSPEND A LICENSE OR IMPOSE A FINE ON A**
 26 **LICENSE HOLDER WHO VIOLATES THIS ARTICLE.**

27 **(B) CONDITIONS.**

28 **(1) IN LIEU OF SUSPENSION, THE BOARD MAY IMPOSE A FINE NOT**
 29 **EXCEEDING \$2,500, WHICH SHALL BE PAID INTO THE GENERAL FUND OF THE**
 30 **COUNTY.**

1 **(2) IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND**
 2 **THE LICENSE, THE BOARD SHALL CONSIDER WHETHER:**

3 **(I) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED**
 4 **BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION**
 5 **PERIOD; AND**

6 **(II) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED**
 7 **DISCIPLINARY PURPOSES.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, §§ 16–507(b)(2)(i) through (iv) and, as it related
 10 to the power of a local licensing board to revoke a license, 10–403(a)(1).

11 In the introductory language of subsection (b)(2) of this section, the reference
 12 to considering “whether” is substituted for the former reference to considering
 13 “the following points” for brevity.

14 In subsection (b)(2)(ii) of this section, the reference to the “fine” is substituted
 15 for the former reference to the “sum of money” for brevity.

16 Former Art. 2B, § 16–507(b)(2)(v), which authorized the Board to adopt
 17 regulations, is deleted as unnecessary because the Board has power to adopt
 18 regulations under § 9–206 of this title.

19 Defined terms: “Board” § 9–101

20 “County” § 9–101

21 “License” § 1–101

22 “License holder” § 1–101

23 **9–2804. LOCAL PENALTIES.**

24 **(A) PENALTY IMPOSED BY MUNICIPALITY.**

25 **A MUNICIPALITY MAY IMPOSE A PENALTY FOR THE VIOLATION OF AN**
 26 **ORDINANCE PASSED FOR THE REGULATION AND CONTROL OF A LICENSE HOLDER**
 27 **UNDER THIS TITLE.**

28 **(B) SUSPENSION OR FINE ALLOWED.**

29 **(1) IN LIEU OF SUSPENSION, THE MUNICIPALITY MAY IMPOSE A FINE**
 30 **NOT EXCEEDING \$2,500, WHICH SHALL BE PAID INTO THE GENERAL FUND OF THE**
 31 **COUNTY.**

1 **(2) IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND**
 2 **THE LICENSE, THE MUNICIPALITY SHALL CONSIDER WHETHER:**

3 **(I) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED**
 4 **BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION**
 5 **PERIOD; AND**

6 **(II) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED**
 7 **DISCIPLINARY PURPOSES.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 16–507(b)(1)(i) and (2)(i) through (iv).

10 The reference to a “municipality” is substituted for the former reference to a
 11 “municipal corporation” to conform to the terminology used in other recently
 12 revised articles of the Code. *See, e.g.*, LG § 1–101.

13 By tracking the limits on penalties imposed by a board under former Art. 2B,
 14 § 16–507(b)(2), subsection (b) of this section clarifies otherwise vague language
 15 concerning the penalties that a municipality may impose under this section.

16 Defined terms: “County” § 9–101

17 “License holder” § 1–101

18 **TITLE 10. CITY OF ANNAPOLIS.**

19 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

20 **10–101. DEFINITIONS.**

21 **(A) IN GENERAL.**

22 **IN THIS TITLE:**

23 **(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT**
 24 **EXCEPTION OR VARIATION; AND**

25 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

26 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
 27 by reference terms defined for the entire article.

28 Item (2) of this subsection is new language added as the standard introductory
 29 language to a definition section.

1 **(B) BOARD.**

2 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY OF**
3 **ANNAPOLIS.**

4 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
5 full reference to the “Board of License Commissioners for the City of
6 Annapolis”.

7 **(C) CITY.**

8 **“CITY” MEANS THE CITY OF ANNAPOLIS.**

9 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
10 full reference to the “City of Annapolis”.

11 **(D) LIGHT WINE.**

12 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
13 **ALCOHOL BY VOLUME.**

14 REVISOR’S NOTE: This subsection is new language added to reflect the definition
15 of “light wine” stated in Section 1.02.Z of the Rules and Regulations of the
16 Board.

17 Defined term: “Wine” § 1–101

18 **10–102. SCOPE OF TITLE.**

19 **THIS TITLE APPLIES ONLY IN THE CITY OF ANNAPOLIS.**

20 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
21 organization of this revised article.

22 **10–103. COPY OF LEGISLATION.**

23 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
24 **BY THE CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF**
25 **LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 18–103.

28 The reference to the “City Council” is substituted for the former reference to
29 the “local governing body” for clarity.

1 The reference to this “title” is substituted for the former reference to this
 2 “subtitle” to conform to the organization of this revised article. Under the
 3 former law, each local governing body derived its authority to enact alcoholic
 4 beverages legislation from a common subtitle. Under this revised article, each
 5 local governing body derives its authority from the title dedicated to the
 6 jurisdiction of the local governing body.

7 Defined terms: “Alcoholic beverage” § 1–101
 8 “City” § 10–101

9 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

10 **10–201. MAYOR AND CITY COUNCIL MAY CONSTITUTE BOARD; POWER TO**
 11 **DELEGATE AUTHORITY.**

12 **THE MAYOR AND THE CITY COUNCIL MAY:**

13 **(1) CONSTITUTE THE BOARD OF LICENSE COMMISSIONERS FOR THE**
 14 **CITY; OR**

15 **(2) DELEGATE ALL OR PART OF THE AUTHORITY TO REGULATE**
 16 **LICENSE HOLDERS TO A SUBSIDIARY BOARD THAT THE MAYOR AND CITY COUNCIL**
 17 **ESTABLISH.**

18 REVISOR’S NOTE: This section is new language derived without substantive
 19 change from the first sentence of former Art. 2B, § 15–107.

20 In the introductory language and item (2) of this section, the references to the
 21 “City Council” are substituted for the former references to “Aldermen” for
 22 clarity.

23 In item (2) of this section, the defined term “license holder[s]” is substituted
 24 for the former reference to “alcoholic beverages licensees” to conform to the
 25 terminology used throughout this revised article.

26 Former Art. 2B, § 15–101(c)(2), which provided that the provisions of former
 27 Art. 2B, § 15–107 apply in the City of Annapolis, is deleted as unnecessary in
 28 light of the organization of this revised article.

29 Defined terms: “City” § 10–101
 30 “License holder” § 1–101

31 **10–202. ANNE ARUNDEL COUNTY BOARD — NO JURISDICTION.**

1 **THE BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY**
2 **DOES NOT HAVE JURISDICTION IN THE CITY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from the second sentence of former Art. 2B, § 15–107.

5 Defined term: “City” § 10–101

6 **10–203. REGULATIONS.**

7 **(A) IN GENERAL.**

8 **THE MAYOR AND CITY COUNCIL OF THE CITY MAY ADOPT REGULATIONS**
9 **THAT IN THEIR JUDGMENT GIVE THE CITY MORE EFFECTIVE CONTROL OF EACH**
10 **LICENSED ESTABLISHMENT.**

11 **(B) ADDED OR SUBSTITUTED REGULATIONS.**

12 **THE REGULATIONS:**

13 **(1) MAY BE ADDED TO OR SUBSTITUTED FOR PROVISIONS OF THIS**
14 **ARTICLE; BUT**

15 **(2) MAY NOT BE INCONSISTENT WITH THOSE PROVISIONS.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 15–112(c)(2)(ii).

18 In subsection (a) of this section, the reference to “adopt[ing]” regulations is
19 substituted for the former reference to “mak[ing] and enforc[ing]” regulations
20 for brevity and consistency with other similar provisions of this article.

21 Also in subsection (a) of this section, the reference to the “City” is substituted
22 for the former reference to the “municipality” to conform to the terminology
23 used throughout this title.

24 Also in subsection (a) of this section, the reference to each “licensed
25 establishment” is substituted for the former reference to each “of the places of
26 business” for clarity.

27 Also in subsection (a) of this section, the former reference to the “Counsellor”
28 of Annapolis is deleted as obsolete.

29 Also in subsection (a) of this section, the former reference to “restrictions” is
30 deleted as included in the reference to “regulations”.

1 Former Art. 2B, § 15–112(c)(2)(i), which provided that former Art. 2B, §
 2 15–112(c)(2) applied only in the City of Annapolis, is deleted as unnecessary
 3 in light of the organization of this revised article.

4 Defined term: “City” § 10–101

5 **GENERAL REVISOR’S NOTE TO SUBTITLE**

6 The Mayor and the City Council of Annapolis have delegated the authority to
 7 regulate alcoholic beverages to the Alcoholic Beverage Control Board. The Board,
 8 composed of five members who are appointed by the Mayor and confirmed by the
 9 City Council, issues licenses, administers and enforces alcoholic beverages laws, and
 10 disciplines license holders. *See* Chapter 7.12 of the Annapolis Municipal Code and
 11 Charter.

12 Notwithstanding the delegation of authority to regulate alcoholic beverages to the
 13 Alcoholic Beverage Control Board, the reference to the “Board of License
 14 Commissioners for the City” is retained in § 10–201(1) of this subtitle for clarity and
 15 consistency with the terminology used throughout this article to refer to local
 16 licensing boards.

17 **SUBTITLE 3. LIQUOR CONTROL.**

18 **10–301. LIQUOR CONTROL — NOT APPLICABLE.**

19 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
 20 **IN THE CITY.**

21 REVISOR’S NOTE: This section is new language added to clarify that there is no
 22 liquor control board or department of liquor control in the City.

23 Defined term: “City” § 10–101

24 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

25 **10–401. APPLICATION OF GENERAL PROVISIONS.**

26 **(A) WITHOUT EXCEPTION OR VARIATION.**

27 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 28 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
 29 **EXCEPTION OR VARIATION:**

30 **(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**

- 1 (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);
- 2 (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- 3 (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- 4 (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- 5 (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- 6 (7) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- 7 (8) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- 8 (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- 9 (10) § 2-211 (“RESIDENCY REQUIREMENT”);
- 10 (11) § 2-212 (“ADDITIONAL LICENSES”);
- 11 (12) § 2-213 (“ADDITIONAL FEES”);
- 12 (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- 13 (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
14 AND RETAILERS”);
- 15 (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
16 PROHIBITED PRACTICES”); AND
- 17 (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
18 RETAILERS — PROHIBITED”).

19 **(B) EXCEPTIONS.**

20 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
21 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

- 22 (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- 23 (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
24 PROHIBITED”).

1 REVISOR'S NOTE: Subsection (a) of this section is new language added to
 2 incorporate by reference general provisions relating to the issuance of
 3 manufacturer's licenses.

4 Subsection (b)(1) of this section is new language derived without substantive
 5 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
 6 implicit in the former law, that a limited distillery license may not be issued
 7 in the City.

8 Subsection (b)(2) of this section is new language derived without substantive
 9 change from the introductory language of former Art. 2B, § 12–112(a), as it
 10 limited to specific jurisdictions, not including the City of Annapolis, the
 11 application of the general prohibition against beer sale on credit to retail
 12 dealers revised in § 2–215 of Division I of this article. No substantive change
 13 is intended.

14 Former Art. 2B, § 2–208(b)(2)(iv), which provided that a Class 7
 15 micro-brewery license shall be issued in the City, is deleted as unnecessary in
 16 light of the organization of this revised article.

17 Defined terms: “City” § 10–101
 18 “Manufacturer's license” § 1–101

19 **10–402. HOURS AND DAYS OF SALE OR DELIVERY.**

20 **A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER**
 21 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 22 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

23 REVISOR'S NOTE: This section is new language derived without substantive
 24 change from former Art. 2B, § 11–101(a).

25 The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted
 26 as unnecessary.

27 Defined terms: “Alcoholic beverage” § 1–101
 28 “Manufacturer's license” § 1–101

29 **SUBTITLE 5. WHOLESALER'S LICENSES.**

30 **10–501. APPLICATION OF GENERAL PROVISIONS.**

31 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT
3 EXCEPTION OR VARIATION:

4 (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);

5 (2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S
6 LICENSE”);

7 (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);

8 (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);

9 (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);

10 (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);

11 (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);

12 (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);

13 (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM
14 WHOLESALER’S VEHICLE”);

15 (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);

16 (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);

17 (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);

18 (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF
19 LICENSE OR PERMIT”);

20 (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND
21 RETAILERS”);

22 (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
23 PROHIBITED PRACTICES”); AND

24 (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS
25 AND RETAILERS — PROHIBITED”).

26 (B) EXCEPTION.

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)
OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Subsection (b) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it limited the application of the general prohibition against beer sale on credit to retail dealers to specific jurisdictions, not including the City of Annapolis. No substantive change is intended.

Defined terms: “City” § 10-101

“Wholesaler’s license” § 1-101

10-502. HOURS AND DAYS OF SALE OR DELIVERY.

EXCEPT AS PROVIDED IN § 10-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

Defined terms: “Alcoholic beverage” § 1-101

“Wholesaler’s license” § 1-101

10-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

(B) DISPENSING DRAFT BEER — AGREEMENT REQUIRED.

THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11–102(b).

3 By being placed in this subtitle, this section makes clear that it applies to the
4 City of Annapolis. Consequently, in subsection (a) of this section, the former
5 phrase “in each county of the State and in Baltimore City” is deleted as
6 unnecessary.

7 In subsection (a) of this section, the reference to a “per diem” license is
8 substituted for the former reference to a “special 1–day” license to conform to
9 the terminology used throughout this article.

10 Also in subsection (a) of this section, the reference to a per diem license issued
11 “under Subtitle 13 of this title” is substituted for the former reference to a
12 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
13 of material relating to per diem licenses in titles for each applicable
14 jurisdiction in this revision.

15 Also in subsection (a) of this section, the reference to delivery of beer on the
16 “effective date of the per diem license” is substituted for the former reference
17 to delivery on the “effective day of the license” for clarity.

18 Also in subsection (a) of this section, the former reference to accepting returns
19 on the same day “of delivery” is deleted as surplusage.

20 In subsection (b) of this section, the language that the “agreement entered into
21 under subsection (a) of this section shall include [the type of equipment to
22 dispense draft beer]” is substituted for the former language that the “parties
23 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

24 Defined terms: “Beer” § 1–101

25 “Wholesaler’s license” § 1–101

26 SUBTITLE 6. BEER LICENSES.

27 **10–601. RESERVED.**

28 SUBTITLE 7. LIGHT WINE LICENSES.

29 **10–701. LIGHT WINE LICENSES — NOT APPLICABLE.**

30 **A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE CITY.**

31 REVISOR'S NOTE: This section is new language added to clarify that a light wine
32 license may not be issued in the City of Annapolis.

1 Defined terms: “City” § 10–101

2 “Light wine” § 10–101

3 **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

4 **10–801. BEER AND LIGHT WINE LICENSES AUTHORIZED.**

5 **THE BOARD MAY ISSUE A LICENSE TO SELL BEER AND LIGHT WINE, AT RETAIL,**
6 **FOR:**

7 **(1) ON–PREMISES CONSUMPTION; OR**

8 **(2) ON– AND OFF–PREMISES CONSUMPTION.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 5–601(b).

11 In the introductory language of this section, the defined term “Board” is
12 substituted for the former reference to “City” to reflect that the Board is the
13 governmental unit that issues licenses.

14 Also in the introductory language of this section, the former reference to
15 issuing the license “to an establishment where the licensee is authorized” to
16 sell beer and light wine is deleted as surplusage.

17 Also in the introductory language of this section, the former reference to
18 “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

19 In item (1) of this section, the former reference to consumption “only” on the
20 premises is deleted as surplusage.

21 In item (2) of this section, the reference to “on– and off–premises consumption”
22 is substituted for the former reference to “consumption on the premises or
23 elsewhere” for clarity.

24 Former Art. 2B, § 5–101(c)(2), which provided that former Art. 2B, § 5–101 did
25 not apply in the City of Annapolis, is deleted as unnecessary because this
26 section only authorizes on–premises and on– or off–premises consumption in
27 the City of Annapolis and not off–premises consumption only, which was what
28 was provided for under former Art. 2B, § 5–101.

29 Former Art. 2B, § 5–401(c)(1)(ii), which provided that former Art. 2B, § 5–401
30 did not apply in the City of Annapolis, is deleted as unnecessary in light of the
31 organization of this revised article.

1 Former Art. 2B, § 5–601(a), which stated that former Art. 2B, § 5–601 applied
2 only in the City of Annapolis, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Beer” § 1–101
5 “Board” § 10–101
6 “Light wine” § 10–101

7 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

8 **10–901. BEER, WINE, AND LIQUOR LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A BEER, WINE, AND LIQUOR LICENSE.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
13 **LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES**
14 **CONSUMPTION.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 6–202(b).

17 Subsection (a) of this section is revised in standard language used throughout
18 this title to establish a license.

19 In subsection (b) of this section, the phrase “to sell” is substituted for the
20 former phrase “to keep for sale and sell” for brevity.

21 Also in subsection (b) of this section, the phrase “at the place described in the
22 license” is substituted for the former phrase “at any establishment within the
23 city” for clarity and consistency within this title.

24 Former Art. 2B, § 6–202(a), which stated that former Art. 2B, § 6–202 applied
25 only in the City of Annapolis, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Beer” § 1–101
28 “Wine” § 1–101

29 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

30 **10–1001. RESERVED.**

1 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

2 **10-1101. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 5 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
 6 **EXCEPTION OR VARIATION:**

7 **(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
 8 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

9 **(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
 10 **FROM LICENSED PREMISES”).**

11 **(B) EXCEPTION.**

12 **SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
 13 **I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

14 **(C) VARIATION.**

15 **SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
 16 **DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10-1102 OF THIS**
 17 **SUBTITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
 19 general provisions relating to additional privileges of license holders.

20 Defined terms: “Beer” § 1-101

21 “City” § 10-101

22 “License” § 1-101

23 “License holder” § 1-101

24 “Wine” § 1-101

25 **10-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

26 **(A) AUTHORIZED PERMIT HOLDER.**

27 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
 28 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

1 **(B) APPLICATION FORM.**

2 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
3 **BOARD PROVIDES.**

4 **(C) HOURS OF SALE.**

5 **THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

6 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
7 **LICENSE; AND**

8 **(2) END AT MIDNIGHT.**

9 **(D) REGULATIONS.**

10 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

11 **(E) FEES.**

12 **THE ANNUAL PERMIT FEES ARE:**

13 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
14 **PRIVILEGE; AND**

15 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
16 **OFF-SALE PRIVILEGE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 8-202.2(c), (g), (i), and (e)(1).

19 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

20 In subsection (c)(1) of this section, the reference to the "underlying license" is
21 substituted for the former reference to the "license already held by the person
22 to whom the refillable container license is issued" for brevity.

23 In subsection (d) of this section, the defined term "Board" is substituted for
24 the former reference to the "Alcoholic Beverage Control Board" to conform to
25 the terminology used throughout this title.

26 Former Art. 2B, § 8-202.2(a), which stated that former Art. 2B, § 8-202.2
27 applied only in the City of Annapolis, is deleted as unnecessary in light of the
28 organization of this revised article.

1 Former Art. 2B, § 8–202.2(b), (d), (f), (h), and (e)(2) are deleted as unnecessary
2 because they merely repeated provisions concerning refillable container
3 permits that appear in § 4–1104 of this article.

4 Defined terms: “Board” § 10–101

5 “License” § 1–101

6 “Off–sale” § 1–101

7 **SUBTITLE 12. CATERER’S LICENSES.**

8 **10–1201. RESERVED.**

9 **SUBTITLE 13. TEMPORARY LICENSES.**

10 **PART I. IN GENERAL.**

11 **10–1301. APPLICATION OF GENERAL PROVISIONS.**

12 **TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS**
13 **ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 the general provisions relating to local temporary licenses.

16 Defined term: “City” § 10–101

17 **10–1302. RESERVED.**

18 **10–1303. RESERVED.**

19 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

20 **10–1304. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

21 **(A) ESTABLISHED.**

22 **THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS WS**
23 **WINE SAMPLING LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A**
26 **NONPROFIT ORGANIZATION.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF**
3 **WINE FOR SAMPLING:**

4 **(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR**
5 **BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE CONSENT OF THE**
6 **HOLDER OF THE LICENSE FOR THE PREMISES; OR**

7 **(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

8 **(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B**
9 **LICENSED PREMISES FOR SAMPLING.**

10 **(D) LICENSE APPLICATION.**

11 **THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15**
12 **DAYS BEFORE THE LICENSE IS ISSUED.**

13 **(E) LIMIT ON NUMBER OF LICENSES.**

14 **THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE NOT MORE THAN 12**
15 **LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.**

16 **(F) LIMIT ON SERVINGS.**

17 **THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES**
18 **FROM EACH OFFERING TO AN INDIVIDUAL.**

19 **(G) FEE.**

20 **THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 8-402(e)(1) through (4) and (6) and, as they
23 related to the Class WS license, (c) and (h).

24 Throughout this section, the former references to a "bona fide" nonprofit
25 organization are deleted as surplusage.

26 Also throughout this section, the former references to "tasting" are deleted as
27 redundant of the references to "sampling".

1 In subsections (a), (b), (e), and (g) of this section, the references to the Mayor
2 and City Council “or designee” are added for clarity.

3 In subsection (c)(1)(i) of this section, the reference to the consent of the “holder
4 of the license for the premises” is substituted for the former reference to the
5 consent of the “licensee” to clarify who is to give the consent.

6 In subsection (c)(1)(ii) of this section, the reference to “a location that is not
7 already licensed” is substituted for the former reference to “premises without
8 a permanent alcoholic beverages license” for consistency with terminology
9 used throughout this article.

10 In subsection (f) of this section, the reference to each “offering” is substituted
11 for the former reference to each “brand” for clarity.

12 Also in subsection (f) of this section, the reference to “an individual” is
13 substituted for the former, overly broad reference to “any 1 person” for clarity.

14 Defined terms: “Beer” § 1–101
15 “City” § 10–101
16 “License” § 1–101
17 “License holder” § 1–101
18 “Wine” § 1–101

19 **10–1305. BEER AND WINE TASTING LICENSE.**

20 **(A) ESTABLISHED.**

21 **THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS BWT**
22 **BEER AND WINE TASTING LICENSE.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A**
25 **HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS A BEER AND**
26 **WINE LICENSE.**

27 **(C) SCOPE OF AUTHORIZATION.**

28 **THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON–PREMISES**
29 **CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.**

30 **(D) LIMIT ON SERVINGS.**

31 **THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

1 **(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM**
 2 **EACH OFFERING; AND**

3 **(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.**

4 **(E) FEE.**

5 **THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 8–402(d)(1)(ii) and (6) and, as they related to
 8 the Class BWT license, (c) and (h).

9 In subsections (a), (b), and (e) of this section, the references to the Mayor and
 10 City Council “or designee” are added for clarity.

11 In the introductory language of subsection (c) of this section, the former phrase
 12 “for sampling purposes only” is deleted as surplusage.

13 In the introductory language of subsection (d) of this section, the reference to
 14 “an individual” is substituted for the former, overly broad references to “any
 15 one person” for clarity.

16 In subsection (d)(1) of this section, the reference to each “offering” is
 17 substituted for the former reference to each “given brand” for clarity.

18 Defined terms: “Beer” § 1–101

19 “City” § 10–101

20 “License” § 1–101

21 “License holder” § 1–101

22 “Wine” § 1–101

23 **10–1306. RESERVED.**

24 **10–1307. RESERVED.**

25 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

26 **10–1308. RESERVED.**

27 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

28 **10–1401. APPLICATION OF GENERAL PROVISIONS.**

1 **(A) WITHOUT EXCEPTION OR VARIATION.**

2 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
3 **LOCAL LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
4 **EXCEPTION OR VARIATION:**

5 **(1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
6 **BOARD”);**

7 **(2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

8 **(3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**

9 **(4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
10 **COMPANY”);**

11 **(5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**

12 **(6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

13 **(7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
14 **PETITION OF SUPPORT”);**

15 **(8) § 4-111 (“PAYMENT OF LICENSE FEES”);**

16 **(9) § 4-113 (“REFUND OF LICENSE FEES”); AND**

17 **(10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

18 **(B) EXCEPTION.**

19 **SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF**
20 **THIS ARTICLE DOES NOT APPLY IN THE CITY.**

21 **(C) VARIATIONS.**

22 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
23 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

24 **(1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
25 **GENERAL”), SUBJECT TO § 10-1402 OF THIS SUBTITLE; AND**

1 **(2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
2 **10-1403 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to applications for local licenses.

5 Defined terms: “City” § 10-101
6 “License” § 1-101
7 “Local licensing board” § 1-101

8 **10-1402. RESIDENCY REQUIREMENT.**

9 **AN APPLICANT FOR A LICENSE ISSUED IN THE CITY MAY MEET THE**
10 **RESIDENCY REQUIREMENT IN § 4-109(A)(4) OF THIS ARTICLE BY RESIDING**
11 **ANYWHERE IN ANNE ARUNDEL COUNTY.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 10-103(b)(4)(vi).

14 Defined term: “City” § 10-101

15 **10-1403. COLLECTION AND DISPOSITION OF LICENSE FEES.**

16 **THE CITY CLERK SHALL COLLECT ALL LICENSE FEES AND PAY THEM TO THE**
17 **CITY.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-204(c)(3)(i) and (4)(i).

20 The former phrase “alcoholic beverages” license fees is deleted as included in
21 the defined term “license”.

22 The former reference to license fees “for licenses granted to places of business
23 located in the City of Annapolis” is deleted as implicit.

24 Former Art. 2B, § 10-204(c)(4)(ii), which stated that the “City of Annapolis
25 shall devote the receipts [of the license fees] to the general purposes of the
26 City”, is deleted as implicit in this section.

27 Defined terms: “City” § 10-101
28 “License” § 1-101

29 **10-1404. SETTING OF FEES AND RENEWAL PERIODS.**

30 **THE MAYOR AND CITY COUNCIL MAY:**

1 **(1) SET THE FEES FOR ALL LICENSES AUTHORIZED TO BE ISSUED IN**
 2 **THE CITY; AND**

3 **(2) DETERMINE A PERIODIC BASIS ON WHICH PAYMENTS FOR THE**
 4 **RENEWAL OF A LICENSE MAY BE MADE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 8–202(c).

7 In the introductory language of this section the reference to “City Council” is
 8 substituted for the former obsolete reference to “Counselor, and Aldermen” for
 9 clarity.

10 Former Art. 2B, § 8–202(a), which stated that former Art. 2B, § 8–202 applied
 11 only in Anne Arundel County, is deleted as unnecessary in light of the
 12 organization of this revised article.

13 Former Art. 2B, § 8–202(b), which defined “board” and “license”, is deleted as
 14 duplicative of the definitions of those terms in § 10–101 of this title and §
 15 1–101 of this revised article, respectively.

16 Defined terms: “City” § 10–101
 17 “License” § 1–101

18 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

19 **10–1501. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
 22 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
 23 **EXCEPTION OR VARIATION:**

24 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

25 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

26 **(3) § 4–207 (“LICENSES ISSUED TO MINORS”);**

27 **(4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**

28 **(5) § 4–209 (“HEARING”);**

1 **(6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

2 **(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

3 **(8) § 4-212 (“LICENSE NOT PROPERTY”);**

4 **(9) § 4-213 (“REPLACEMENT LICENSES”); AND**

5 **(10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
6 **APPLICATIONS”).**

7 **(B) VARIATIONS.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
9 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

10 **(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
11 **TO § 10-1502 OF THIS SUBTITLE;**

12 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
13 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 10-1503 OF THIS SUBTITLE**
14 **AND SUBTITLE 13, PART III OF THIS TITLE; AND**

15 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
16 **FOR SAME PREMISES”), SUBJECT TO § 10-1503 OF THIS SUBTITLE AND SUBTITLE**
17 **13, PART III OF THIS TITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to the issuance of local licenses.

20 Defined terms: “City” § 10-101

21 “License” § 1-101

22 “Local licensing board” § 1-101

23 **10-1502. AUTHORITY OF BOARD.**

24 **(A) IN GENERAL.**

25 **LICENSES SHALL BE APPROVED BY THE BOARD OF LICENSE COMMISSIONERS**
26 **OF THE CITY AND ISSUED BY THE CITY CLERK.**

27 **(B) LICENSES NOT ISSUED BY ANNE ARUNDEL BOARD.**

1 **THE BOARD OF LICENSE COMMISSIONERS OF ANNE ARUNDEL COUNTY MAY**
 2 **NOT ISSUE LICENSES IN THE CITY.**

3 REVISOR'S NOTE: This section is new language that, in part, is added to state
 4 explicitly what formerly was only implied, that only the Board of License
 5 Commissioners for the City of Annapolis may issue alcoholic beverages
 6 licenses for use in the City and, in part, is derived without substantive change
 7 from former Art. 2B, § 10-204(c)(3).

8 Defined terms: "City" § 10-101
 9 "License" § 1-101

10 **10-1503. BOWLING ESTABLISHMENTS.**

11 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 12 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 13 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

14 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**
 15 **WINE LICENSES; AND**

16 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 17 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 9-102(b-1)(1)(i).

20 In item (1) of this section, the reference to "Class D beer or Class D beer and
 21 light wine licenses" is substituted for the former reference to licenses issued
 22 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

23 In item (2) of this section, the former reference to the premises "operated as"
 24 a bowling establishment is deleted as surplusage.

25 Defined terms: "Beer" § 1-101
 26 "License" § 1-101
 27 "Light wine" § 10-101

28 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

29 **PART I. LICENSING CONDITIONS.**

30 **10-1601. RESERVED.**

31 **10-1602. RESERVED.**

1 **(8) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

2 **(B) VARIATION.**

3 **SECTION 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”) OF DIVISION I OF**
 4 **THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10-1802 OF THIS SUBTITLE.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
 6 general provisions relating to the renewal of local licenses.

7 Defined terms: “City” § 10-101
 8 “License” § 1-101

9 **10-1802. PAYMENT SCHEDULE OF RENEWAL FEE.**

10 **THE MAYOR AND CITY COUNCIL MAY DETERMINE A PERIODIC PAYMENT**
 11 **SCHEDULE FOR THE RENEWAL OF A LICENSE.**

12 REVISOR’S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 10-301(a)(1)(ii)5.

14 The reference to “City Council” is substituted for the former reference to
 15 “Counselor, and Aldermen” for consistency with the terminology used
 16 throughout this title.

17 The reference to a “payment schedule for the renewal of a license” is
 18 substituted for the former reference to a “periodic basis on which payments
 19 for the renewal of a license may be made” for brevity.

20 Defined term: “License” § 1-101

21 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

22 **10-1901. APPLICATION OF GENERAL PROVISIONS.**

23 **TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF**
 24 **DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR**
 25 **VARIATION.**

26 REVISOR’S NOTE: This section is new language added to incorporate by reference
 27 general provisions relating to conduct of local license holders.

28 Defined terms: “City” § 10-101
 29 “License holder” § 1-101

1 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

2 **10-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

3 **(A) IN GENERAL.**

4 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
5 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
6 **PREMISES LICENSED UNDER THIS TITLE.**

7 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
8 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
9 **ALCOHOLIC BEVERAGES PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

10 **(B) PENALTY.**

11 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
12 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 11-304(a)(1) and, as it related to the City of
15 Annapolis, (2).

16 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
17 under this title” is added for clarity.

18 Also in subsection (a)(1) of this section, the reference to an “individual” is
19 substituted for the former reference to a “person” because the prohibition
20 against consumption applies only to human beings.

21 Also in subsection (a)(1) of this section, the reference to “a premises licensed
22 under this title” is substituted for the former reference to “any premises open
23 to the general public, any place of public entertainment, or any place at which
24 setups or other component parts of mixed alcoholic drinks are sold under any
25 license issued under the provisions of the Business Regulation Article” for
26 brevity.

27 In subsection (a)(2) of this section, the reference to “a premises licensed under
28 this title” is substituted for the former reference to “the premises” for
29 consistency with the terminology used in subsection (a)(1) of this section.

30 In subsection (b) of this section, the reference to a person who “violates this
31 section” is substituted for the former reference to a person who is “found
32 consuming any alcoholic beverage on any premises open to the general public,
33 and any owner, operator or manager of those premises or places who

1 knowingly permits consumption between the hours provided by this section”
2 for brevity.

3 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
4 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
5 section.

6 Also in subsection (b) of this section, the former reference to a fine “not less
7 than \$5” is deleted to conform to the statement of legislative policy in §
8 14–102 of the Criminal Law Article, which sets forth the general rule that,
9 notwithstanding a statutory minimum penalty, a court may impose a lesser
10 penalty of the same character.

11 Defined terms: “Alcoholic beverage” § 1–101
12 “Person” § 1–101

13 **10–2002. BEER LICENSES.**

14 **THE BOARD MAY SET THE HOURS OF SALE FOR BEER LICENSES.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 11–502(g).

17 The reference to the “Board” is substituted for the former reference to the
18 “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and
19 Aldermen have delegated their authority to regulate alcoholic beverages
20 licenses to the Board under the authority specified in § 10–201 of this title.

21 The former reference to licenses “authorized to be issued in said City” is
22 deleted as surplusage.

23 Former Art. 2B, § 11–403(a)(2)(i), which excluded the City of Annapolis from
24 the prohibition against a retail dealer holding a Class B or C license selling
25 alcoholic beverages at a bar or counter on Sunday, is deleted as unnecessary
26 in light of the organization of this revised article.

27 Defined terms: “Beer” § 1–101
28 “Board” § 10–101

29 **10–2003. BEER AND LIGHT WINE LICENSES.**

30 **THE BOARD MAY SET THE HOURS OF SALE FOR BEER AND LIGHT WINE** 31 **LICENSES.**

32 REVISOR’S NOTE: This section is new language derived without substantive
33 change from former Art. 2B, § 11–502(g).

1 The reference to the “Board” is substituted for the former reference to the
2 “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and
3 Aldermen have delegated their authority to regulate alcoholic beverages
4 licensees to the Board under the authority specified in § 10–201 of this title.

5 The former reference to licenses “authorized to be issued in said City” is
6 deleted as surplusage.

7 Defined terms: “Beer” § 1–101
8 “Board” § 10–101
9 “Wine” § 1–101

10 **10–2004. BEER, WINE, AND LIQUOR LICENSES.**

11 **THE BOARD MAY SET THE HOURS OF SALE FOR BEER, WINE, AND LIQUOR** 12 **LICENSES.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, §§ 11–303(a)(2)(i), (b)(2), and (c)(2) and 11–502(g).

15 The reference to the “Board” is substituted for the former reference to the
16 “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and
17 Aldermen have delegated their authority to regulate alcoholic beverages
18 licensees to the Board under the authority specified in § 10–201 of this title.

19 The former reference to licenses “authorized to be issued in said City” is
20 deleted as surplusage.

21 Defined terms: “Beer” § 1–101
22 “Board” § 10–101
23 “Wine” § 1–101

24 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

25 **10–2101. APPLICATION OF GENERAL PROVISIONS.**

26 **TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”)** 27 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR** 28 **VARIATION.**

29 REVISOR’S NOTE: This section is new language added to incorporate by reference
30 general provisions relating to the revocation and suspension of local licenses.

31 Defined terms: “City” § 10–101
32 “License” § 1–101

1 **SUBTITLE 22. EXPIRATION OF LICENSES.**

2 **10–2201. APPLICATION OF GENERAL PROVISIONS.**

3 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
4 **THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 the general provisions relating to the expiration of local licenses.

7 Defined terms: “City” § 10–101
8 “License” § 1–101

9 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

10 **10–2301. APPLICATION OF GENERAL PROVISIONS.**

11 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
12 **ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to the death of a local license holder.

15 Defined terms: “City” § 10–101
16 “License holder” § 1–101

17 **SUBTITLE 24. JUDICIAL REVIEW.**

18 **10–2401. APPLICATION OF GENERAL PROVISIONS.**

19 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
20 **APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to the appeal of the decisions of the Board.

23 Defined term: “City” § 10–101

24 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

25 **10–2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
26 **BEVERAGES IS PROHIBITED.**

27 **(A) PROHIBITION AGAINST INDIVIDUAL.**

1 FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME
2 ALCOHOLIC BEVERAGES IN:

3 (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

4 (2) A PLACE OF PUBLIC ENTERTAINMENT; OR

5 (3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF
6 MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE
7 BUSINESS REGULATION ARTICLE.

8 (B) PROHIBITION AGAINST OWNER OR MANAGER.

9 AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN
10 SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF
11 ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF
12 THIS SECTION.

13 (C) PENALTY.

14 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
15 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
18 (2).

19 In subsections (a)(1) and (b) of this section, the references to an
20 "establishment" are substituted for the former references to "any premises" to
21 avoid the implication that the establishment is licensed.

22 In subsection (b) of this section, the former reference to an "operator" is deleted
23 as included in the reference to a "manager".

24 In subsection (c) of this section, the reference to a "person who violates this
25 section" is substituted for the former reference to a "person found consuming
26 any alcoholic beverage on any premises open to the general public, and any
27 owner, operator or manager of those premises or places who knowingly
28 permits consumption between the hours provided by this section" for clarity
29 and brevity.

30 Also in subsection (c) of this section, the former minimum penalty of \$5 is
31 deleted to conform to the statement of legislative policy in § 14-102 of the
32 Criminal Law Article, which sets forth the general rule that, notwithstanding

1 a statutory minimum penalty, a court may impose a lesser penalty of the same
2 character.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "Person" § 1-101

5 **SUBTITLE 26. ENFORCEMENT.**

6 **10-2601. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION — SUBJECT TO CITY**
8 **REGULATION.**

9 **SUBJECT TO REGULATION BY THE CITY OF THE POSSESSION OR**
10 **CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY OWNED BY THE**
11 **CITY OR ON A PUBLIC HIGHWAY, THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE**
12 **2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
13 **EXCEPTION OR VARIATION:**

14 **(1) § 6-202 ("INSPECTIONS");**

15 **(2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND**
16 **QUALITY OF ALCOHOLIC BEVERAGES");**

17 **(3) § 6-205 ("PEACE OFFICERS");**

18 **(4) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
19 **ALCOHOLIC BEVERAGE");**

20 **(5) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
21 **EVIDENCE OF SALE");**

22 **(6) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF**
23 **ALCOHOL IN PUBLIC PLACES");**

24 **(7) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
25 **CONSUMPTION"); AND**

26 **(8) § 6-211 ("FINES AND FORFEITURES").**

27 **(B) EXCEPTION.**

28 **SECTION 6-210 ("STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
29 **LAWS") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

1 (C) VARIATION.

2 SECTION 6-204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS
3 ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 10-2602 OF THIS SUBTITLE.

4 REVISOR’S NOTE: The introductory language of subsection (a) of this section is new
5 language derived without substantive change from former Art. 2B, § 19-103(c)
6 as it related to the City of Annapolis.

7 Subsections (b), (c), and (a)(1) through (8) of this section are new language
8 added to incorporate by reference general provisions relating to enforcement.

9 Defined terms: “Alcoholic beverage” § 1-101

10 “City” § 10-101

11 “State” § 1-101

12 **10-2602. SERVICE OF SUMMONS.**

13 IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6-204
14 OF THIS ARTICLE, THE CITY POLICE DEPARTMENT MAY SERVE A SUMMONS.

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 16-410(b)(2)(i)1.

17 Defined term: “City” § 10-101

18 **SUBTITLE 27. PROHIBITED ACTS.**

19 **10-2701. APPLICATION OF GENERAL PROVISIONS.**

20 (A) WITHOUT EXCEPTION OR VARIATION.

21 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
22 OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR
23 VARIATION:

24 (1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

25 (2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
26 INDIVIDUAL”);

27 (3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF
28 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

- 1 (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR
2 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
3 YEARS”);
- 4 (5) § 6-310 (“PROVIDING FREE FOOD”);
- 5 (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
6 DEALER”);
- 7 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 8 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
9 CONTAINER”);
- 10 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
11 DETACHABLE METAL TAB”);
- 12 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
13 REGULAR LABEL PRESUMED ILLICIT”);
- 14 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 15 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
16 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 17 (13) § 6-320 (“DISORDERLY INTOXICATION”);
- 18 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
19 PUBLIC”);
- 20 (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
21 MACHINE”);
- 22 (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
23 BEVERAGES”);
- 24 (17) § 6-327 (“TAX EVASION”);
- 25 (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- 26 (19) § 6-329 (“PERJURY”).
- 27 (B) EXCEPTIONS.

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
2 **OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

3 **(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
4 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND**

5 **(2) § 6–322 (“POSSESSION OF OPEN CONTAINER”).**

6 **(C) VARIATION.**

7 **SECTION 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
8 **INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY,**
9 **SUBJECT TO § 10–2703 OF THIS SUBTITLE.**

10 REVISOR’S NOTE: This section is new language added to incorporate by reference
11 general provisions relating to prohibited acts.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “City” § 10–101

14 “License holder” § 1–101

15 “Retail dealer” § 1–101

16 **10–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
17 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

18 **(A) PROHIBITED.**

19 **A PERSON MAY NOT SELL OR PROVIDE DIRECTLY OR INDIRECTLY ALCOHOLIC**
20 **BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS FOR THE INDIVIDUAL’S**
21 **OWN USE OR FOR THE USE OF ANY OTHER PERSON.**

22 **(B) DUE CAUTION STANDARD — DECEPTIVE DOCUMENTARY EVIDENCE.**

23 **A DEFENDANT MAY NOT BE FOUND GUILTY OF SELLING ALCOHOLIC**
24 **BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IF:**

25 **(1) THE INDIVIDUAL WILLFULLY REPRESENTED THAT THE**
26 **INDIVIDUAL IS AT LEAST 21 YEARS OLD AND OBTAINED AN ALCOHOLIC BEVERAGE;**
27 **AND**

28 **(2) THE DEFENDANT PROVES AT THE TRIAL THAT:**

29 **(I) MISREPRESENTATION OF AGE OCCURRED;**

1 (II) DUE CAUTION WAS USED IN ASCERTAINING THE AGE OF THE
2 INDIVIDUAL BEFORE PROVIDING THE ALCOHOLIC BEVERAGE TO THE INDIVIDUAL;

3 (III) IN THE EXERCISE OF DUE CAUTION, THE DEFENDANT WAS
4 DECEIVED BY THE USE OF DOCUMENTARY EVIDENCE; AND

5 (IV) BECAUSE OF THE USE OF DOCUMENTARY EVIDENCE, THE
6 DEFENDANT WAS UNABLE TO ASCERTAIN THAT THE INDIVIDUAL WAS UNDER THE
7 AGE OF 21 YEARS.

8 (C) PENALTY.

9 THE CITY COUNCIL MAY PROVIDE BY ORDINANCE THAT A VIOLATION OF THIS
10 SECTION IS A MUNICIPAL INFRACTION.

11 (D) NO BAR TO ADMINISTRATIVE ACTION.

12 THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR
13 AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF THIS SECTION DOES
14 NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE
15 LICENSE HOLDER FOR THE VIOLATION.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, §§ 12-108(e-1)(2) and (f)(2) and 12-202(b).

18 In subsection (a) of this section, the reference to "alcoholic beverages" is
19 substituted for the former reference to "spirituous, fermented or intoxicating
20 liquor" to conform to the terminology used throughout this article. Similarly,
21 in subsection (b)(1) of this section, the reference to "alcoholic beverage" is
22 substituted for the former reference to "spirituous liquor". Similarly, in
23 subsection (b)(2)(ii) of this section, the reference to the "alcoholic beverage" is
24 substituted for the former reference to the "alcohol".

25 Also in subsection (a) of this section, the former reference to a "licensee or
26 other" person is deleted as surplusage.

27 Also in subsection (a) of this section, the former phrase "within the corporate
28 limits of the City of Annapolis, or within 5 miles of the City" is deleted as
29 surplusage.

30 Also in subsection (a) of this section, the former reference to alcoholic
31 beverages "other than beer and light wine" is deleted as obsolete. Beer and
32 light wine were exempted from the prohibition against selling to individuals
33 under the age of 21 years from 1974 through 1982.

1 Also in subsection (a) of this section, the former phrase “in any quantity
2 whatever” is deleted as surplusage.

3 Also in subsection (a) of this section, the former phrase “either with or without
4 the written order or consent of the parent or guardian of the person” is deleted
5 as surplusage.

6 Also in subsection (a) of this section, the former reference to “dispose of, barter,
7 furnish, hand over or deliver” is deleted as included in the reference to “sell or
8 provide directly or indirectly”.

9 In the introductory language of subsection (b) of this section, the phrase “may
10 not be found guilty of selling alcoholic beverages to an individual under the
11 age of 21 years” is substituted for the former phrase “shall be acquitted of the
12 charge” to conform to the terminology used throughout this article.

13 In subsection (b) of this section, the references to the “defendant” are
14 substituted for the former references to the “person selling the spirituous
15 liquor” and the “person selling to the underage person” for clarity.

16 Also in subsection (b) of this section, the references to an “individual under
17 the age of 21 years” is substituted for the former references to an “underage
18 person” to conform to the terminology used throughout this article.

19 In subsection (b)(1) of this section, the reference to “at least 21 years old” is
20 substituted for the former reference to “of full age” for clarity.

21 In subsection (b)(2)(iii) of this section, the reference to “due” caution is
22 substituted for the former reference to “reasonable” caution for consistency
23 with the terminology used throughout this article.

24 In subsection (b)(2)(iv) of this section, the former phrase “in fact” is deleted as
25 surplusage.

26 In subsection (d) of this section, the reference to a violation of “this section” is
27 substituted for the former reference to a violation of “subsection (a) of this
28 section” [revised in § 6–304 of this article] for accuracy.

29 Former Art. 2B, § 12–108(e–1)(1) and (f)(1)(i), which stated that the provisions
30 of former Art. 2B, § 12–108(e–1) and (f) applied in the City of Annapolis, are
31 deleted as unnecessary in light of the organization of this revised article.

32 Defined terms: “Alcoholic beverage” § 1–101

33 “Board” § 10–101

34 “City” § 10–101

35 “License holder” § 1–101

1 "Person" § 1-101

2 **10-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
3 **INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

4 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
5 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS**
6 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
7 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 12-108(f)(2).

10 Defined terms: "Board" § 10-101
11 "License holder" § 1-101

12 **SUBTITLE 28. PENALTIES.**

13 **10-2801. APPLICATION OF GENERAL PROVISION.**

14 **SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE**
15 **APPLIES IN THE CITY.**

16 REVISOR'S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to imposing a penalty for a violation for which no
18 specific penalty is provided.

19 Defined term: "City" § 10-101

20 **10-2802. PENALTY IMPOSED BY BOARD.**

21 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 IN LIEU OF**
22 **SUSPENDING A LICENSE FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION**
23 **UNDER THE ALCOHOLIC BEVERAGE LAWS OF THE CITY.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 16-507(c)(2).

26 Defined terms: "Alcoholic beverage" § 1-101
27 "Board" § 10-101
28 "City" § 10-101
29 "License" § 1-101

30 **TITLE 11. ANNE ARUNDEL COUNTY.**

1 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

2 **11-101. DEFINITIONS.**

3 **(A) IN GENERAL.**

4 **IN THIS TITLE:**

5 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
6 **EXCEPTION OR VARIATION; AND**

7 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

8 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
9 by reference terms defined for the entire article.

10 Item (2) of this subsection is new language added as the standard introductory
11 language to a definition section.

12 **(B) BOARD.**

13 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ANNE**
14 **ARUNDEL COUNTY.**

15 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
16 full reference to the “Board of License Commissioners for Anne Arundel
17 County”.

18 **(C) COUNTY.**

19 **“COUNTY” MEANS ANNE ARUNDEL COUNTY.**

20 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
21 full reference to “Anne Arundel County”.

22 **(D) LIGHT WINE.**

23 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
24 **ALCOHOL BY VOLUME.**

25 REVISOR'S NOTE: This subsection is new language derived without substantive
26 change from former Art. 2B, § 4-101(a) and (c).

27 The defined term “wine” is substituted for the former reference to “a fermented
28 beverage” to conform to the terminology used throughout this article.

1 Defined term: "Wine" § 1-101

2 **(E) TAXPAYER.**

3 **"TAXPAYER" MEANS AN INDIVIDUAL WHO:**

4 **(1) OWNS REAL PROPERTY IN THE COUNTY IN THE INDIVIDUAL'S OWN**
5 **NAME, INDIVIDUALLY OR JOINTLY WITH OTHERS; AND**

6 **(2) PAYS REAL PROPERTY TAXES TO THE COUNTY.**

7 REVISOR'S NOTE: This subsection is new language derived without substantive
8 change from former Art. 2B, § 1-102(b)(2).

9 In item (1) of this subsection, the phrase "in the County" is added for clarity.

10 Defined term: "County" § 11-101

11 REVISOR'S NOTE TO SECTION

12 Former Art. 2B, § 1-102(b)(1), which was introductory language to a definition
13 subsection, is deleted as unnecessary in light of the organization of this
14 revised article.

15 **11-102. SCOPE OF TITLE.**

16 **THIS TITLE APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

17 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
18 organization of this revised article.

19 **11-103. COPY OF LEGISLATION.**

20 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
21 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
22 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
23 **MARYLAND 21401.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 18-103.

26 The reference to this "title" is substituted for the former reference to this
27 "subtitle" to conform to the organization of this revised article. Under the
28 former law, each local governing body derived its authority to enact alcoholic

1 beverages legislation from a common subtitle. Under this revised article, each
2 local governing body derives its authority from the title dedicated to the
3 jurisdiction of the local governing body.

4 Defined terms: "Alcoholic beverage" § 1-101
5 "County" § 11-101

6 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

7 **11-201. ESTABLISHED.**

8 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL**
9 **COUNTY.**

10 REVISOR'S NOTE: This section is new language added to state expressly what was
11 only implied in the former law, that an entity known as the Board of License
12 Commissioners for Anne Arundel County exists.

13 **11-202. MEMBERSHIP.**

14 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

15 **(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE**
16 **BOARD.**

17 **(2) THE APPOINTMENTS SHALL BE MADE:**

18 **(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND**
19 **CONSENT OF THE SENATE; OR**

20 **(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR**
21 **ALONE.**

22 **(B) QUALIFICATIONS.**

23 **(1) EACH MEMBER OF THE BOARD SHALL BE:**

24 **(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

25 **(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND**
26 **OF RECOGNIZED BUSINESS CAPACITY.**

27 **(2) NO MORE THAN TWO MEMBERS OF THE BOARD MAY BELONG TO**
28 **THE SAME POLITICAL PARTY.**

1 **(C) TENURE.**

2 **THE TERM OF A MEMBER IS 2 YEARS.**

3 **(D) VACANCIES.**

4 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
5 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
6 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
7 **THIS SECTION.**

8 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
9 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
10 **QUALIFIES.**

11 **(E) REMOVAL.**

12 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
13 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

14 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
15 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
16 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

17 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
18 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
19 **MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (c)(1) and
22 15–110(a).

23 In subsection (a)(1) of this section, the defined term “Board” is substituted for
24 the former reference to “persons who shall constitute and be styled “The Board
25 of License Commissioners for Baltimore City or ... County”, as the case may
26 be” because this title applies only to the Board of License Commissioners for
27 Anne Arundel County.

28 Also in subsection (a)(1) of this section, the former phrase “[f]or the
29 jurisdictions in which this section is effective,” is deleted as unnecessary in
30 light of the organization of this revised article.

31 In subsection (a)(2)(i) of this section, the former reference to “by and” with the
32 advice and consent of the Senate is deleted as surplusage.

1 In the introductory language of subsection (b)(1) of this section, the reference
2 to “[e]ach member of the Board” is substituted for the former reference to
3 “[t]he commissioners” to conform to the terminology used throughout this
4 subtitle.

5 In subsection (b)(1)(i) of this section, the defined term “County” is substituted
6 for the former reference to “Baltimore City or the respective counties, as the
7 case may be” because this title applies only to Anne Arundel County.

8 In subsection (b)(1)(ii) of this section, the reference to an “individual” is
9 substituted for the former reference to “persons” because only a human being
10 and not the other entities included in the definition of “person” may serve as
11 a member of a board of license commissioners.

12 Subsection (d) of this section is standard language substituted for the former
13 reference to the duty of the Governor, if a vacancy occurs on the Board when
14 the General Assembly is not in session, to appoint an eligible individual to fill
15 the vacancy for the remainder of the term. The standard language is intended
16 to correct a gap in the former law, which was silent as to the procedure to be
17 followed if a vacancy occurs when the General Assembly is in session.

18 In subsection (e)(1) of this section, the former reference to a member “of any
19 board of license commissioners appointed by him under the provisions of this
20 article” is deleted as surplusage.

21 In subsection (e)(2) of this section, the former phrase “in his own defense” is
22 deleted as surplusage.

23 Defined terms: “Board” § 11–101
24 “County” § 11–101

25 **11–203. CHAIR.**

26 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
27 **FROM AMONG THE MEMBERS OF THE BOARD.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 15–101(a)(2).

30 The defined term “Board” is substituted for the former reference to “Baltimore
31 City and each of the counties” because this section applies only to the Board
32 of License Commissioners for Anne Arundel County. Correspondingly, the
33 former phrase “of the respective boards” is deleted.

1 The reference to a “chair” is substituted for the former reference to a
2 “chairman” because SG § 2–1238 requires the use of words that are neutral as
3 to gender to the extent practicable.

4 The reference to “members” is substituted for the former reference to
5 “appointees” to conform to the terminology used throughout this subtitle.

6 Defined term: “Board” § 11–101

7 **11–204. COMPENSATION; STAFF.**

8 **(A) COMPENSATION.**

9 **(1) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY**
10 **OF NOT MORE THAN \$18,000 AND REIMBURSEMENT FOR EXPENSES REASONABLY**
11 **INCURRED.**

12 **(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN**
13 **ANNUAL SALARY OF NOT MORE THAN \$15,000 AND REIMBURSEMENT FOR EXPENSES**
14 **REASONABLY INCURRED.**

15 **(B) STAFF.**

16 **(1) THE BOARD MAY EMPLOY:**

17 **(I) NO MORE THAN TWO FULL–TIME ADMINISTRATORS WHOSE**
18 **ANNUAL SALARIES SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY**
19 **CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 16;**

20 **(II) INSPECTORS, SUBJECT TO § 11–206 OF THIS SUBTITLE; AND**

21 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY.**

22 **(2) THE BOARD SHALL EMPLOY:**

23 **(I) A FULL–TIME SECRETARY WHOSE ANNUAL SALARY SHALL**
24 **BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE,**
25 **WITHIN PAY GRADE 13; AND**

26 **(II) AN ATTORNEY AT AN ANNUAL SALARY OF \$20,000.**

27 **(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE BOARD**
28 **MAY SET THE COMPENSATION OF THE EMPLOYEES.**

1 REVISOR'S NOTE: This section is new language derived without substantive change
2 from former Art. 2B, §§ 15–109(c) and 15–112(a)(2) and (c)(5).

3 In subsection (a)(1) of this section, the requirement that the chair of the Board
4 receive “reimbursement for expenses reasonably incurred” is added to reflect
5 long-standing practice.

6 Also in subsection (a)(1) of this section, the reference to the “chair” is
7 substituted for the former reference to the “chairman” because SG § 2–1238
8 requires the use of words that are neutral as to gender to the extent
9 practicable.

10 Former Art. 2B, § 15–112(c)(1), which stated that “[t]his subsection applies
11 only in Anne Arundel County” and that “[e]xcept for paragraph (2) of this
12 subsection, it does not apply in the City of Annapolis”, are deleted as
13 unnecessary in light of the organization of this revised article.

14 Defined terms: “Board” § 11–101
15 “County” § 11–101

16 **11–205. SALE OF ALCOHOLIC BEVERAGES ON LICENSED PREMISES.**

17 **THE BOARD MAY ALLOW THE SALE OF ALCOHOLIC BEVERAGES IN OR ON A**
18 **PARKING LOT, PICNIC GROUND, BUILDING, OR TERRACE THAT IS AN INTEGRAL PART**
19 **OF THE LICENSED PREMISES.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8–202(f).

22 The former reference to alcoholic beverages “permitted by law to be sold” is
23 deleted as implicit in the reference to “the sale of alcoholic beverages”.

24 The former phrase “in any district other than the sixth, which is the City of
25 Annapolis” is deleted as surplusage.

26 Defined terms: “Alcoholic beverage” § 1–101
27 “Board” § 11–101

28 **11–206. INSPECTORS.**

29 **(A) NUMBER OF INSPECTORS; COMPENSATION.**

30 **(1) THE BOARD MAY EMPLOY:**

31 **(I) ONE PART-TIME CHIEF INSPECTOR AT AN ANNUAL SALARY**
32 **OF \$10,000;**

1 (II) ONE PART-TIME DEPUTY CHIEF INSPECTOR AT AN ANNUAL
2 SALARY OF \$8,000; AND

3 (III) 18 PART-TIME INSPECTORS AT AN ANNUAL SALARY OF
4 \$6,000 EACH.

5 (2) EACH INSPECTOR SHALL RECEIVE A MONTHLY EXPENSE
6 ALLOWANCE OF \$300, SUBJECT TO THE APPROVAL OF THE COMPTROLLER.

7 (B) POWERS.

8 AN INSPECTOR:

9 (1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE
10 STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;

11 (2) MAY SERVE A SUMMONS UNDER § 11-2604 OF THIS TITLE; AND

12 (3) MAY ISSUE A CIVIL CITATION UNDER § 11-2605 OF THIS TITLE.

13 (C) OATH.

14 AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE
15 MARYLAND CONSTITUTION.

16 (D) BOND.

17 (1) AN INSPECTOR SHALL PROVIDE A PENALTY BOND OF \$2,000 TO
18 THE BOARD AND THE COUNTY COUNCIL JOINTLY ON THE CONDITION THAT THE
19 INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.

20 (2) THE COUNTY SHALL PAY THE COST OF THE BOND.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, §§ 15-112(c)(3) and (4), 16-408, as it related to
23 the authority of inspectors in Anne Arundel County to issue civil citations, and
24 16-410(b)(2)(i)2, as it related to the authority of inspectors in Anne Arundel
25 County to serve summonses.

26 In the introductory language of subsection (a)(1) of this section, the former
27 phrase "[i]n addition to the powers given to the Board in subsection (a) of this
28 section," is deleted as surplusage.

1 In subsection (a)(1) of this section, the former reference to the inspectors being
2 “known as the ‘liquor inspectors for Anne Arundel County’” is deleted as
3 surplusage.

4 In subsection (a)(2) of this section, the reference to a monthly expense
5 “allowance” is added for clarity.

6 Also in subsection (a)(2) of this section, the former phrase “[i]n addition to a
7 salary stated in subparagraph (i) of this paragraph,” is deleted as surplusage.

8 Also in subsection (a)(2) of this section, the former reference to \$300 “per
9 month” is deleted as redundant of the requirement for a “monthly” expense
10 allowance.

11 In subsection (b)(1) of this section, the reference to the powers “arising out of
12 or relating to the enforcement of this article” is added for clarity.

13 Also in subsection (b)(1) of this section, the former reference to a “constable”
14 is deleted as unnecessary in light of the reference to a “peace officer”.

15 In subsection (b)(2) of this section, the reference to serving a summons “under
16 § 11–2604 of this title” is added for clarity.

17 Also in subsection (b)(2) of this section, the former reference to an inspector
18 “employed by the Board” having authority to serve a summons is deleted as
19 unnecessary because all inspectors in Anne Arundel County are employed by
20 the Board.

21 In subsection (b)(3) of this section, the reference to issuing a civil citation
22 “under § 11–2605 of this title” is substituted for the former reference to issuing
23 a civil citation “as provided in § 10–119 of the Criminal Law Article” for clarity.

24 Also in subsection (b)(3) of this section, the former reference to an inspector
25 “who investigate[s] license violations under this article” having authority to
26 issue a civil citation is deleted as unnecessary because it is a duty of all
27 inspectors in Anne Arundel County to investigate license violations.

28 In subsection (c) of this section, the reference to the requirement to “take the
29 oath required by Article I, § 9 of the Maryland Constitution” is substituted for
30 the former reference to the requirement to “[m]ake oath to faithfully perform
31 the duties entrusted to them, as provided in Article I, § 9 of the Constitution
32 of this State” for brevity.

33 In subsection (d)(1) of this section, the reference to the condition that the
34 inspector “faithfully perform the duties of office” is substituted for the former
35 reference to the condition that the inspector “well and faithfully execute the
36 office in all things appertaining thereto” for brevity and clarity.

1 Defined terms: “Board” § 11–101

2 “Comptroller” § 1–101

3 “County” § 11–101

4 **11–207. USE OF LICENSE FEES TO PAY SALARIES AND EXPENSES OF BOARD.**

5 **THE COUNTY SHALL:**

6 **(1) PAY THE SALARIES AND EXPENSES OF THE BOARD AND ITS**
 7 **EMPLOYEES, AS APPROVED BY THE COMPTROLLER, FROM THE FEES RECEIVED; AND**

8 **(2) DEVOTE THE BALANCE OF THE FEES RECEIVED TO THE GENERAL**
 9 **PURPOSES OF THE COUNTY.**

10 REVISOR’S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 10–204(c)(2)(ii).

12 The references to the “fees received” are substituted for the former references
 13 to “receipts” for clarity.

14 Defined terms: “Board” § 11–101

15 “Comptroller” § 1–101

16 “County” § 11–101

17 **11–208. REGULATIONS.**

18 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

19 REVISOR’S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 16–301(a), as it related to the authority of the
 21 Board to adopt regulations.

22 The former phrase “[i]n addition to the powers otherwise provided by this
 23 article,” is deleted as surplusage.

24 The defined term “Board” is substituted for the former reference to “the board
 25 of license commissioners from any county or Baltimore City, respectively,”
 26 because this section applies only to the Board of License Commissioners for
 27 Anne Arundel County.

28 The reference to the Board “adopt[ing] regulations to carry out” this article is
 29 substituted for the former reference to the Board “hav[ing] full power and
 30 authority to adopt such reasonable rules and regulations as they may deem
 31 necessary to enable them effectively to discharge the duties imposed upon
 32 them by” this article for brevity.

1 Defined term: “Board” § 11–101

2 **SUBTITLE 3. LIQUOR CONTROL.**

3 **11–301. LIQUOR CONTROL — NOT APPLICABLE.**

4 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
5 **IN THE COUNTY.**

6 REVISOR’S NOTE: This section is new language added to clarify that there is no
7 liquor control board or department of liquor control in the County.

8 Defined term: “County” § 11–101

9 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

10 **11–401. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
13 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
14 **EXCEPTION OR VARIATION:**

15 **(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**

16 **(2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**

17 **(3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**

18 **(4) § 2–205 (“CLASS 3 WINERY LICENSE”);**

19 **(5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**

20 **(6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**

21 **(7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);**

22 **(8) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);**

23 **(9) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**

24 **(10) § 2–211 (“RESIDENCY REQUIREMENT”);**

1 (11) § 2–212 (“ADDITIONAL LICENSES”);

2 (12) § 2–213 (“ADDITIONAL FEES”);

3 (13) § 2–214 (“SALE OR DELIVERY RESTRICTED”);

4 (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
5 AND RETAILERS”);

6 (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
7 PROHIBITED PRACTICES”); AND

8 (16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
9 RETAILERS — PROHIBITED”).

10 (B) EXCEPTION.

11 SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF
12 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

13 (C) VARIATION.

14 SECTION 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)
15 OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11–403 OF
16 THIS SUBTITLE.

17 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
18 incorporate by reference general provisions relating to the issuance of
19 manufacturer’s licenses.

20 Subsection (b) of this section is new language derived without substantive
21 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
22 implicit in the former law that a limited distillery license may not be issued
23 in the County.

24 Former Art. 2B, § 2–208(b)(2)(v), which provided that a Class 7 micro–brewery
25 license shall be issued in the County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “County” § 11–101
28 “Manufacturer’s license” § 1–101

29 **11–402. HOURS AND DAYS OF SALE OR DELIVERY.**

1 A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER
2 ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO
3 MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 11-101(b)(2).

6 Defined terms: "Alcoholic beverage" § 1-101
7 "Manufacturer's license" § 1-101

8 **11-403. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

9 **IN ADDITION TO § 2-215 OF THIS ARTICLE:**

10 **(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE**
11 **REQUIRED AT THE TIME OF SALE OR DELIVERY; AND**

12 **(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND**
13 **IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from the second and third sentences of former Art. 2B, § 12-202(c).

16 In item (2) of this section, the former phrase "[i]n addition to currency" is
17 deleted as surplusage.

18 Defined terms: "Beer" § 1-101
19 "Retail dealer" § 1-101

20 **SUBTITLE 5. WHOLESALER'S LICENSES.**

21 **11-501. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 ("WHOLESALER'S**
24 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
25 **EXCEPTION OR VARIATION:**

26 **(1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");**

27 **(2) § 2-302 ("CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER'S**
28 **LICENSE");**

- 1 (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);
- 2 (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);
- 3 (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);
- 4 (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- 5 (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- 6 (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- 7 (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM
8 WHOLESALER’S VEHICLE”);
- 9 (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- 10 (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- 11 (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- 12 (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF
13 LICENSE OR PERMIT”);
- 14 (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND
15 RETAILERS”);
- 16 (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
17 PROHIBITED PRACTICES”); AND
- 18 (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS
19 AND RETAILERS — PROHIBITED”).

20 **(B) VARIATION.**

21 **SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)**
22 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-504 OF**
23 **THIS SUBTITLE.**

24 REVISOR’S NOTE: This section is new language added to incorporate by reference
25 general provisions relating to the issuance of wholesaler’s licenses.

26 Defined terms: “County” § 11-101

1 “Wholesaler’s license” § 1–101

2 **11–502. HOURS AND DAYS OF SALE OR DELIVERY.**

3 **EXCEPT AS PROVIDED IN § 11–503 OF THIS SUBTITLE, A HOLDER OF A**
4 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
5 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
6 **SUNDAY.**

7 REVISOR’S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 11–102(a).

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Wholesaler’s license” § 1–101

11 **11–503. DELIVERY OF BEER TO CLASS C PER DIEM LICENSE HOLDER.**

12 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

13 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
14 **WITH A HOLDER OF A CLASS C PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF**
15 **THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE CLASS C PER DIEM**
16 **LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

17 **(B) DISPENSING DRAFT BEER.**

18 **(1) THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS**
19 **SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND**
20 **SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.**

21 **(2) BEFORE THE LICENSE EXPIRES, A HOLDER OF A CLASS C PER**
22 **DIEM LICENSE SHALL PAY FOR ANY EQUIPMENT, SERVICES, PERSONNEL, AND**
23 **SUPPLIES REQUIRED FOR DISPENSING DRAFT BEER.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 11–102(b) and (d).

26 In subsection (a) of this section, the reference to a “Class C per diem” license
27 is substituted for the former references to a “special 1–day” and “special Class
28 C” license to conform to the terminology used throughout this article.

29 Also in subsection (a) of this section, the reference to a per diem license issued
30 “under Subtitle 13 of this title” is substituted for the former reference to a
31 license issued “pursuant to § 7–101 of this article” to reflect the reorganization

1 of material relating to per diem licenses in titles for each applicable
2 jurisdiction in this revision.

3 Also in subsection (a) of this section, the reference to a holder of a wholesaler's
4 license "enter[ing] into an agreement" with a holder of a Class C per diem
5 license is substituted for the former reference to a holder of a wholesaler's
6 license "agree[ing]" with a holder of a Class C per diem license for clarity.

7 Also in subsection (a) of this section, the reference to delivery of beer on the
8 "effective date of the Class C per diem license" is substituted for the former
9 reference to delivery on the "effective day of the license" for clarity.

10 Also in subsection (a) of this section, the former reference to accepting returns
11 on the same day "of delivery" is deleted as surplusage.

12 In subsection (b) of this section, the language that the "agreement entered into
13 under subsection (a) of this section shall include the type of equipment,
14 services, personnel, and supplies required to dispense draft beer" is
15 substituted for the former language that the "parties shall agree upon the type
16 of equipment, services, personnel, and supplies ... required" to dispense draft
17 beer for clarity.

18 Defined terms: "Beer" § 1-101
19 "Wholesaler's license" § 1-101

20 **11-504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

21 **FOR PURPOSES OF APPLYING § 2-314 OF THIS ARTICLE:**

22 **(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE**
23 **REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER; AND**

24 **(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND**
25 **IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from the second and third sentences of former Art. 2B, § 12-202(c).

28 In item (2) of this section, the former phrase "[i]n addition to currency" is
29 deleted as surplusage.

30 Defined term: "Beer" § 1-101

31 **SUBTITLE 6. BEER LICENSES.**

32 **11-601. CLASS A BEER LICENSE — NOT APPLICABLE.**

1 **A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 3-101(c).

4 Defined terms: "Beer" § 1-101
5 "County" § 11-101

6 **11-602. CLASS B BEER LICENSE — NOT APPLICABLE.**

7 **A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 3-201(c).

10 Defined terms: "Beer" § 1-101
11 "County" § 11-101

12 **11-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

13 **A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 3-301(c).

16 Defined terms: "Beer" § 1-101
17 "County" § 11-101

18 **11-604. CLASS D BEER LICENSE — NOT APPLICABLE.**

19 **A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 3-401(c).

22 Defined terms: "Beer" § 1-101
23 "County" § 11-101

24 **SUBTITLE 7. LIGHT WINE LICENSES.**

25 **11-701. CLASS A LIGHT WINE LICENSE.**

26 **(A) ESTABLISHED.**

1 **THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

2 **(B) AUTHORIZED HOLDER.**

3 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR**
 4 **A CLASS 4 LIMITED WINERY LICENSE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
 7 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE**
 8 **WINERY.**

9 **(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR**
 10 **CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE**
 11 **LICENSED PREMISES.**

12 **(D) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$60.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 4–201(a)(1), (b)(7), (c)(1), (d)(1), and (e)(1)(i) and
 16 (2).

17 In subsection (b) of this section, the reference to a “Class 3 winery license” is
 18 substituted for the former reference to a “Class 3 manufacturer’s license, who
 19 makes wine from agricultural products grown in Maryland” for brevity and to
 20 conform to the terminology used throughout this article. Similarly, the
 21 reference to a “Class 4 limited winery license” is substituted for the former
 22 reference to a “Class 4 manufacturer’s license”.

23 Also in subsection (b) of this section, the former reference to a license being
 24 issued “by the license issuing authority of the county in which the place of
 25 business is located” is deleted as surplusage.

26 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
 27 as implicit in the word “sell”.

28 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
 29 any consumer” is deleted as surplusage.

30 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
 31 former reference to “delivered” to conform to the terminology used throughout
 32 this article.

1 Defined terms: "County" § 11-101
2 "Light wine" § 11-101

3 **SUBTITLE 8. BEER AND WINE LICENSES.**

4 **11-801. CLASS A BEER AND LIGHT WINE LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

7 **(B) SCOPE OF AUTHORIZATION.**

8 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
9 **AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

10 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN**
11 **A SEALED PACKAGE OR CONTAINER.**

12 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
13 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT**
14 **WINE IS SOLD.**

15 **(C) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$240.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 5-101(a)(1) and (c)(1).

19 Subsection (a) of this section is revised in standard language used throughout
20 this article to establish a license.

21 In subsection (a) of this section and throughout this subtitle, the former
22 references to the license being "issued by the license issuing authority of the
23 county in which the place of business is located" are deleted as surplusage.

24 In subsection (b)(1) of this section and throughout this subtitle, the former
25 references to "keep[ing] for sale" are deleted as implicit in the references to
26 "sell[ing]".

27 In subsection (b)(2) of this section, the word "sell" is substituted for the former
28 word "deliver" to conform to the terminology used throughout this article.

1 Defined terms: "Beer" § 1-101
2 "Light wine" § 11-101

3 **11-802. CLASS B BEER AND LIGHT WINE LICENSE.**

4 (A) ESTABLISHED.

5 THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.

6 (B) SCOPE OF AUTHORIZATION.

7 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT
8 WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE
9 LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.

10 (C) FEE.

11 THE ANNUAL LICENSE FEE IS \$480.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 5-201(a)(1) and (c)(2).

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 In subsection (b) of this section, the reference to "on- and off-premises
17 consumption" is substituted for the former reference to "consumption on the
18 premises or elsewhere" for clarity.

19 Former Art. 2B, § 5-201(c)(1), which stated that former Art. 2B, § 5-201(c)
20 applied only in Anne Arundel County, is deleted as unnecessary in light of the
21 organization of this revised article.

22 Defined terms: "Beer" § 1-101
23 "Hotel" § 1-101
24 "Light wine" § 11-101
25 "Restaurant" § 1-101

26 **11-803. CLASS C BEER AND LIGHT WINE LICENSE.**

27 (A) ESTABLISHED.

28 THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.

29 (B) SCOPE OF AUTHORIZATION.

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
2 **WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE**
3 **PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

4 **(C) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$120.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 5-301(c) and (a)(1).

8 Subsection (a) of this section is revised in standard language used throughout
9 this article to establish a license.

10 In subsection (b) of this section, the former reference to consumption "only" on
11 the premises is deleted as surplusage.

12 Also in subsection (b) of this section, the former reference to a "bona fide"
13 member is deleted as surplusage.

14 Defined terms: "Beer" § 1-101

15 "Club" § 1-101

16 "Light wine" § 11-101

17 **11-804. CLASS D BEER AND LIGHT WINE LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

20 **(B) SCOPE OF AUTHORIZATION.**

21 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
22 **WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
23 **OFF-PREMISES CONSUMPTION.**

24 **(C) DRUGSTORE PROHIBITION.**

25 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

26 **(D) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$480.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5-401(a)(1) and (c)(1)(i).

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (b) of this section, the reference to "on- and off-premises
6 consumption" is substituted for the former reference to "consumption on the
7 premises or elsewhere" for clarity.

8 Defined terms: "Beer" § 1-101

9 "Light wine" § 11-101

10 **11-805. CLASS H BEER AND LIGHT WINE LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS H BEER AND LIGHT WINE LICENSE.**

13 **(B) SCOPE OF AUTHORIZATION.**

14 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
15 **WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE**
16 **LICENSE, FOR ON-PREMISES CONSUMPTION.**

17 **(C) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$360.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 5-202(d) and (b)(1).

21 Subsection (a) of this section is revised in standard language used throughout
22 this article to establish a license.

23 Former Art. 2B, § 5-202(a)(1), which stated that former Art. 2B, § 5-202
24 applied in Anne Arundel County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Defined terms: "Beer" § 1-101

27 "Hotel" § 1-101

28 "Light wine" § 11-101

29 "Restaurant" § 1-101

30 **11-806. HOTEL-LIMITED SERVICE LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A BEER AND WINE (HOTEL-LIMITED SERVICE) LICENSE.

3 (B) AUTHORIZED HOLDER.

4 THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO OWNS OR LEASES A
5 HOTEL THAT CONTAINS:

6 (1) AT LEAST 50 ROOMS; AND

7 (2) A KITCHEN LICENSED TO OPERATE AS A FOOD SERVICE FACILITY.

8 (C) SCOPE OF AUTHORIZATION.

9 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE
10 EVERY DAY AT ONE OR MORE LOCATIONS IN THE HOTEL FOR ON-PREMISES
11 CONSUMPTION.

12 (D) FEE.

13 THE ANNUAL LICENSE FEE IS \$2,400 TO BE PAID ON OR BEFORE MAY 1.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 8-202(j)(3), (5), (1)(i), (4)(i), and, as it related to
16 a beer and wine license, (2).

17 In the introductory language of subsection (b) of this section, the former
18 reference to issuing a license "only" to a person who owns or leases a hotel is
19 deleted as surplusage.

20 In subsection (c) of this section, the reference to "beer and wine" is substituted
21 for the former reference to "alcoholic beverages" for clarity.

22 In subsection (d) of this section, the former reference to payment being made
23 "to the Board" is deleted as surplusage.

24 Defined terms: "Beer" § 1-101

25 "Board" § 11-101

26 "Hotel" § 1-101

27 "Person" § 1-101

28 "Wine" § 1-101

29 GENERAL REVISOR'S NOTE TO SUBTITLE

1 Former Art. 2B, § 5–401(c)(2), which provided for a Class WT license for taverns
2 without music, dancing, or other similar entertainment with an annual license fee of
3 \$90, and former Art. 2B, § 5–401(c)(3), which provided for a Class WTM license for
4 taverns with music but without dancing or other similar entertainment with an
5 annual license fee of \$115, are deleted as obsolete. They were repealed by Ch. 614,
6 Acts of 1961 and replaced by the Class D beer and light wine license, but
7 inadvertently they continued to appear in the Annotated Code. According to the
8 administrator of the Board, the last time either license has been issued is unknown.

9 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

10 **11–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

13 **(B) SCOPE OF AUTHORIZATION.**

14 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
15 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

16 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
17 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
18 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

19 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

20 **A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

21 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
22 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
23 **THE LICENSE;**

24 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
25 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
26 **APPLIED FOR; OR**

27 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
28 **LEAST 3 YEARS.**

29 **(D) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$720.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 6–101(c) and (a)(1) and (3).

4 Subsection (a) of this section is revised in standard language used throughout
5 this title to establish a license.

6 In subsection (b) of this section, references to the phrase “beer, wine, or liquor”
7 are substituted for the references to the phrase “alcoholic beverages” for
8 clarity.

9 In subsection (b)(1) of this section, the phrase “to sell” is substituted for the
10 former phrase “to keep for sale and to sell” for brevity.

11 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
12 deleted as surplusage.

13 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
14 of the application for the license” is substituted for the former phrase “that
15 length of time” for clarity.

16 In subsection (c)(3) of this section, the former reference to “actually” engaged
17 is deleted as surplusage.

18 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
19 deleted as surplusage.

20 Defined terms: “Beer” § 1–101
21 “Wine” § 1–101

22 **11–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

27 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
28 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

29 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

1 **(3) CONTAINS:**

2 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

3 **(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE**
4 **PUBLIC; AND**

5 **(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND**
6 **SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
9 **LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE**
10 **LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

11 **(D) FEE.**

12 **THE ANNUAL FEE FOR THE LICENSE IS \$1,080.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 6-201(a)(1) and (3)(i) and (c)(2).

15 Subsection (a) of this section is standard language used throughout this article
16 to establish a license.

17 In subsection (b) of this section, the former phrase "[e]xcept in Montgomery
18 County or in the case of a contrary provision in this subtitle" is deleted as
19 unnecessary in light of the organization of this revised article.

20 In subsection (b)(3)(iii) of this section, the reference to "individuals" is
21 substituted for the former reference to "persons" because this subsection refers
22 only to human beings.

23 Former Art. 2B, § 6-201(c)(1), which stated that former Art. 2B, § 6-201(c)
24 applied only in Anne Arundel County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Defined terms: "Beer" § 1-101

27 "Hotel" § 1-101

28 "Restaurant" § 1-101

29 "Wine" § 1-101

30 **11-903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
5 **LIQUOR AT RETAIL, AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
6 **ON-PREMISES CONSUMPTION.**

7 **(C) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$480.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 6-301(a)(1) and (c)(2).

11 Subsection (a) of this section is revised in standard language used throughout
12 this article to establish a license.

13 In subsection (b) of this section, the reference to "beer, wine, and liquor" is
14 substituted for the former reference to "all alcoholic beverages" for clarity.

15 Also in subsection (b) of this section, the phrase "to sell" is substituted for the
16 former phrase "to keep for sale and sell" for brevity.

17 Also in subsection (b) of this section, the former reference to consumption
18 "only" on the licensed premises is deleted as surplusage.

19 Former Art. 2B, § 6-301(c)(1), which stated that former Art. 2B, § 6-301(c)
20 applied only in Anne Arundel County, is deleted as unnecessary in light of the
21 organization of this revised article.

22 As to Class C licenses for specific organizations or venues, *see* Subtitle 12 of
23 this title.

24 Defined terms: "Beer" § 1-101

25 "Board" § 11-101

26 "Club" § 1-101

27 "Wine" § 1-101

28 **11-904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

29 **(A) ESTABLISHED.**

1 **THERE ARE:**

2 **(1) A CLASS D BEER, WINE, AND LIQUOR LICENSE FOR ON- AND**
3 **OFF-PREMISES CONSUMPTION; AND**

4 **(2) A LIMITED CLASS D BEER, WINE, AND LIQUOR LICENSE FOR**
5 **ON-PREMISES CONSUMPTION ONLY.**

6 **(B) ISSUANCE OF LIMITED LICENSE.**

7 **WHEN AN APPLICATION FOR A NEW CLASS D BEER, WINE, AND LIQUOR**
8 **LICENSE IS FILED, THE BOARD MAY LIMIT THE SALE OF BEER, WINE, AND LIQUOR**
9 **TO ALLOW ON-PREMISES CONSUMPTION ONLY.**

10 **(C) FEES.**

11 **THE ANNUAL LICENSE FEES ARE:**

12 **(1) \$1,200, FOR A CLASS D LICENSE; AND**

13 **(2) \$1,080 FOR A LIMITED CLASS D LICENSE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 6-401(c)(2) through (4).

16 In subsection (a) of this section, the former phrase "two type" is deleted as
17 surplusage.

18 In subsection (b) of this section, the reference to "beer, wine, and liquor" is
19 substituted for the former reference to "alcoholic beverages" for clarity.

20 In subsection (c)(1) of this section, the former reference to a Class D "on- and
21 off-sale" license is deleted as surplusage.

22 Former Art. 2B, § 6-401(c)(1), which stated that former Art. 2B, § 6-401(c)
23 applied only in Anne Arundel County, is deleted as unnecessary in light of the
24 organization of this revised article.

25 Defined terms: "Beer" § 1-101

26 "Board" § 11-101

27 "Wine" § 1-101

28 **11-905. CLASS H BEER, WINE, AND LIQUOR LICENSE.**

29 **(A) ESTABLISHED.**

1 **THERE IS A CLASS H BEER, WINE, AND LIQUOR LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
4 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES**
5 **CONSUMPTION.**

6 **(C) HOURS AND DAYS FOR SALE.**

7 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
8 **HOURS AND DAYS AS SET OUT UNDER § 11-2004(E) OF THIS TITLE.**

9 **(D) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$960.**

11 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
12 derived without substantive change from former Art. 2B, § 6-201(c)(3).

13 Subsection (c) of this section is new language added for clarity.

14 Subsection (a) of this section is standard language used throughout this article
15 to establish a license.

16 In subsection (b) of this section, the phrase "the place described in the license"
17 is substituted for the former phrase "any restaurant" for clarity and
18 consistency within this article.

19 Defined terms: "Beer" § 1-101

20 "Restaurant" § 1-101

21 "Wine" § 1-101

22 **11-906. HOTEL LIMITED SERVICE LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A BEER, WINE, AND LIQUOR (HOTEL-LIMITED SERVICE) LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE A LICENSE TO A PERSON WHO OWNS OR LEASES A**
27 **HOTEL THAT:**

1 **(1) HAS AT LEAST 50 ROOMS; AND**

2 **(2) OPERATES A KITCHEN LICENSED AT LEAST AS A FOOD SERVICE**
 3 **FACILITY.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 6 **LIQUOR EVERY DAY AT ONE OR MORE LOCATIONS IN THE HOTEL FOR ON-PREMISES**
 7 **CONSUMPTION.**

8 **(D) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$2,800.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 8-202(j)(3), (5), (1)(ii), (4)(ii), and, as it related
 12 to the beer, wine, and liquor license, (2).

13 In subsection (b) of this section, the former reference to issuing a license "only"
 14 to a person who owns or leases a hotel is deleted as surplusage.

15 Also in subsection (c) of this section, the reference to the license being used to
 16 sell "beer and wine or beer, wine, and liquor" is substituted for the former
 17 reference to "alcoholic beverages" for clarity.

18 In subsection (d) of this section, the former reference to payment being made
 19 "on May 1 to the Board" is deleted as surplusage.

20 The Alcoholic Beverages Article Review Committee notes for consideration by
 21 the General Assembly, that the hours and days of sale for this license are not
 22 stated in statutory law.

23 Defined terms: "Beer" § 1-101

24 "Board" § 8-101

25 "Hotel" § 1-101

26 "Person" § 1-101

27 "Wine" § 1-101

28 **11-907. MOTEL/HOTEL-RESTAURANT LICENSE.**

29 **(A) ESTABLISHED.**

30 **THERE IS A MOTEL/HOTEL-RESTAURANT LICENSE.**

1 **(B) AUTHORIZED HOLDER.**

2 **(1) THE BOARD MAY ISSUE THE LICENSE TO THE PERSON OWNING OR**
3 **LEASING A MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX THAT**
4 **HAS:**

5 **(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
6 **SUBSECTION, AT LEAST \$500,000 IN CAPITAL INVESTMENT;**

7 **(II) AT LEAST 100 ROOMS; AND**

8 **(III) AN ENCLOSED DINING ROOM IN WHICH, AT LEAST TWICE A**
9 **DAY, FULL-COURSE MEALS ARE SERVED WITH PATRONS ORDERING FROM MENUS.**

10 **(2) A CONCESSIONAIRE TO WHOM THE FOOD CONCESSION OF THE**
11 **COMPLEX IS LEASED IS EXEMPT FROM THE REQUIREMENT OF HAVING AT LEAST**
12 **\$500,000 IN CAPITAL INVESTMENT.**

13 **(C) SCOPE OF AUTHORIZATION.**

14 **THE LICENSE AUTHORIZES:**

15 **(1) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO A**
16 **PERSON AT ONE OR MORE LOCATIONS, INCLUDING BARS OR COUNTERS, IN THE**
17 **LICENSED MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX FOR**
18 **ON-PREMISES CONSUMPTION, INCLUDING BARS AND COUNTERS; AND**

19 **(2) THE PLAYING OF MUSIC AND DANCING.**

20 **(D) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$3,600 FOR EACH SEPARATE ESTABLISHMENT.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 8-202(i)(1), (2), (3)(i) and (ii), (4)(i) through (iii),
24 and (5)(i).

25 In subsection (b)(1)(iii) of this section, the reference to "meals are served with
26 patrons ordering off of menus" is substituted for the former reference to "meals
27 from menus" for clarity.

1 In the introductory language of subsection (b) of this section, the former
2 reference to a “firm or corporation” is deleted as included in the defined term
3 “person”.

4 Also in the introductory language of subsection (b) of this section, the former
5 reference to issuing the license “only” to the person owning or leasing the
6 complex is deleted as surplusage.

7 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
8 as implicit in the reference to “sell”.

9 Also in subsection (c)(1) of this section, the reference to “beer, wine, and liquor”
10 is substituted for the former reference to “any and all alcoholic beverages” for
11 clarity.

12 Also in subsection (c)(1) of this section, the word “in” is substituted for the
13 former phrase “within the confines of” for brevity.

14 Also in subsection (c)(1) of this section, the former reference to beer, wine, and
15 liquor being sold to any person “without further residential, voting or locative
16 qualifications being required of the applicant” is deleted as surplusage.

17 Also in subsection (c)(1) of this section, the former reference to a
18 motel–restaurant complex or hotel–restaurant complex selling beer, wine, and
19 liquor “every day” is deleted as surplusage.

20 In subsection (d) of this section, the former reference to the fee being “paid on
21 May 1 to the Board” is deleted as surplusage.

22 Former Art. 2B, § 8–202(i)(3)(iii), which required a motel–restaurant complex
23 or hotel–restaurant complex with 100 or more rooms to have a
24 motel–restaurant or hotel–restaurant license by October 1, 1977, is deleted as
25 obsolete.

26 Former Art. 2B, § 8–202(i)(4)(iv), which stated that the provisions of former
27 Art. 2B, § 8–202(d) related to special Sunday licenses do not apply to the
28 holder of a license issued under former Art. 2B, § 8–202(i), is deleted as
29 unnecessary in light of the organization of this revised article.

30 Former Art. 2B, § 8–202(i)(5)(i), which stated that “[t]he licenses and licensees
31 are subject to all laws and regulations applicable to the sale of alcoholic
32 beverages, not inconsistent with the provisions of this subsection”, is deleted
33 as unnecessary because it is simply a statement of common practice.

34 The Alcoholic Beverages Article Review Committee notes, for consideration by
35 the General Assembly, that the hours and days of sale for the license are not
36 stated in statutory law.

1 Defined terms: "Beer" § 1-101
2 "Board" § 8-101
3 "Hotel" § 1-101
4 "Person" § 1-101
5 "Restaurant" § 1-101
6 "Wine" § 1-101

7 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

8 **11-1001. AIRPORT CONCESSIONAIRE LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS AN AIRPORT CONCESSIONAIRE LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **(1) THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO IS A**
13 **LESSEE, SUBLESSEE, OR CONCESSIONAIRE AT AN AIRPORT.**

14 **(2) THE BOARD MAY NOT IMPOSE ADDITIONAL QUALIFICATIONS FOR**
15 **THE LICENSE AS TO THE RESIDENCE OR VOTING STATUS OF THE LICENSE HOLDER.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES:**

18 **(1) THE SALE OF BEER, WINE, AND LIQUOR EVERY DAY FROM EACH**
19 **LOCATION IN AN AIRPORT TERMINAL; AND**

20 **(2) THE PLAYING OF MUSIC AND DANCING.**

21 **(D) BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL**
22 **AIRPORT.**

23 **(1) (I) THIS PARAGRAPH DOES NOT APPLY TO DUTY FREE SHOPS.**

24 **(II) A PERSON WHO IS A LESSEE, SUBLESSEE, OR**
25 **CONCESSIONAIRE AT BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD**
26 **MARSHALL AIRPORT MAY HOLD ONE LICENSE FOR MULTIPLE LOCATIONS WITHIN**
27 **THE TERMINAL OF BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD**
28 **MARSHALL AIRPORT, EVEN IF THE PERSON ALREADY HOLDS ANOTHER LICENSE**
29 **THAT THE BOARD ISSUES.**

1 **(2) ON RECEIPT OF AN APPLICATION FOR THE LICENSE, THE BOARD**
2 **SHALL:**

3 **(I) GIVE PRECEDENCE TO THE APPLICATION OF A PERSON**
4 **UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION OVER ALL OTHER LICENSE**
5 **APPLICATIONS; AND**

6 **(II) HOLD A HEARING ON THE APPLICATION AT THE BOARD**
7 **MEETING THAT IMMEDIATELY FOLLOWS RECEIPT OF THE APPLICATION.**

8 **(E) SUNDAY SALES.**

9 **A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT UNDER §**
10 **11-1104 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.**

11 **(F) FEES.**

12 **(1) (I) THE ANNUAL FEE FOR THE LICENSE AND ONE LOCATION**
13 **FROM WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IS \$5,000.**

14 **(II) THE ANNUAL FEE FOR EACH ADDITIONAL LOCATION FROM**
15 **WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IS \$5,000.**

16 **(2) EACH FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 8-202(g)(1), (2)(i), (ii), and (iv), and (3).

19 In subsection (b)(1) of this section, the defined term "person" is substituted for
20 the former reference to "an individual, association of individuals, or a
21 corporation" for brevity.

22 Also in subsection (b)(1) of this section, the language authorizing the Board to
23 "issue" an airport concessionaire license is substituted for the former reference
24 to a person to "obtain" the license to conform to the terminology used
25 throughout this article.

26 In subsection (b)(2) of this section, the reference to "the residence or voting
27 status of the license holder" is substituted for the former reference to the
28 "residential [or], voting ... qualifications" for clarity.

29 Also in subsection (b)(2) of this section, the former reference to "locative
30 qualifications" is deleted as redundant.

1 In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is
2 substituted for the former reference to “alcoholic beverages” for clarity.

3 Also in subsection (c)(1) of this section, the former reference to “any and all”
4 alcoholic beverages is deleted as surplusage.

5 In subsections (c)(1) and (d)(1)(ii) of this section, the former references to an
6 airport terminal “building” are deleted as surplusage.

7 In the introductory language of subsection (d)(2) of this section, the reference
8 to “the license” is substituted for the former reference to a license “under
9 subparagraph (ii) or (iii) of this paragraph” for brevity.

10 In subsection (d)(2)(ii) of this section, the reference to the application “of a
11 person under paragraph (1)(ii) of this subsection” is added for clarity.

12 In subsection (e) of this section, the reference to the Sunday permit “under §
13 11–1104 of this title to sell alcoholic beverages after 2 a.m. on Sunday” is
14 substituted for the former reference to “[t]he provisions of subsection (d) of
15 this section relating to special Sunday licenses” for clarity.

16 In subsection (f)(2) of this section, the reference to on “or before” May 1 is
17 added for clarity.

18 Former Art. 2B, § 8–202(g)(2)(iii), which concerned the issuance of a license to
19 cover a transition period involving different licensees, is deleted as obsolete.

20 Former Art. 2B, § 8–202(g)(4), which stated that “[l]icenses and licensees are
21 subject to all laws and regulations applicable to the sale of alcoholic beverages
22 not inconsistent with the provisions of this section”, is deleted as an
23 unnecessary statement of common practice.

24 The Alcoholic Beverages Article Review Committee notes, for consideration by
25 the General Assembly, that the hours and days of sale for the license are not
26 stated in statutory law, except as provided in subsection (e) of this section,
27 which states that a Sunday sales permit is not needed.

28 Defined terms: “Alcoholic beverage” § 1–101

29 “Beer” § 1–101

30 “Board” § 11–101

31 “License” § 1–101

32 “License holder” § 1–101

33 “Person” § 1–101

34 “Wine” § 1–101

35 **11–1002. COUNTRY AND GOLF CLUB LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS C (COUNTRY AND GOLF CLUB) LICENSE.**

3 **(B) SIGNING OF LICENSE APPLICATION.**

4 **AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE**
5 **OFFICER OF THE COUNTRY AND GOLF CLUB WHO IS A RESIDENT, REGISTERED**
6 **VOTER, AND TAXPAYER OF THE COUNTY.**

7 **(C) AUTHORIZED HOLDER.**

8 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB**
9 **THAT:**

10 **(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER**
11 **YEAR PER MEMBER; AND**

12 **(2) AT THE TIME OF THE APPLICATION FOR THE LICENSE, MAINTAINS:**

13 **(I) AT LEAST TWO TENNIS COURTS;**

14 **(II) A SWIMMING POOL THAT IS AT LEAST 30 FEET BY 80 FEET;**

15 **AND**

16 **(III) A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST**
17 **NINE HOLES.**

18 **(D) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
20 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
21 **CONSUMPTION.**

22 **(E) HOURS AND DAYS OF SALE.**

23 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
24 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND**
25 **DAYS OF SALE AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER**
26 **§ 11-2004 OF THIS TITLE.**

27 **(2) THE LICENSE MAY BE USED TO SELL BEER, WINE, AND LIQUOR ON**
28 **SUNDAY.**

1 **(F) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$1,800.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 6-301(c)(6).

5 In subsection (b) of this section, the former reference to an application "filed
6 on behalf of a golf and country club" is deleted as surplusage.

7 In subsection (c)(1) of this section, the former reference to "bona fide" members
8 is deleted as surplusage.

9 In subsection (c)(2)(ii) of this section, the former reference to 30 feet by 80 feet
10 "in size" is deleted as surplusage.

11 In subsections (d) and (e)(2) of this section, the references to "beer, wine, and
12 liquor" are substituted for the former references to "[any] alcoholic beverages"
13 for clarity.

14 In subsection (d) of this section, the former reference to "keep[ing] for sale" is
15 deleted as implicit in the reference to "sell[ing]".

16 Also in subsection (d) of this section, the former reference to selling alcoholic
17 beverages "to any customer" is deleted as surplusage.

18 In subsection (e)(1) of this section, the reference to the authority of a "license
19 holder" to "sell beer, wine, and liquor during the hours and days of sale as set
20 out for a Class C beer, wine, and liquor license under § 11-2004 of this title"
21 is substituted for the former phrase "[t]he golf and country club license is
22 subject to all the provisions of this article," for clarity and consistency with
23 other similar provisions on hours and days of sale in this article.

24 The Alcoholic Beverages Article Review Committee notes, for consideration by
25 the General Assembly, that in subsection (b) of this section, the requirements
26 that an applicant be a resident, registered voter, and taxpayer in the County
27 may violate the equal protection guarantees of the Fourteenth Amendment to
28 the United States Constitution and Article 24 of the Maryland Declaration of
29 Rights. Maryland courts look unfavorably on legislation that classifies persons
30 by geography, which may be accomplished by residency or registration
31 requirements, if the primary purpose of the legislation is economic. *See Verzi*
32 *v. Baltimore County*, 333 Md. 411 (1994).

33 Defined terms: "Beer" § 1-101

34 "Board" § 8-101

35 "County" § 8-101

1 "Wine" § 1-101

2 **11-1003. COUNTRY CLUB LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A CLASS C (COUNTRY CLUB) LICENSE.**

5 **(B) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB THAT:**

7 **(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER**
8 **YEAR PER MEMBER; AND**

9 **(2) MAINTAINS AT THE TIME OF THE APPLICATION FOR THE LICENSE:**

10 **(I) AT LEAST TWO TENNIS COURTS;**

11 **(II) A SWIMMING POOL THAT IS AT LEAST 30 FEET BY 80 FEET;**

12 **AND**

13 **(III) AT LEAST 15 ACRES USED IN CONNECTION WITH THE**
14 **LICENSED PREMISES.**

15 **(C) SCOPE OF AUTHORIZATION.**

16 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
17 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR**
18 **ON-PREMISES CONSUMPTION.**

19 **(2) THE LICENSE DOES NOT ALLOW SALES FOR:**

20 **(I) OFF-PREMISES CONSUMPTION; OR**

21 **(II) CONSUMPTION ON THE GROUNDS OF THE COUNTRY CLUB.**

22 **(D) HOURS AND DAYS OF SALE.**

23 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
24 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
25 **UNDER § 11-2004 OF THIS TITLE, INCLUDING SUNDAY SALES RESTRICTIONS.**

1 **(E) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$750.**

3 REVISOR'S NOTE: This section is new language derived without substantive change from
4 former Art. 2B, § 6–301(c)(7) and (6)(iii) and, as it related to Anne Arundel County, (a)(1).

5 In subsection (b)(1) of this section, the former reference to “bona fide” members
6 is deleted as surplusage.

7 In subsection (b)(2)(ii) of this section, the former reference to 30 feet by 80 feet
8 “in size” is deleted as surplusage.

9 In subsection (b)(2)(iii) of this section, the former reference to 15 acres “of
10 ground” is deleted as surplusage.

11 In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is
12 substituted for the former reference to “all alcoholic beverages” for clarity.

13 Also in subsection (c)(1) of this section, the former reference to “keep[ing] for
14 sale” is deleted as implicit in the reference to “sell[ing]”.

15 Also in subsection (c)(1) of this section, the former phrase “at any club” is
16 deleted as surplusage.

17 In subsection (d) of this section, the reference to the authority for the license
18 holder to “sell beer, wine, and liquor during the hours and days as set out for
19 a Class C beer, wine, and liquor license under § 11–2004 of this title” is added
20 to provide a cross–reference to the provisions on hours and days of sale for
21 Class C beer, wine, and liquor licenses in Anne Arundel County.

22 Also in subsection (d) of this section, the phrase “Sunday sales” is substituted
23 for the former phrase “sale of alcoholic beverages on Sunday” for brevity.

24 Former Art. 2B, § 6–301(c)(8), which stated that a country club not under
25 construction by July 1, 1977, shall have two or more tennis courts and a
26 swimming pool that is at least 30 feet by 80 feet, is deleted as duplicative of
27 the first sentence of former Art. 2B, § 6–301(c)(7)(iii), now revised at
28 subsection (b)(2) of this section.

29 Defined terms: “Beer” § 1–101

30 “Board” § 11–101

31 “Wine” § 1–101

32 **11–1004. ENTERTAINMENT CONCESSIONAIRE LICENSE.**

1 **(A) DEFINITIONS.**

2 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
3 **INDICATED.**

4 **(2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY**
5 **OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

6 **(I) ENGAGES IN THE DAILY SALE OF BEER, WINE, AND LIQUOR**
7 **ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN AN ENTERTAINMENT FACILITY;**
8 **AND**

9 **(II) IS OPERATED AS A CONCESSION ADJACENT TO BUT**
10 **INDEPENDENT OF THE ENTERTAINMENT FACILITY.**

11 **(3) “ENTERTAINMENT FACILITY” MEANS A FACILITY THAT HOLDS A**
12 **LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

13 **(B) ESTABLISHED.**

14 **THERE IS AN ENTERTAINMENT CONCESSIONAIRE LICENSE.**

15 **(C) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE OPERATING IN**
17 **CONJUNCTION WITH AN ENTERTAINMENT FACILITY.**

18 **(D) SCOPE OF AUTHORIZATION.**

19 **(1) THE LICENSE AUTHORIZES:**

20 **(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON**
21 **THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ANYWHERE IN THE**
22 **ENTERTAINMENT FACILITY; AND**

23 **(II) THE PLAYING OF MUSIC AND DANCING IN THE LICENSED**
24 **PREMISES.**

25 **(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY**
26 **BE TAKEN INTO AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY.**

27 **(E) HOURS AND DAYS OF SALE.**

1 **(1) THE HOURS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC**
2 **BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR**
3 **A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE**
4 **GOVERNMENT ARTICLE.**

5 **(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY SALES**
6 **LICENSE UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER**
7 **2 A.M. ON SUNDAY.**

8 **(F) EFFECT OF SECTION.**

9 **THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR**
10 **PURPOSES OF § 11-1609 OF THIS TITLE.**

11 **(G) FEE.**

12 **(1) THE ANNUAL FEE FOR THE LICENSE IS \$5,000.**

13 **(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

14 **(H) PENALTY APPLICABLE TO HOLDER OF CONCESSIONAIRE'S LICENSE.**

15 **ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A**
16 **REGULATION OF THE BOARD ON THE LICENSED PREMISES OF THE HOLDER OF AN**
17 **ENTERTAINMENT CONCESSIONAIRE LICENSE SHALL APPLY TO THE HOLDER OF A**
18 **CONCESSIONAIRE'S LICENSE WHO THE BOARD DETERMINES TO BE RESPONSIBLE**
19 **FOR THE VIOLATION.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8-202(k)(1), (3), (4)(ii) and (iii), (7), (10), and, as
22 they related to an entertainment concessionaire license, (5)(ii) and (iii), (6),
23 and (8) and § 11-502(j).

24 In subsection (e)(2) of this section, the reference to the statement that a holder
25 of the license "need not obtain a Sunday sales license" is substituted for the
26 former statement that a provision relating to special Sunday licenses "does
27 not apply to a license issued under this subsection" for clarity.

28 In subsection (g)(2) of this section, the reference to on "or before" May 1 is
29 added for clarity.

30 In subsection (h) of this section, the reference to "the holder of a
31 concessionaire's license" is substituted for the former reference to the
32 "concessionaire" for clarity.

1 The part of former Art. 2B, § 8–202(k)(5)(i) that stated that an off–sale
2 privilege is not conferred by an entertainment concessionaire license is deleted
3 as surplusage.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Beer” § 1–101

6 “Board” § 11–101

7 “License” § 1–101

8 “License holder” § 1–101

9 “Wine” § 1–101

10 **11–1005. ENTERTAINMENT FACILITY LICENSE.**

11 **(A) “ENTERTAINMENT FACILITY” DEFINED.**

12 **“ENTERTAINMENT FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE**
13 **UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

14 **(B) ESTABLISHED.**

15 **THERE IS AN ENTERTAINMENT FACILITY LICENSE.**

16 **(C) AUTHORIZED HOLDER.**

17 **(1) THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN**
18 **ENTERTAINMENT FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE**
19 **FACILITIES, BARS, OR LOUNGES THAT ARE PART OF THE OPERATION OF THE**
20 **ENTERTAINMENT FACILITY.**

21 **(2) (I) THE LICENSE SHALL BE ISSUED TO AN INDIVIDUAL OR**
22 **ENTITY THAT OWNS AN ENTERTAINMENT FACILITY AND HOLDS A LICENSE UNDER**
23 **TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

24 **(II) AN APPLICANT FOR THE LICENSE NEED NOT MEET ANY**
25 **LOCATION, VOTING, OR RESIDENCY REQUIREMENTS.**

26 **(D) SCOPE OF AUTHORIZATION.**

27 **(1) THE LICENSE AUTHORIZES:**

28 **(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR IN**
29 **ANY LOCATION OF THE ENTERTAINMENT FACILITY THAT IS NOT COVERED BY AN**
30 **ENTERTAINMENT CONCESSIONAIRE LICENSE FOR CONSUMPTION ANYWHERE IN**
31 **THE ENTERTAINMENT FACILITY; AND**

1 **(II) THE PLAYING OF MUSIC AND DANCING IN THE LICENSED**
2 **PREMISES.**

3 **(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY**
4 **BE TAKEN AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY.**

5 **(E) HOURS AND DAYS OF SALE.**

6 **(1) THE HOURS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC**
7 **BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR**
8 **A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE**
9 **GOVERNMENT ARTICLE.**

10 **(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT**
11 **UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON**
12 **SUNDAY.**

13 **(F) EFFECT OF SECTION.**

14 **THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR**
15 **PURPOSES OF § 11-1609 OF THIS TITLE.**

16 **(G) FEE.**

17 **(1) THE ANNUAL FEE FOR THE LICENSE IS \$15,000.**

18 **(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 8-202(k)(1)(i) and (iii), (2), (4)(i) and (iii), (7),
21 and, as they related to an entertainment facility license, (5)(ii) and (iii), (6),
22 and (8) and § 11-502(j).

23 In subsection (d)(3) of this section, the language that the license does not allow
24 "sales for off-premises consumption" is substituted for the former language
25 stating that an "off-sale privilege is not conferred by" the license for clarity.

26 In subsection (e)(2) of this section, the reference to the statement that a holder
27 of the license "need not obtain a Sunday permit" is substituted for the former
28 statement that a provision relating to special Sunday licenses "does not apply
29 to a license issued under this subsection" for clarity.

1 The part of former Art. 2B, § 8–202(k)(5)(i) that stated that an off–sale
2 privilege is not conferred by an entertainment facility license is deleted as
3 surplusage.

4 **11–1006. FRATERNAL/SORORAL ORGANIZATION LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS C (FRATERNAL/SORORAL) ORGANIZATION LICENSE.**

7 **(B) AUTHORIZED HOLDER.**

8 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE,**
9 **POLITICAL ORGANIZATION, OR CHAPTER OF A NONPROFIT AND NATIONWIDE**
10 **FRATERNAL OR SERVICE ORGANIZATION THAT:**

11 **(1) IS COMPOSED ONLY OF INDUCTED MEMBERS;**

12 **(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE**
13 **APPLICATION WAS MADE;**

14 **(3) HAS A MEMBERSHIP OF AT LEAST 100 INDIVIDUALS AND DUES OF**
15 **AT LEAST \$5 PER YEAR PER INDIVIDUAL; AND**

16 **(4) OWNS AND OPERATES A HOME OR CLUBHOUSE THAT IS**
17 **PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY**
18 **MEMBERS.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
21 **LIQUOR AT RETAIL FOR ON–PREMISES CONSUMPTION TO:**

22 **(1) A MEMBER OF THE LOCAL UNIT FOR WHICH THE LICENSE WAS**
23 **ISSUED; OR**

24 **(2) A MEMBER’S GUEST WHEN ACCOMPANIED BY THE MEMBER.**

25 **(D) HOURS AND DAYS OF SALE.**

26 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
27 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
28 **UNDER § 11–2004 OF THIS TITLE.**

1 **(E) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$400.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 6-301(c)(4)(i) through (iii) and the first and
5 second sentences of (iv) and, as it related to the hours and days of sale, the
6 third sentence of (iv).

7 In the introductory language of subsection (b) of this section, the former
8 reference to a "bona fide" fraternal or service organization is deleted as
9 surplusage.

10 In subsection (b)(1) of this section, the former reference to "duly" elected is
11 deleted as surplusage.

12 Also in subsection (b)(1) of this section, the reference to "inducted" is
13 substituted for the former reference to "elected" for clarity.

14 Also in subsection (b)(1) of this section, the former reference to being "initiated
15 in accordance with the rites and customs of the fraternal or service
16 organization" is deleted as unnecessary in light of the reference to "inducted"
17 members.

18 In subsection (b)(2) of this section, the former phrase "in existence" is deleted
19 as included in the reference to "operating".

20 In subsection (b)(3) of this section, the references to "individuals" and
21 "individual" are substituted for the former references to "persons" and
22 "person" because this subsection applies only to human beings.

23 In the introductory language of subsection (c) of this section, the reference to
24 "beer, wine, and liquor" is substituted for the former reference to "any
25 alcoholic beverages" for clarity.

26 Also in the introductory language of subsection (c) of this section, the former
27 reference to "keep[ing] for sale" is deleted as implicit in the reference to
28 "sell[ing]".

29 Also in the introductory language of subsection (c) of this section, the former
30 reference to selling "at retail" is deleted as surplusage.

31 In subsection (d) of this section, the reference to the authority of the "license
32 holder" to "sell beer, wine, and liquor" is substituted for the former reference
33 to the "license [being] subject to all of the provisions of this article relating to
34 Class C beer, wine and liquor licenses in Anne Arundel County" for clarity and

1 consistency with similar provisions on the hours and days of sale in this
2 article.

3 The third sentence of former Art. 2B, § 6–301(c)(4)(iv), which stated that “[t]he
4 licensee is subject to all of the provisions of this article relating to Class C
5 beer, wine and liquor licenses in Anne Arundel County”, except as it related
6 to the hours and days of sale for this license, is deleted as an unnecessary
7 statement of common practice.

8 Defined terms: “Beer” § 1–101
9 “Board” § 11–101
10 “County” § 11–101
11 “Wine” § 1–101

12 **11–1007. RACETRACK LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A RACETRACK LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **(1) THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A**
17 **REGULARLY LICENSED RACING ESTABLISHMENT.**

18 **(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A**
19 **LICENSE APPLICANT.**

20 **(C) SCOPE OF AUTHORIZATION.**

21 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL ALCOHOLIC**
22 **BEVERAGES AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE RACING PARK.**

23 **(D) HOURS AND DAYS OF SALE.**

24 **THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FROM 2 HOURS**
25 **BEFORE THE RUNNING OF AN AUTHORIZED RACE TO 2 HOURS AFTER THE RUNNING**
26 **OF AN AUTHORIZED RACE.**

27 **(E) FEE.**

28 **THE LICENSE FEE IS \$60 PER DAY OF LIVE OR SIMULCAST RACING TO BE PAID**
29 **TO THE BOARD ON OR BEFORE JANUARY 1 FOR THE RACING OF THE PRECEDING**
30 **YEAR.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 8–202(e)(1) through (3) and 11–502(e).

3 In subsection (b) of this section, the language authorizing the Board to “issue”
4 a license to a racetrack owner without certain qualifications is substituted for
5 the former language authorizing a racetrack owner to “procure” a license
6 without certain qualifications for consistency with language used throughout
7 this article.

8 Also in subsection (b) of this section, the former reference to the sale of any
9 “and all” alcoholic beverages is deleted as surplusage.

10 In subsection (b)(1) of this section, the former reference to the owner “whether
11 individual, association of individuals, or a corporation” is deleted as
12 surplusage.

13 In subsection (b)(2) of this section, the former reference to “locative”
14 qualifications is deleted as redundant.

15 In subsection (c) of this section, the reference to the sale of alcoholic beverages
16 “on the premises” of the license holder’s racing park is substituted for the
17 former reference to sales of alcoholic beverages “within the confines” of the
18 license holder’s racing park to conform to the terminology used throughout
19 this article.

20 In subsection (e) of this section, the reference to the license fee per day “of live
21 or simulcast racing” is added for clarity and to conform to current practice.

22 Also in subsection (e) of this section, the former reference to the license fee
23 being “payable to the Board” is deleted as implicit and therefore unnecessary.

24 Former Art. 2B, § 8–202(e)(4), which stated that “[l]icenses and licensees are
25 subject to all laws and regulations applicable to the sale of alcoholic beverages
26 not inconsistent with the provisions of this section”, is deleted as an
27 unnecessary statement of common practice.

28 Former Art. 2B, § 8–202(e)(5), which stated that former Art. 2B, § 8–202(e)
29 did not apply to the sixth district, which is the City of Annapolis, is deleted as
30 unnecessary in light of the organization of this revised article.

31 Defined terms: “Alcoholic beverage” § 1–101
32 “Board” § 11–101

33 **11–1008. RESORT COMPLEX LICENSE.**

34 **(A) “RESORT COMPLEX” DEFINED.**

1 **IN THIS SECTION, “RESORT COMPLEX” MEANS A RECREATIONAL AREA:**

2 **(1) OF AT LEAST 10 ACRES; AND**

3 **(2) WITH BEACH FACILITIES AND OTHER FACILITIES TO SERVE AND**
4 **ACCOMMODATE AT LEAST 500 INDIVIDUALS AT ONE TIME.**

5 **(B) ESTABLISHED.**

6 **THERE IS A RESORT COMPLEX LICENSE.**

7 **(C) AUTHORIZED HOLDER.**

8 **THE BOARD MAY ISSUE THE LICENSE TO THE PERSON OWNING OR LEASING A**
9 **RESORT COMPLEX.**

10 **(D) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES:**

12 **(1) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT BARS**
13 **OR COUNTERS AT ONE OR MORE LOCATIONS IN THE RESORT COMPLEX DAILY FOR**
14 **ON-PREMISES CONSUMPTION; AND**

15 **(2) THE PLAYING OF MUSIC AND DANCING.**

16 **(E) HOURS AND DAYS OF SALE.**

17 **(1) A LICENSE HOLDER MAY SERVE ALCOHOLIC BEVERAGES:**

18 **(I) AT ONE OR MORE OUTSIDE LOCATIONS IN THE RESORT**
19 **COMPLEX, FROM 8 A.M. TO MIDNIGHT FOR EACH OUTING; AND**

20 **(II) IN A MAIN, PERMANENT AREA FROM 6 A.M. TO 2 A.M. THE**
21 **NEXT DAY.**

22 **(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT**
23 **UNDER § 11–2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON**
24 **SUNDAY.**

25 **(F) FEE.**

26 **(1) THE ANNUAL LICENSE FEE IS \$1,800.**

1 **(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

2 REVISOR'S NOTE: This section is new language derived without substantive change
3 from former Art. 2B, § 8–202(h)(1) through (4), (6), and (7).

4 In subsection (a)(2) of this section, the reference to “individuals” is substituted
5 for the former reference to “persons” because this section applies only to
6 human beings.

7 In subsection (c) of this section, the former reference to a “firm, or corporation”
8 is deleted as included in the reference to the defined term “person”.

9 In subsection (d)(1)(i) of this section, the former reference to a license “covering
10 ‘on–sales’” of beer, wine, and liquor “to any person” is deleted for brevity and
11 clarity in light of the reference to a license authorizing the sale of alcoholic
12 beverages “in the resort complex” for “on–premises consumption”.

13 Also in subsection (d)(1)(i) of this section, the reference to “beer, wine, and
14 liquor” is substituted for the former references to “any and all alcoholic
15 beverages” and “alcoholic beverages” for clarity.

16 In subsection (d)(2)(ii) of this section, the phrase “the next day” is added for
17 clarity.

18 In subsection (e)(2) of this section, the reference to a holder of the license “need
19 not obtain a Sunday permit under § 11–2004 of this title” is substituted for
20 the former reference to “[t]he provisions of subsection (d) of this section
21 relating to special Sunday licenses do not apply” to a holder of the license for
22 clarity.

23 In subsection (f)(2) of this section, the reference to on “or before” May 1 is
24 added for clarity.

25 Former Art. 2B, § 8–202(h)(5), which stated that “[t]he licenses and licensees
26 are subject to all laws and regulations applicable to the sale of alcoholic
27 beverages not inconsistent with the provisions of this subsection”, is deleted
28 as an unnecessary statement of common practice.

29 Defined terms: “Alcoholic beverage” § 1–101

30 “Beer” § 1–101

31 “Board” § 11–101

32 “Person” § 1–101

33 “Wine” § 1–101

34 **11–1009. VETERANS’ ORGANIZATION LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS C (VETERANS' ORGANIZATION) LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD SHALL ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A**
5 **NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

6 **(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED**
7 **FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN**
8 **ENGAGED;**

9 **(2) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION**
10 **THAT WAS GRANTED BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

11 **(3) HAS A BONA FIDE MEMBERSHIP OF AT LEAST 100 INDIVIDUALS**
12 **AND DUES OF AT LEAST \$5 PER YEAR PER INDIVIDUAL; AND**

13 **(4) OPERATES FOR ITS MEMBERS AND MEETS IN A CLUBHOUSE**
14 **PRINCIPALLY USED FOR ITS MEMBERS.**

15 **(C) SCOPE OF AUTHORIZATION.**

16 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
17 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
18 **CONSUMPTION.**

19 **(D) HOURS AND DAYS OF SALE.**

20 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
21 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
22 **UNDER § 11-2004 OF THIS TITLE.**

23 **(E) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$400.**

25 **REVISOR'S NOTE:** This section is new language derived without substantive
26 change from former Art. 2B, § 6-301(c)(3)(i) through (iii) and, as it related to
27 hours and days of sale, (iv) and, as it related to Anne Arundel County, (a)(1).

1 In the introductory language of subsection (b) of this section, the former
2 reference to a “bona fide” nonprofit organization or club is deleted as
3 surplusage.

4 In subsection (b)(3) of this section, the references to “individuals” and
5 “individual” are substituted for the former references to “persons” and
6 “person” because this subsection applies only to human beings.

7 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
8 substituted for the former reference to “all alcoholic beverages” for clarity.

9 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
10 is deleted as implicit in the reference to “sell[ing]”.

11 Also in subsection (c) of this section, the former phrase “at any club” is deleted
12 as surplusage.

13 In subsection (d) of this section, the reference to the authority of the “license
14 holder” to “sell beer, wine, and liquor” is substituted for the former reference
15 to the “license [being] subject to all other provisions of this article relating to
16 Class C beer, wine and liquor licenses in Anne Arundel County” for clarity and
17 consistency with similar provisions on the hours and days of sale in this
18 article.

19 Former Art. 2B, § 6–301(c)(3)(iv), which stated that “[t]he license is subject to
20 all other provisions of this article relating to Class C beer, wine and liquor
21 licenses in Anne Arundel County”, except as it related to the hours and days
22 of sale for this license, is deleted as an unnecessary statement of common
23 practice.

24 Defined terms: “Beer” § 1–101

25 “Board” § 11–101

26 “Club” § 1–101

27 “Wine” § 1–101

28 **11–1010. YACHT CLUB LICENSE.**

29 **(A) ESTABLISHED.**

30 **THERE IS A CLASS C (YACHT CLUB) LICENSE.**

31 **(B) SIGNING OF LICENSE APPLICATION.**

32 **AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE**
33 **OFFICER OF THE CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF**
34 **THE COUNTY.**

1 (C) AUTHORIZED HOLDER.

2 THE BOARD MAY ISSUE THE LICENSE FOR USE BY A YACHT CLUB THAT:

3 (1) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$75 PER
4 YEAR PER MEMBER; AND

5 (2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:

6 (I) A CLUBHOUSE WITH A SEATING CAPACITY OF AT LEAST 100;

7 (II) SLIPS, BOAT PARKING SPACES, OR BERTHS FOR AT LEAST 50
8 BOATS; AND

9 (III) AT LEAST 1 ACRE.

10 (D) SCOPE OF AUTHORIZATION.

11 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
12 LIQUOR FOR ON-PREMISES CONSUMPTION AT RETAIL AT THE PLACE DESCRIBED IN
13 THE LICENSE TO:

14 (1) A MEMBER OF THE YACHT CLUB; OR

15 (2) A MEMBER'S GUEST WHEN ACCOMPANIED BY THE MEMBER.

16 (E) HOURS AND DAYS OF SALE.

17 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
18 HOURS AND DAYS AS SET OUT FOR CLASS C BEER, WINE, AND LIQUOR LICENSES
19 UNDER § 11-2004 OF THIS TITLE.

20 (F) FEE.

21 THE ANNUAL LICENSE FEE IS \$1,800.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 6-301(c)(5)(i) through (iii), (v), and the first and
24 second sentences of (iv) and, as it related to hours and days of sale, the third
25 sentence of (iv).

26 In subsection (b) of this section, the former reference to an application "filed
27 on behalf of any yacht club in the county" is deleted as surplusage.

1 In the introductory language of subsection (c) of this section, the former
2 reference to a yacht club “in the county” is deleted as unnecessary in light of
3 the organization of this revised article.

4 In subsection (c)(1) of this section, the former reference to “bona fide” members
5 is deleted as surplusage.

6 In subsection (c)(2)(i) of this section, the reference to a seating capacity “of at
7 least 100” is substituted for the former reference to a seating capacity
8 “sufficient to accommodate at one time at least 100 persons” for brevity.

9 In subsection (c)(2)(iii) of this section, the former reference to 1 acre “of
10 ground” is deleted as surplusage.

11 In subsection (d) of this section, the reference to “beer, wine, and liquor” is
12 substituted for the former reference to “any alcoholic beverages” for clarity.

13 Also in subsection (d) of this section, the former phrases “at retail” and “at the
14 place described in the license” are deleted as surplusage.

15 In subsection (e) of this section, the reference to the authority of the “license
16 holder” to “sell beer, wine, and liquor” is substituted for the former reference
17 to the “license [being] subject to all of the provisions of this article relating to
18 Class C beer, wine and liquor licenses in Anne Arundel County” for clarity and
19 consistency with similar provisions on the hours and days of sale in this
20 article.

21 The third sentence of former Art. 2B, § 6–301(c)(5)(iv), which stated that “[t]he
22 licensee is subject to all of the provisions of this article relating to Class C
23 beer, wine and liquor licenses in Anne Arundel County”, except as it related
24 to the hours and days of sale for this license, is deleted as an unnecessary
25 statement of common practice.

26 The Alcoholic Beverages Article Review Committee notes, for consideration by
27 the General Assembly, that in subsection (b) of this section, the requirements
28 that an applicant be a resident, registered voter, and taxpayer in the County
29 may violate the equal protection guarantees of the Fourteenth Amendment to
30 the United States Constitution and Article 24 of the Maryland Declaration of
31 Rights. Maryland courts look unfavorably on legislation that classify persons
32 by geography, which may be accomplished by residency or registration
33 requirements, if the primary purpose of the legislation is economic. *See Verzi*
34 *v. Baltimore County*, 333 Md. 411 (1994).

35 Defined terms: “Beer” § 1–101

36 “Board” § 11–101

37 “County” § 11–101

1 "Wine" § 1-101

2 **GENERAL REVISOR'S NOTE TO SUBTITLE**

3 Former Art. 2B, § 8-202(k)(9), which stated that the entertainment facility license
4 and concessionaire licenses are subject to all laws and regulations applicable to the
5 sale of alcoholic beverages not inconsistent with that subsection, is deleted as an
6 unnecessary statement of common practice.

7 Former Art. 2B, § 11-304(c)(2)(i), which stated that a person may consume alcoholic
8 beverages on the licensed premises of a video lottery facility only during the hours of
9 operation established under § 9-1A-23 of the State Government Article, is deleted
10 as redundant of § 11-1004(e)(1) of this subtitle.

11 Former Art. 2B, § 11-304(c)(2)(ii), which stated that a holder of an entertainment
12 facility license or an entertainment concessionaire license or an employee of the
13 license holder may not knowingly allow a person to consume alcoholic beverages on
14 the licensed premises of a video lottery facility except during the hours of operation
15 established under § 9-1A-23 of the State Government Article, is deleted as
16 surplusage.

17 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

18 **11-1101. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 ("ADDITIONAL LICENSE**
21 **PRIVILEGES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
22 **EXCEPTION OR VARIATION:**

23 **(1) § 4-1102 ("CORKAGE - CONSUMING WINE NOT PURCHASED FROM**
24 **LICENSE HOLDER ON LICENSED PREMISES"); AND**

25 **(2) § 4-1103 ("REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
26 **FROM LICENSED PREMISES").**

27 **(B) EXCEPTION.**

28 **SECTION 4-1105 ("REFILLABLE CONTAINER PERMIT - WINE") OF DIVISION I**
29 **OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

30 **(C) VARIATION.**

1 **SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”) OF**
2 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-1103 OF**
3 **THIS SUBTITLE.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to additional privileges of license holders.

6 Defined terms: “Beer” § 1-101

7 “County” § 11-101

8 “License” § 1-101

9 “License holder” § 1-101

10 “Wine” § 1-101

11 **11-1102. MUSIC AND ENTERTAINMENT PRIVILEGES.**

12 **(A) IN GENERAL.**

13 **(1) ON THE PREMISES, OR ON ADJACENT PROPERTY OVER WHICH A**
14 **LICENSE HOLDER HAS OWNERSHIP OR CONTROL, A LICENSE HOLDER:**

15 **(I) MAY ALLOW PIPED-IN BACKGROUND MUSIC OR ONE**
16 **TELEVISION SCREEN; BUT**

17 **(II) UNLESS ISSUED A PERMIT DESCRIBED IN THIS SECTION**
18 **THAT AUTHORIZES THE ACTIVITY, MAY NOT ALLOW:**

19 1. **THE PLAYING OF MUSIC, INCLUDING LIVE MUSIC;**

20 2. **THE OPERATION OF A KARAOKE MACHINE;**

21 3. **THE PLAYING OF MUSIC BY A DISC JOCKEY; OR**

22 4. **DANCING, FLOOR SHOWS, OR ANY OTHER SIMILAR**
23 **TYPE OF ENTERTAINMENT.**

24 **(2) THE BOARD MAY ISSUE A PERMIT DESCRIBED IN THIS SECTION**
25 **ONLY IF THE BOARD FINDS THAT:**

26 **(I) THE APPLICANT CAN CONTROL THE INDIVIDUALS USING**
27 **THE LICENSED PREMISES;**

28 **(II) THE OPERATION OF THE PREMISES UNDER THE PERMIT**
29 **WILL NOT UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD**
30 **IN WHICH THE PLACE OF BUSINESS IS LOCATED; AND**

1 **(III) THE ISSUING OF THE PERMIT:**

2 1. **IS NECESSARY TO ACCOMMODATE THE PUBLIC;**

3 2. **WILL NOT BE DETRIMENTAL TO THE PUBLIC**
4 **WELFARE; AND**

5 3. **WILL NOT VIOLATE A COUNTY FIRE, HEALTH, OR**
6 **BUILDING REGULATION.**

7 **(B) MUSIC PERMIT.**

8 **(1) THERE IS A MUSIC PERMIT.**

9 **(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B**
10 **LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.**

11 **(3) THE PERMIT AUTHORIZES THE PLAYING OF RECORDED MUSIC OR**
12 **LIVE MUSIC WITH NOT MORE THAN TWO MUSICIANS.**

13 **(4) THE PERMIT HOLDER MAY NOT ALLOW DANCING, FLOOR SHOWS,**
14 **OR SIMILAR LIVE ENTERTAINMENT.**

15 **(5) THE ANNUAL PERMIT FEE IS \$100.**

16 **(C) ENTERTAINMENT PERMIT.**

17 **(1) THERE IS AN ENTERTAINMENT PERMIT.**

18 **(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B**
19 **LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.**

20 **(3) THE PERMIT AUTHORIZES:**

21 **(I) LIVE MUSIC WITH NOT MORE THAN FOUR MUSICIANS; AND**

22 **(II) THE PLAYING OF:**

23 1. **MORE THAN ONE TELEVISION;**

24 2. **A KARAOKE MACHINE; AND**

1 **3. MUSIC BY A DISC JOCKEY.**

2 **(4) THE PERMIT HOLDER MAY NOT ALLOW DANCING, FLOOR SHOWS,**
3 **OR SIMILAR LIVE ENTERTAINMENT.**

4 **(5) THE ANNUAL PERMIT FEES ARE:**

5 **(I) \$200 FOR A HOLDER OF A BEER AND WINE LICENSE; AND**

6 **(II) \$300 FOR A HOLDER OF A BEER, WINE, AND LIQUOR**
7 **LICENSE.**

8 **(D) DANCING PERMIT.**

9 **(1) THERE IS A DANCING PERMIT.**

10 **(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF:**

11 **(I) A CLASS B LICENSE;**

12 **(II) A CLASS C LICENSE;**

13 **(III) A CLASS D LICENSE; OR**

14 **(IV) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
15 **SUBSECTION, A CLASS H LICENSE.**

16 **(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE MUSIC,**
17 **DANCING, AND OTHER LEGAL FORMS OF ENTERTAINMENT.**

18 **(4) THE BOARD MAY NOT ISSUE THE PERMIT TO A HOLDER OF A**
19 **CLASS H LICENSE IF THE PREMISES FOR WHICH THE CLASS H LICENSE IS ISSUED IS**
20 **WITHIN 1,000 FEET IN A STRAIGHT LINE FROM ENTRY TO ENTRY FROM A PLACE OF**
21 **WORSHIP OR SCHOOL.**

22 **(5) THE ANNUAL PERMIT FEES ARE:**

23 **(I) \$200 FOR A HOLDER OF A BEER AND WINE LICENSE;**

24 **(II) \$400 FOR A HOLDER OF A BEER, WINE, AND LIQUOR**
25 **LICENSE; AND**

26 **(III) NO CHARGE FOR A HOLDER OF A CLASS C LICENSE.**

1 **(E) OUTDOOR PERMIT.**

2 **(1) THERE IS AN OUTDOOR PERMIT.**

3 **(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B**
4 **LICENSE, A CLASS C LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.**

5 **(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE OUTDOOR**
6 **TABLE SERVICE TO CUSTOMERS ON THE GROUNDS OF THE LICENSED**
7 **ESTABLISHMENT.**

8 **(4) THE ANNUAL PERMIT FEE IS \$100.**

9 **(5) BEFORE THE PERMIT MAY BE RENEWED, A HOLDER SHALL**
10 **OBTAIN APPROVAL FROM THE BOARD.**

11 **(F) OUTDOOR ENTERTAINMENT PERMIT.**

12 **(1) THERE IS AN OUTDOOR ENTERTAINMENT PERMIT.**

13 **(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B**
14 **LICENSE, A CLASS C LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE WHO**
15 **ALSO HOLDS A MUSIC PERMIT, AN ENTERTAINMENT PERMIT, OR A DANCING PERMIT**
16 **UNDER THIS SECTION.**

17 **(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE:**

18 **(I) THE SAME FORM OF ENTERTAINMENT OUTDOORS THAT THE**
19 **HOLDER IS ALLOWED TO PROVIDE INDOORS UNDER THE HOLDER'S MUSIC PERMIT,**
20 **ENTERTAINMENT PERMIT, OR DANCING PERMIT; AND**

21 **(II) OUTDOOR TABLE SERVICE OR CAFE SERVICE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 12-202(a).

24 In the introductory language of subsection (a)(1) of this section, the defined
25 term "license holder" is substituted for the former reference to a "holder of any
26 class of alcoholic beverage license or the holder of a club license" for brevity
27 and to conform to the terminology used throughout this article.

28 In subsections (a)(1)(ii)1 and (b)(3) of this section, the former references to
29 music "of any kind" are deleted as surplusage.

1 In subsection (a)(2)(i) of this section, the reference to “individuals” is
 2 substituted for the former reference to “persons” because only human beings
 3 can use the licensed premises.

4 Also in subsection (a)(2)(i) of this section, the former reference to “adequately”
 5 control is deleted as surplusage.

6 In subsection (a)(2)(iii)2 of this section, the former phrase “in the opinion of
 7 the Board” is deleted as surplusage.

8 Also in subsection (a)(2)(iii)2 of this section, the former reference to the
 9 “general” public welfare is deleted as surplusage.

10 In subsections (b), (c), and (d) of this section, former statements that the
 11 permit may be issued “in the same manner as any other special license” are
 12 deleted as surplusage.

13 In subsection (d)(4) of this section, the reference to a “place of worship” is
 14 substituted for the former narrow reference to a “church”.

15 Defined terms: “Beer” § 1–101

16 “Board” § 11–101

17 “County” § 11–101

18 “License” § 1–101

19 “License holder” § 1–101

20 “Person” § 1–101

21 “Wine” § 1–101

22 **11–1103. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

23 **(A) AUTHORIZED PERMIT HOLDER.**

24 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
 25 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

26 **(B) APPLICATION FORM.**

27 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
 28 **BOARD PROVIDES.**

29 **(C) HOURS OF SALE.**

30 **THE HOURS OF SALE FOR THE PERMIT:**

1 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
 2 **LICENSE; AND**

3 **(2) END AT MIDNIGHT.**

4 **(D) REGULATIONS.**

5 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

6 **(E) FEES.**

7 **THE ANNUAL PERMIT FEES ARE:**

8 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
 9 **PRIVILEGE; AND**

10 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
 11 **OFF-SALE PRIVILEGE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 8-202(l)(2), (7), (9), and (5)(i).

14 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

15 In subsection (c)(1) of this section, the reference to the "underlying license" is
 16 substituted for the former reference to the "license already held by the person
 17 to whom the refillable container permit is issued" for brevity.

18 Former Art. 2B, § 8-202(l)(1), (3), (4), (5)(ii), (6), and (8) are deleted as
 19 unnecessary because they merely repeated provisions concerning refillable
 20 container permits that appear in § 4-1104 of this article.

21 Defined terms: "Board" § 11-101

22 "License" § 1-101

23 "Off-sale" § 1-101

24 **11-1104. SUNDAY PERMIT.**

25 **(A) SCOPE OF SECTION.**

26 **THIS SECTION DOES NOT APPLY TO A PERSON WHO HOLDS:**

27 **(1) A HOTEL-LIMITED SERVICE LICENSE; OR**

28 **(2) A BEACH AND AMUSEMENT PARK LICENSE.**

1 (B) ESTABLISHED.

2 THERE IS A SUNDAY PERMIT.

3 (C) QUALIFICATION OF HOLDER.

4 ANY LICENSE HOLDER MAY BE ISSUED THE PERMIT.

5 (D) SCOPE OF AUTHORIZATION.

6 (1) THE HOLDER OF THE PERMIT MAY SELL THE ALCOHOLIC
7 BEVERAGES ON SUNDAY THAT ARE AUTHORIZED BY THE LICENSE ALREADY HELD.

8 (2) THE PERMIT IS SUBJECT TO THE SAME HOURS, RESTRICTIONS,
9 AND OTHER PROVISIONS FOR THE LICENSE ALREADY HELD.

10 (E) ISSUANCE OF PERMIT.

11 AN APPLICANT SHALL BE ISSUED THE PERMIT ON:

12 (1) APPROVAL OF AN APPLICATION MADE IN THE SAME MANNER FOR
13 A NEW LICENSE; AND

14 (2) PAYMENT OF THE REQUIRED FEE.

15 (F) FEES.

16 THE ANNUAL PERMIT FEES ARE:

17 (1) \$60 FOR A BEER AND LIGHT WINE SUNDAY PERMIT; AND

18 (2) \$120 FOR A BEER, WINE, AND LIQUOR SUNDAY PERMIT.

19 (G) RENEWAL.

20 THE PERMIT MAY BE RENEWED IN THE SAME MANNER AS A LICENSE.

21 (H) EFFECT OF SECTION.

22 IF THE LICENSE HELD BY THE LICENSE HOLDER OF A SUNDAY PERMIT IS
23 SUSPENDED OR REVOKED, THE PERMIT IS ALSO SUSPENDED OR REVOKED.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8–202(d)(1), (3) through (6), (8), and (11).

3 Throughout this section, the references to a “permit” are substituted for the
4 former references to a “license” to conform to the rule followed in this article
5 that a permit is a secondary type of authorization that may be granted to a
6 person who already has a license.

7 In subsection (a)(1) of this section, the former reference to a hotel–limited
8 service license “under subsection (j) of this section” is deleted as surplusage.

9 In subsection (e)(1) of this section, the former phrase “as provided for by §§
10 10–202(d) and 10–208(b) of this article” is deleted as surplusage.

11 In subsection (h) of this section, the former references to “other” licenses are
12 deleted as unnecessary in light of the substitution of the term “permit” for the
13 former references to “license” throughout the section.

14 Also in subsection (h) of this section, the former phrase “by operation of law”
15 is deleted as surplusage.

16 Former Art. 2B, § 8–202(d)(7), which stated that the granting of a special
17 Sunday license in addition to a license of any other class to the same licensee
18 shall not be deemed to be in conflict with former Art. 2B, § 9–102, is deleted
19 as unnecessary in light of § 4–203(a) of this article, which states that the
20 general prohibition against holding more than one license applies “except as
21 otherwise provided in Division II of this article”.

22 Former Art. 2B, § 8–202(d)(9), which stated that former Art. 2B, § 9–203(c)
23 did not prohibit any person who holds any other class of alcoholic beverages
24 license from obtaining a special Sunday license is deleted as unnecessary.
25 Under subsection (c) of this section, a Sunday permit, formerly a special
26 Sunday license, may be issued to any license holder.

27 Former Art. 2B, § 8–202(d)(10), which stated that the former Art. 2B, §
28 8–202(d) did not apply “in the sixth district, which is the City of Annapolis”,
29 is deleted as unnecessary in light of the organization of this revised article.

30 Defined terms: “Alcoholic beverage” § 1–101

31 “License” § 1–101

32 “License holder” § 1–101

33 “Person” § 1–101”

34 **SUBTITLE 12. CATERER'S LICENSES.**

35 **11–1201. RESERVED.**

1 **SUBTITLE 13. TEMPORARY LICENSES.**

2 **PART I. IN GENERAL.**

3 **11-1301. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
6 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
7 **EXCEPTION OR VARIATION:**

8 **(1) § 4-1202 (“PER DIEM LICENSES”);**

9 **(2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
10 **AND WINE LICENSES”);**

11 **(3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**

12 **(4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

13 **(5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**

14 **(6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

15 **(B) EXCEPTION.**

16 **SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT**
17 **APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11-1311 OF THIS SUBTITLE.**

18 **(C) VARIATION.**

19 **SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”)**
20 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-1312**
21 **OF THIS SUBTITLE.**

22 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
23 the general provisions relating to local temporary licenses.

24 Defined term: “County” § 11-101

25 **11-1302. RESERVED.**

26 **11-1303. RESERVED.**

PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

11-1304. BEER AND WINE FESTIVAL LICENSE.

(A) "FESTIVAL" DEFINED.

IN THIS SECTION, "FESTIVAL" MEANS THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL OR THE BENSON-HAMMOND HOUSE STRAWBERRY FESTIVAL.

(B) ESTABLISHED.

THERE IS A BEER AND WINE FESTIVAL (BWF) LICENSE.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY LICENSE.

(D) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:

(1) WINE THAT IS:

(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND

(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED; AND

(2) BEER THAT IS BREWED BY A BREWER:

(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER ANNUALLY; AND

(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.

(E) TIME AND CONDITIONS OF DISPLAY AND SALE.

A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

1 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

2 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

3 **THE BOARD:**

4 **(1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY**
5 **INCLUSIVE, FOR THE FESTIVAL;**

6 **(2) MAY NOT CHOOSE A WEEKEND THAT OCCURS WITHIN 14 DAYS**
7 **BEFORE OR AFTER THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

8 **(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;**
9 **AND**

10 **(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
11 **THE PROMOTION OF MARYLAND BEER AND WINE.**

12 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

13 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
14 **OR NATURE.**

15 **(H) INVOICING AND DELIVERY.**

16 **BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

17 **(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, A CLASS**
18 **3 WINERY, OR A CLASS 4 LIMITED WINERY; AND**

19 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
20 **THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

21 **(I) DELIVERY AGREEMENT.**

22 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
23 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

24 **(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
25 **EFFECTIVE DATE OF THE LICENSE; AND**

1 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
2 **EXPIRATION DATE OF THE LICENSE.**

3 **(J) FEE.**

4 **THE BOARD MAY SET THE LICENSE FEE.**

5 **(K) REGULATIONS.**

6 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 8-302(a)(1) and (3) and (c) through (i).

9 Throughout this section, the former references to a "special" festival license
10 are deleted as surplusage.

11 Subsection (b) of this section is revised in standard language used throughout
12 this article to establish a license.

13 In subsection (c) of this section, the reference to a "retail" license is substituted
14 for the former reference to an "existing" State retail alcoholic beverages license
15 for brevity.

16 Also in subsection (c) of this section, the former phrase "[n]otwithstanding any
17 other provision of this article," is deleted as unnecessary in light of the
18 organization of this revised article.

19 In the introductory language of subsection (d) of this section, the reference to
20 the "license authoriz[ing] the holder" to display and sell is substituted for the
21 former reference to the requirement that the "licensee shall" display and sell
22 for clarity and consistency with terminology used throughout this article.

23 In subsection (d) of this section, the former reference to a limit on the display
24 and sale of wine that is "[p]rice filed in accordance with regulations adopted
25 by the Comptroller" is deleted as obsolete. *See* General Revisor's Note to
26 Division II.

27 In subsection (f)(2) of this section, the phrase "within 14 days before or after
28 the Maryland Wine Festival" is substituted for the former phrase "within 14
29 days on either side of the Maryland Wine Festival" for clarity.

30 Also in subsection (f)(2) of this section, the reference to the Maryland Wine
31 Festival "in Carroll County" is added for clarity.

1 In subsection (f)(3) of this section, the reference to a location that is not
2 “already licensed” is substituted for the former reference to a location that is
3 not “licensed under this article” for consistency with terminology used
4 throughout this article.

5 Also in subsection (f)(3) of this section, the former reference to a location “for
6 this Festival” is deleted as surplusage.

7 Also in subsection (f)(3) of this section, the former reference to a location “in
8 the county” is deleted as surplusage.

9 In subsection (g) of this section, the reference to a license holder who “may
10 hold” another license is substituted for the former statement that “[t]his
11 section does not prohibit the holder ... from holding” another license for
12 clarity.

13 In the introductory language of subsection (h) of this section, the reference to
14 “[b]eer and wine” is substituted for the former reference to “[p]roducts” for
15 clarity.

16 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
17 winery, or Class 4 limited winery” is substituted for the former reference to a
18 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
19 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
20 or Class 4 limited winery” is substituted for the former reference to the
21 “wholesaler, winery, or limited winery” and in the introductory language of
22 subsection (i) of this section, the reference to a “holder of a wholesale, Class 3
23 winery, or Class 4 limited winery license” is substituted for the reference to
24 “holders of wholesale, winery, or limited winery licenses”.

25 In the introductory language of subsection (i) of this section, the former phrase
26 “[w]henver a special festival license is issued under this section,” is deleted
27 as surplusage.

28 In subsection (i)(1) of this section, the reference to delivering beer and wine
29 “not earlier than” 2 days before the effective date of the license, is added for
30 clarity. Similarly in subsection (i)(2) of this section, the reference to accepting
31 returns “not later than” 2 days after the expiration date of the license is added.

32 Former Art. 2B, § 8–302(a)(2), which defined “Board” to mean the Anne
33 Arundel County Board of License Commissioners, is deleted as redundant in
34 light of the defined term “Board” in § 11–101 of this title.

35 Former Art. 2B, § 8–302(b), which stated that former Art. 2B, § 8–302 applied
36 only in Anne Arundel County, is deleted as unnecessary in light of the
37 organization of this revised article.

1 Defined terms: "Beer" § 1-101
2 "Board" § 11-101
3 "License" § 1-101
4 "License holder" § 1-101
5 "State" § 1-101
6 "Wholesaler" § 1-101
7 "Wine" § 1-101

8 **11-1305. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS WS WINE SAMPLING LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

13 **(C) SCOPE OF AUTHORIZATION.**

14 **(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF**
15 **WINE FOR SAMPLING:**

16 **(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR**
17 **BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE CONSENT OF THE**
18 **HOLDER OF THE LICENSE FOR THE PREMISES; OR**

19 **(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

20 **(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B**
21 **LICENSED PREMISES FOR SAMPLING.**

22 **(D) LICENSE APPLICATION.**

23 **THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15**
24 **DAYS BEFORE THE LICENSE IS ISSUED.**

25 **(E) LIMIT ON NUMBER OF LICENSES.**

26 **THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO**
27 **A SINGLE NONPROFIT ORGANIZATION.**

28 **(F) LIMIT ON SERVINGS.**

1 **THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES**
2 **FROM EACH OFFERING TO AN INDIVIDUAL.**

3 **(G) FEE.**

4 **THE LICENSE FEE IS \$15 PER DAY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8-402(e) and, as it related to the Class WS
7 license, (c).

8 Throughout this section, the former references to a "bona fide" nonprofit
9 organization are deleted as surplusage.

10 In the introductory language of subsection (c) and in subsection (c)(1) of this
11 section, the former references to "tasting" are deleted as redundant of the
12 references to "sampling".

13 In subsection (c)(1)(i) of this section, the reference to the consent of the "holder
14 of the license for the premises" is substituted for the former reference to the
15 consent of the "licensee" to clarify who is to give the consent.

16 In subsection (c)(1)(ii) of this section, the reference to a "location that is not
17 already licensed" is substituted for the former reference to "premises without
18 a permanent alcoholic beverages license" for consistency with terminology
19 used throughout this article.

20 In subsection (f) of this section, the reference to each "offering" is substituted
21 for the former reference to each "brand" for clarity.

22 Also in subsection (f) of this section, the reference to "an individual" is
23 substituted for the former, overly broad reference to "any 1 person" for clarity.

24 Defined terms: "Beer" § 1-101

25 "Board" § 11-101

26 "License" § 1-101

27 "License holder" § 1-101

28 "Wine" § 1-101

29 **11-1306. WINE TASTING LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A CLASS WT WINE TASTING LICENSE.**

32 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS BW LICENSE**
 2 **OR CLASS BWL LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW ON-PREMISES**
 5 **CONSUMPTION FOR TASTING OF LIGHT WINE.**

6 **(D) LIMIT ON SERVINGS.**

7 **THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 1 OUNCE**
 8 **FROM EACH OFFERING TO AN INDIVIDUAL.**

9 **(E) FEE.**

10 **THE ANNUAL LICENSE FEE IS:**

11 **(1) \$50 FOR A HOLDER OF A CLASS BW LICENSE; AND**

12 **(2) \$150 FOR A HOLDER OF A CLASS BWL LICENSE.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 8-402(f), and, as it related to the Class WT
 15 license, (c).

16 In subsection (c) of this section, the former phrase "or sampling purposes only"
 17 is deleted as surplusage.

18 In subsection (d) of this section, the reference to "an individual" is substituted
 19 for the former, overly broad reference to "any one person" for clarity.

20 Also in subsection (d) of this section, the reference to each "offering" is
 21 substituted for the former reference to each "given brand" for clarity.

22 Former Art. 2B, § 8-402(a), which stated that former Art. 2B, § 8-402 applied
 23 only in Anne Arundel County, is deleted as unnecessary in light of the
 24 organization of this revised article.

25 Former Art. 2B, § 8-402(b), which defined "Board" to mean the Anne Arundel
 26 County Board of License Commissioners, is deleted as redundant in light of
 27 the defined term "Board" in § 11-101 of this title.

1 Former Art. 2B, § 8–402(g), which stated that this section is not restricted by
2 former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of §
3 1–202 of this article.

4 Defined terms: “Board” § 11–101

5 “License” § 1–101

6 “License holder” § 1–101

7 “Wine” § 1–101

8 **11–1307. BEER AND WINE TASTING LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A BWT BEER AND WINE TASTING LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
13 **AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.**

14 **(C) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON–PREMISES**
16 **CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.**

17 **(D) LIMIT ON SERVINGS.**

18 **THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

19 **(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM**
20 **EACH OFFERING; AND**

21 **(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.**

22 **(E) FEE.**

23 **IN ADDITION TO THE CLASS A ANNUAL FEE, THE ANNUAL LICENSE FEE IS**
24 **\$150.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 8–402(d)(1)(ii), (2), and (6) and, as they related
27 to the Class BWT license, (c) and (d)(4).

1 In subsection (c) of this section, the former phrase “or sampling purposes” is
2 deleted as surplusage.

3 In the introductory language of subsection (d) of this section, the reference to
4 “an individual” is substituted for the former, overly broad references to “any
5 one person” for clarity.

6 In subsection (d)(1) of this section, the reference to each “offering” is
7 substituted for the former reference to each “given brand” for clarity.

8 Defined terms: “Beer” § 1–101
9 “Board” § 11–101
10 “License” § 1–101
11 “License holder” § 1–101
12 “Wine” § 1–101

13 **11–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.**

16 **(B) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
18 **AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON–PREMISES**
21 **CONSUMPTION OF BEER, LIGHT WINE, AND LIQUOR FOR TASTING.**

22 **(D) LIMIT ON SERVINGS.**

23 **THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

24 **(1) LIQUOR IN A QUANTITY OF NOT MORE THAN ONE–HALF OUNCE**
25 **EACH FROM ANY OF FIVE OFFERINGS PER DAY;**

26 **(2) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM**
27 **EACH OFFERING; AND**

28 **(3) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.**

29 **(E) FEE.**

1 **IN ADDITION TO THE CLASS A ANNUAL FEE, THE ANNUAL LICENSE FEE IS**
2 **\$500.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8–402(d)(1)(i), (3), and (5) and, as they related
5 to the Class BWLT license, (c) and (d)(4).

6 Subsection (a) of this section is revised in standard language used throughout
7 this title to establish a license.

8 In subsection (c) of this section, the reference to “beer, light wine, and liquor”
9 is substituted for the former reference to “alcoholic beverages” for clarity.

10 In the introductory language of subsection (d) of this section, the reference to
11 “an individual” is substituted for the former, overly broad reference to “any
12 one person” for clarity.

13 In subsection (d)(1) of this section, the reference to “offerings” is substituted
14 for the former reference to “brands” for clarity. Similarly, in subsection (d)(2)
15 of this section, the reference to each “offering” is substituted for each “given
16 brand”.

17 Defined terms: “Beer” § 1–101

18 “Board” § 11–101

19 “License” § 1–101

20 “License holder” § 1–101

21 “Wine” § 1–101

22 **11–1309. RESERVED.**

23 **11–1310. RESERVED.**

24 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

25 **11–1311. FEES.**

26 **(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
27 **LICENSES.**

28 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM**
29 **BEER AND WINE LICENSE IS \$25 PER DAY.**

30 **(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

1 **THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$50**
 2 **PER DAY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 7-101(b)(2)(i) and (d)(2)(ii).

5 **11-1312. LICENSE REQUIREMENTS AND BEER PURCHASING REQUIREMENTS.**

6 **(A) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

7 **SECTION 3-102 OF THE GENERAL PROVISIONS ARTICLE AND PROVISIONS**
 8 **REGARDING APPLICATIONS FOR LICENSES UNDER SUBTITLE 14 OF THIS TITLE AND**
 9 **ISSUANCE OF LICENSES UNDER SUBTITLE 15 OF THIS TITLE DO NOT APPLY TO AN**
 10 **APPLICANT FOR:**

11 **(1) A CLASS C PER DIEM BEER LICENSE;**

12 **(2) A CLASS C PER DIEM BEER AND WINE LICENSE; AND**

13 **(3) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

14 **(B) PURCHASING BEER FROM WHOLESALER ALLOWED.**

15 **A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE HOLDER MAY**
 16 **PURCHASE BEER FROM A WHOLESALER.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 7-101(a)(3), (b)(2)(ii), and (d)(2)(i) and (iii).

19 In subsection (a) of this section, the former reference to a Class C per diem
 20 beer license, beer and wine license, or beer, wine, and liquor license "for a
 21 period not to exceed 7 consecutive days from the effective date of the license"
 22 is deleted as redundant of §§ 4-1203 and 4-1204 of this article.

23 Defined terms: "Beer" § 1-101

24 "License holder" § 1-101

25 "Wholesaler" § 1-101

26 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

27 **11-1401. APPLICATION OF GENERAL PROVISIONS.**

28 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
2 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
3 WITHOUT EXCEPTION OR VARIATION:

4 (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING
5 BOARD”);

6 (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

7 (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

8 (4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
9 GENERAL”);

10 (5) § 4-111 (“PAYMENT OF LICENSE FEES”); AND

11 (6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

12 (B) EXCEPTIONS.

13 (1) SECTION 4-113 (“REFUND OF LICENSE FEES”) OF DIVISION I OF
14 THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11-1407
15 OF THIS SUBTITLE.

16 (2) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1
17 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN
18 THE COUNTY EXCEPT FOR RACETRACK LICENSES OR BEACH AND AMUSEMENT PARK
19 LICENSES:

20 (I) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);

21 (II) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR
22 CLUB”);

23 (III) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
24 COMPANY”); AND

25 (IV) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
26 PETITION OF SUPPORT”).

27 (C) VARIATIONS.

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
 2 **LOCAL LICENSES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

3 **(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
 4 **11-1403 AND 11-1404 OF THIS SUBTITLE; AND**

5 **(2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
 6 **11-1406 OF THIS SUBTITLE.**

7 REVISOR’S NOTE: Subsections (a), (b)(1), and (c) of this section are new language
 8 added to incorporate by reference general provisions relating to applications
 9 for local licenses.

10 Subsection (b)(2) of this section is new language derived without substantive
 11 change from former Art. 2B, §§ 9-101(b)(5) and (c)(5)(i) and, as it related to
 12 Anne Arundel County, 10-103(b)(18)(iii).

13 Defined terms: “County” § 11-101
 14 “License” § 1-101
 15 “Local licensing board” § 1-101

16 **11-1402. APPLICATION NOT PRIMA FACIE EVIDENCE OF ENTITLEMENT.**

17 **(A) IN GENERAL.**

18 **AN APPLICATION FOR A LICENSE IS NOT PRIMA FACIE EVIDENCE THAT THE**
 19 **APPLICANT IS ENTITLED TO THE LICENSE.**

20 **(B) BURDEN OF PROOF ON APPLICANT.**

21 **THE APPLICANT HAS THE BURDEN OF PROOF TO SHOW THE BOARD THAT**
 22 **APPROVAL OF THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC AT THE**
 23 **PREMISES OF THE APPLICANT.**

24 REVISOR’S NOTE: This section is new language derived without substantive
 25 change from former Art. 2B, § 10-104(c)(2).

26 Defined terms: “Board” § 11-101
 27 “License” § 1-101

28 **11-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

29 **(A) REQUIRED.**

1 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
2 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

3 **(B) RECORDS FROM COUNTY POLICE.**

4 **THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON**
5 **LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-103(b)(13)(ii)2 and (xv)2.

8 In subsection (b) of this section, the reference to "criminal history record
9 information" is substituted for the former reference to "criminal records" to
10 conform to the terminology used in CP § 10-201.

11 Also in subsection (b) of this section, the former reference to "the liquor control
12 board" is deleted as surplusage.

13 Defined terms: "Board" § 11-101
14 "Central Repository" § 1-101
15 "License" § 1-101

16 **11-1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
17 **APPLICATION PROCESS.**

18 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
19 **OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
20 **PROCESS.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10-103(b)(13)(i)2 and (ii)1A.

23 The reference to "record information" is substituted for the former reference
24 to "records" to conform to the terminology of CP § 10-201.

25 Defined term: "Board" § 11-101

26 **11-1405. ADMINISTRATIVE FEE FOR HEARING.**

27 **(A) IN GENERAL.**

28 **(1) AN ADMINISTRATIVE FEE SHALL BE CHARGED FOR AN**
29 **ADMINISTRATIVE ACTION BY THE COUNTY THAT REQUIRES A HEARING, INCLUDING:**

30 **(I) AN APPLICATION FOR A NEW LICENSE; AND**

1 **(II) A CHANGE OF OWNERSHIP OF A MAJORITY INTEREST IN A**
 2 **LICENSE.**

3 **(2) THE ADMINISTRATIVE FEE DOES NOT APPLY TO THE RENEWAL OF**
 4 **A LICENSE FOR THE SAME PREMISES.**

5 **(B) AMOUNT.**

6 **THE ADMINISTRATIVE FEE IS:**

7 **(1) \$200 PAYABLE TO THE BOARD, IN ADDITION TO ANY OTHER FEE**
 8 **REQUIRED FOR A LICENSE; AND**

9 **(2) NONREFUNDABLE, WHETHER THE REQUESTED ADMINISTRATIVE**
 10 **ACTION IS GRANTED OR DENIED.**

11 **(C) USE OF FEE.**

12 **THE BOARD SHALL USE THE ADMINISTRATIVE FEE TO COVER ITS EXPENSES.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 10–104(c)(1).

15 In subsection (a)(1) of this section, the former reference to the “transfer of a
 16 license to a third party” is deleted as duplicative of § 11–1703(b) of this title.

17 In subsection (b)(2) of this section, the reference to an administrative fee that
 18 is “nonrefundable” is substituted for the former reference to a fee that “may
 19 not be returned” for brevity.

20 In subsection (c) of this section, the former reference to expenses of the Board
 21 “in connection with its functions” is deleted as surplusage.

22 Defined terms: “Board” § 11–101

23 “County” § 1–101

24 “License” § 1–101

25 **11–1406. LICENSE FEES.**

26 **THE BOARD SHALL:**

27 **(1) COLLECT ALL LICENSE FEES REQUIRED UNDER THIS ARTICLE;**

1 **(2) ISSUE ALL LICENSES IN THE COUNTY; AND**

2 **(3) REMIT ALL FEES COLLECTED TO THE COUNTY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–204(c)(1) and (2)(i).

5 The former phrase “[e]xcept for licenses granted to places of business located
6 in the City of Annapolis” is deleted as unnecessary in light of the organization
7 of this revised article.

8 The former reference to licenses “authorized under this article” is deleted as
9 included in the defined term “license”.

10 Defined terms: “Board” § 11–101
11 “Comptroller” § 1–101
12 “County” § 11–101
13 “License” § 1–101

14 **11–1407. NO REFUND OF LICENSE FEES.**

15 **A RETAIL LICENSE HOLDER IS NOT ENTITLED TO A REFUND FOR A LICENSE**
16 **ISSUED IN THE COUNTY.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10–205(b).

19 Defined terms: “County” § 11–101
20 “License” § 1–101
21 “License holder” § 1–101

22 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

23 **11–1501. APPLICATION OF GENERAL PROVISIONS.**

24 **(A) WITHOUT EXCEPTION OR VARIATION.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
26 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
27 **WITHOUT EXCEPTION OR VARIATION:**

28 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

29 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

- 1 **(3) § 4-207 (“LICENSES ISSUED TO MINORS”);**
 2 **(4) § 4-209 (“HEARING”);**
 3 **(5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
 4 **(6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”); AND**
 5 **(7) § 4-212 (“LICENSE NOT PROPERTY”).**

6 **(B) VARIATIONS.**

7 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
 8 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

9 **(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
 10 **TO §§ 11-1502 THROUGH 11-1504 OF THIS SUBTITLE;**

11 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 12 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 11-1505, 11-1506, AND**
 13 **11-1507 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II**
 14 **OF THIS TITLE;**

15 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 16 **FOR SAME PREMISES”), SUBJECT TO § 11-1506 OF THIS SUBTITLE AND SUBTITLE**
 17 **13, PART III OF THIS TITLE;**

18 **(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
 19 **SUBJECT TO § 11-1508 OF THIS SUBTITLE;**

20 **(5) § 4-213 (“REPLACEMENT LICENSES”), SUBJECT TO § 11-1509 OF**
 21 **THIS SUBTITLE; AND**

22 **(6) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
 23 **APPLICATIONS”), SUBJECT TO § 11-1510 OF THIS SUBTITLE.**

24 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
 25 general provisions relating to the issuance of local licenses.

26 Defined terms: “County” § 11-101

27 “License” § 1-101

28 “Local licensing board” § 1-101

29 **11-1502. AUTHORITY OF BOARD NOT TO EXTEND TO CITY OF ANNAPOLIS.**

1 **THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN THE CITY OF ANNAPOLIS.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from the second sentence of former Art. 2B, § 15–107.

4 The prohibition against “issu[ing] a license” in the City of Annapolis is
5 substituted for the former statement that the Board “shall have no
6 jurisdiction” in the City of Annapolis for clarity.

7 Defined terms: “Board” § 11–101

8 “License” § 1–101

9 **11–1503. LICENSE APPLICATIONS ACCEPTED BEFORE BUILDING CONSTRUCTION.**

10 **(A) IN GENERAL.**

11 **THE BOARD SHALL ACCEPT AND PROCESS A LICENSE APPLICATION BEFORE**
12 **THE CONSTRUCTION OF THE ESTABLISHMENT AT THE LOCATION DESCRIBED IN THE**
13 **APPLICATION, IF THE APPLICATION INCLUDES DETAILED PLANS OF:**

14 **(1) THE ESTABLISHMENT TO BE CONSTRUCTED;**

15 **(2) THE PARKING AREA TO BE PROVIDED; AND**

16 **(3) THE GENERAL TRAFFIC FLOW IN THE AREA.**

17 **(B) PROCESSING AND APPROVAL OF APPLICATION.**

18 **(1) THE LICENSE APPLICATION SHALL BE PROCESSED IN THE SAME**
19 **MANNER AS A LICENSE APPLICATION FOR A LOCATION ON WHICH THE**
20 **ESTABLISHMENT IS ALREADY CONSTRUCTED.**

21 **(2) APPROVAL OF THE APPLICATION IS SUBJECT TO:**

22 **(I) COMPLETION OF THE ESTABLISHMENT IN ACCORDANCE**
23 **WITH THE PLANS UNDER SUBSECTION (A) OF THIS SECTION; AND**

24 **(II) APPROVAL BY THE COUNTY BUILDING INSPECTOR, THE**
25 **COUNTY HEALTH DEPARTMENT, AND AN INSPECTOR FOR THE BOARD.**

26 **(C) DEADLINE FOR USE OF APPROVED LICENSE APPLICATION.**

1 **(1) IF AN APPROVED LICENSE APPLICATION IS NOT USED WITHIN 1**
 2 **YEAR AFTER THE DATE OF APPROVAL, THE APPROVAL IS VOID UNLESS THE**
 3 **APPLICANT FILES A WRITTEN APPLICATION WITH THE BOARD FOR AN EXTENSION.**

4 **(2) THE BOARD MAY APPROVE OR DENY AN EXTENSION.**

5 **(3) THE BOARD SHALL PROVIDE WRITTEN NOTICE TO THE**
 6 **APPLICANT AT THE TIME OF APPLICATION THAT THE APPROVAL IS VOID IF THE**
 7 **LICENSE IS NOT IN USE WITHIN 1 YEAR AFTER THE DATE OF APPROVAL.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from the first, second, fourth, fifth, and sixth sentences of former Art.
 10 2B, § 10–202(d).

11 In the introductory language of subsection (a) of this section, the reference to
 12 the “establishment at the location described in the application” is substituted
 13 for the former reference to the “building or premises on the property for which
 14 the application is made” for consistency with terminology used throughout
 15 this article.

16 In subsections (a)(1) and (b)(1) and (2)(i) of this section, the references to the
 17 “establishment” are substituted for the former references to the “building” for
 18 consistency with terminology used throughout this article.

19 In subsection (b)(1) of this section, the reference to the “location” is substituted
 20 for the former reference to “property”.

21 In subsection (b)(1) and (2)(i) of this section, the former references to the
 22 “premises” are deleted as included in the references to the “establishment”.

23 In subsection (b)(2)(ii) of this section, the references to the “County” building
 24 inspector and health department are added for clarity.

25 In subsection (c)(1) and (2) of this section, the references to “an extension” are
 26 substituted for the former references to an “extension of time” and a “time of
 27 extension” for brevity.

28 In subsection (c)(1) and (3) of this section, the phrases “is void” are substituted
 29 for the former phrases “has no effect” for brevity.

30 In subsection (c)(2) of this section, the former phrase “solely up to” the Board
 31 is deleted as surplusage.

32 Defined terms: “Board” § 11–101

33 “County” § 11–101

34 “License” § 1–101

1 **11-1504. HOLDERS OF OUT-OF-STATE LICENSES.**

2 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
 3 **LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT**
 4 **HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 9-102(b-3)(2), except as it related to the
 7 renewal of a license by a person that holds an out-of-state license.

8 The reference to "[t]he Board" is added for clarity.

9 The reference to an "out-of-state" license is substituted for the former
 10 reference to a license "in any other state or in Washington, D.C." for brevity.

11 The former reference to a "corporation, or limited liability company" is deleted
 12 as included in the reference to a "person".

13 Defined terms: "Alcoholic beverage" § 1-101

14 "Beer" § 1-101

15 "Board" § 11-101

16 "Light wine" § 11-101

17 "Person" § 1-101

18 "State" § 1-101

19 "Wine" § 1-101

20 **11-1505. INTEREST IN MULTIPLE LICENSES — PROHIBITED.**

21 **UNLESS EXPRESSLY AUTHORIZED BY THIS ARTICLE, A PERSON MAY NOT HAVE**
 22 **AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF**
 23 **WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT**
 24 **OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING**
 25 **STOCK OWNERSHIP, FRANCHISE OPERATION, CHAIN STORE OPERATION, OR ANY**
 26 **OTHER DIRECT OR INDIRECT MANNER.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, §§ 9-301(3)(ii) and, except as they related to the
 29 renewal of a license, the first sentence of (i) and the first sentence of the
 30 introductory language of 9-301.

31 The reference to interests in a license "regardless of whether that interest is"
 32 held or controlled in specified manners is added for clarity.

1 The phrase “[u]nless expressly authorized by this article” is substituted for
 2 the former overly narrow language exempting licenses issued under Art. 2B,
 3 §§ 8–202(i) and 9–102(h–1), for clarity.

4 The former reference to a “partnership, firm, or corporation” is deleted as
 5 included in the defined term “person”. Similarly, the former reference to a
 6 “franchisor, franchisee, chain store operation, firm, partnership, or
 7 corporation” is deleted.

8 The second sentence of the introductory language of former Art. 2B, § 9–301,
 9 which expressed the intention of the section, is deleted as unnecessary.
 10 Similarly, the second sentence of former § 9–301(3)(i), which expressed the
 11 intention of that subparagraph, is deleted.

12 Defined terms: “Board” § 11–101

13 “License” § 1–101

14 “Person” § 1–101

15 **11–1506. BOWLING ESTABLISHMENTS.**

16 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 17 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 18 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

19 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**
 20 **WINE LICENSES; AND**

21 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 22 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

23 REVISOR’S NOTE: This section is new language derived without substantive
 24 change from former Art. 2B, § 9–102(b–1)(1)(i).

25 In item (1) of this section, the reference to “Class D beer or Class D beer and
 26 light wine licenses” is substituted for the former reference to licenses issued
 27 “[u]nder § 3–401 or § 5–401 of this article” for clarity.

28 In item (2) of this section, the former reference to the premises “operated as”
 29 a bowling establishment is deleted as surplusage.

30 Defined terms: “Beer” § 1–101

31 “License” § 1–101

32 “Light wine” § 11–101

33 **11–1507. RESORT, ENTERTAINMENT, HOTEL, AND MOTEL FACILITIES AND**
 34 **COMPLEXES.**

1 **THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO AN INDIVIDUAL**
2 **OR FOR USE OF AN ENTITY DOES NOT APPLY TO:**

3 **(1) RESORT COMPLEXES;**

4 **(2) ENTERTAINMENT FACILITIES, INCLUDING ENTERTAINMENT**
5 **CONCESSIONS;**

6 **(3) MOTEL-RESTAURANT COMPLEXES; OR**

7 **(4) HOTEL-RESTAURANT COMPLEXES HAVING AT LEAST 100 ROOMS.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 9-102(h) and (i).

10 **11-1508. NOTICE OF LICENSE APPLICATION.**

11 **(A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

12 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS**
13 **ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE, SIMILAR TO A NOTICE USED**
14 **FOR ZONING PURPOSES, IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN**
15 **THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

16 **(B) CONTENTS OF POSTING.**

17 **A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR**
18 **WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE**
19 **BOARD FOR AN APPLICATION HEARING.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from the third sentence of former Art. 2B, § 10-202(d) and (b)(1)(i)2
22 and (ii).

23 In subsection (a) of this section, the reference to the "location" is substituted
24 for the former reference to the "premises" for consistency with terminology
25 used throughout this article.

26 Also in subsection (a) of this section, the reference to "post[ing] a suitable
27 notice ... for" at least 10 days is substituted for the former reference to
28 "caus[ing] a suitable sign or notice to be posted and to remain posted for a
29 period of" at least 10 days and the former reference to "keep[ing] [it]" posted
30 for brevity.

1 Also in subsection (a) of this section, the reference to the “application hearing”
2 is substituted for the former reference to “action upon the application” for
3 consistency with subsection (b) of this section.

4 In subsection (b) of this section, the reference to the “date” for an application
5 hearing is added for clarity.

6 Defined terms: “Board” § 11–101
7 “License” § 1–101

8 **11–1509. REPLACEMENT LICENSE FEE.**

9 **THE BOARD SHALL DETERMINE THE FEE FOR A REPLACEMENT LICENSE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10–502(e).

12 The reference to a “replacement” license is substituted for the former reference
13 to a “duplicate” license for consistency with § 4–213 of this article.

14 Defined terms: “Board” § 11–101
15 “License” § 1–101

16 **11–1510. WAITING PERIODS AFTER DENIALS.**

17 **(A) FIRST DENIAL — 1–YEAR WAITING PERIOD.**

18 **IF A LICENSE APPLICATION IS DENIED, ANOTHER LICENSE APPLICATION FOR**
19 **THE SAME LOCATION MAY NOT BE MADE FOR 1 YEAR AFTER THE DENIAL.**

20 **(B) SECOND DENIAL — 2–YEAR WAITING PERIOD.**

21 **IF A LICENSE APPLICATION FOR A LOCATION IS DENIED TWICE, A LICENSE MAY**
22 **NOT BE ISSUED FOR THE SAME LOCATION FOR 2 YEARS AFTER THE SECOND DENIAL.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from the second and third sentences of former Art. 2B, § 10–208(b).

25 In this section, the references to the “location” are substituted for the former
26 references to the “premises” for consistency with terminology used throughout
27 this article.

28 In this section, the former references to “the date of” the denial are deleted as
29 surplusage.

1 In subsection (b) of this section, the former phrase “a period of” 2 years is
2 deleted as surplusage.

3 The first sentence of former Art. 2B, § 10–208(b), which stated that former
4 Art. 2B, § 10–208(b) applied only in Anne Arundel County, is deleted as
5 unnecessary in light of the organization of this revised article.

6 The Alcoholic Beverages Article Review Committee notes, for consideration by
7 the General Assembly, that although former Art. 2B, § 10–208(b) prohibited a
8 second application to be “made” until a year after the first denial, it prohibited
9 a license from being “issued” for 2 years after the second denial. It is not clear
10 why there are two different requirements after the first and second denials.
11 The General Assembly may want to consider conforming these two provisions.

12 Defined term: “License” § 1–101

13 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

14 **PART I. LICENSING CONDITIONS.**

15 **11–1601. LIMIT ON LICENSES ALLOWED IN SPECIFIED AREA.**

16 **(A) IN GENERAL.**

17 **(1) THE BOARD MAY RESTRICT THE NUMBER OF LICENSES IN A**
18 **SPECIFIED AREA IN THE COUNTY TO THE EXISTING NUMBER OF LICENSES IN THAT**
19 **AREA OR TO ANY OTHER NUMBER OF LICENSES THAT THE BOARD CONSIDERS**
20 **APPROPRIATE.**

21 **(2) BEFORE THE NUMBER OF LICENSES IN A SPECIFIED AREA IS**
22 **RESTRICTED, THE BOARD SHALL CONDUCT A HEARING IN ACCORDANCE WITH**
23 **SUBSECTION (B) OF THIS SECTION.**

24 **(B) HEARING.**

25 **(1) A HEARING ON A PROPOSED RESTRICTION OF THE NUMBER OF**
26 **LICENSES IN A SPECIFIED AREA SHALL BE ADVERTISED IN THE MANNER REQUIRED**
27 **FOR THE ISSUANCE OF A NEW LICENSE.**

28 **(2) IF, AFTER TAKING TESTIMONY FOR AND AGAINST RESTRICTING**
29 **THE NUMBER OF LICENSES IN A SPECIFIED AREA, THE BOARD DECIDES TO ORDER**
30 **THE RESTRICTION, THE BOARD:**

31 **(I) SHALL DETERMINE THE BOUNDARIES OF THE AREA; AND**

1 **(II) MAY PROHIBIT THE ISSUANCE OF ADDITIONAL LICENSES**
 2 **OR ESTABLISH THE NUMBER OF ADDITIONAL LICENSES TO BE ISSUED IN THE AREA,**
 3 **IF THE BOARD DETERMINES THAT THE AREA HAS:**

4 **1. SUFFICIENT LICENSED PREMISES TO ACCOMMODATE**
 5 **THE PUBLIC;**

6 **2. BECOME SO SATURATED WITH LICENSED PREMISES**
 7 **THAT SPECIAL POLICING IS REQUIRED AND TRAFFIC HAZARDS ARE CREATED; OR**

8 **3. CHANGED CHARACTER SO THAT THE EXISTING**
 9 **NUMBER OF LICENSED PREMISES IS INCONSISTENT WITH THE CURRENT USE OF THE**
 10 **AREA, AND AN INCREASE IN THE NUMBER OF LICENSED PREMISES WILL UNDULY**
 11 **DISTURB THE PEACE OF RESIDENTS.**

12 **(3) (I) THE BOARD MAY RESTRICT THE NUMBER OF LICENSES IN A**
 13 **SPECIFIED AREA FOR A PERIOD BETWEEN 1 AND 4 YEARS.**

14 **(II) AFTER THE PERIOD THAT THE BOARD SETS, THE**
 15 **RESTRICTIONS SHALL END UNLESS THE BOARD HOLDS ANOTHER HEARING AND**
 16 **FURTHER RESTRICTS THE NUMBER OF LICENSES.**

17 **(C) PETITION OF PROPERTY OWNERS.**

18 **THE BOARD SHALL CONDUCT A HEARING ON RESTRICTING THE NUMBER OF**
 19 **LICENSES IN A SPECIFIED AREA IF THE BOARD RECEIVES A PETITION THAT:**

20 **(1) REQUESTS THE RESTRICTION;**

21 **(2) DESIGNATES THE SPECIFIC AREA TO BE RESTRICTED; AND**

22 **(3) IS SIGNED BY AT LEAST 25 INDIVIDUALS WHO ARE PROPERTY**
 23 **OWNERS AND REGISTERED VOTERS OF THE PRECINCT IN WHICH THE PROPOSED**
 24 **RESTRICTED AREA IS LOCATED.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 9–203(b)(1) and (2).

27 In subsection (a)(1) and (2) of this section, the references to restricting “the
 28 number of licenses in” a specified area are added for clarity and consistency
 29 within this section. Similarly, in subsection (b)(3)(i) of this section, the
 30 reference to restricting the “number” of licenses in a specified area is

1 substituted for the former reference to restricting the “issuance” of licenses in
2 a specified area.

3 In subsection (a)(1) of this section, the reference to the number of licenses “the
4 Board considers” appropriate is substituted for the former reference to the
5 number of licenses “it deems” appropriate for clarity.

6 In subsection (a)(2) of this section, the former reference to a hearing “on the
7 proposed restricted area” is deleted as surplusage.

8 In the introductory language of subsection (b)(2) of this section, the clause “[i]f
9 ... the Board decides to order the restriction” is added for clarity.

10 In subsection (b)(2)(i) of this section, the reference to the “boundaries” of the
11 area is substituted for the former reference to the “limits” of the area for
12 clarity.

13 In the introductory language of subsection (b)(2)(ii) of this section, the phrase
14 “if the Board determines” is substituted for the former phrase to “when, in the
15 opinion of the Board” for clarity.

16 In subsection (b)(3)(ii) of this section, the reference to the restrictions
17 “end[ing]” is substituted for the former reference to the restrictions
18 “terminat[ing] and be[ing] of no further effect” for brevity.

19 Also in subsection (b)(3)(ii) of this section, the former phrase “as provided in
20 this section” is deleted as surplusage.

21 In the introductory language of subsection (c) of this section, the former
22 reference to “prohibiting additional licenses” is deleted as surplusage.
23 Correspondingly, in subsection (c)(1) of this section, the former reference to
24 the restriction “or prohibition” is deleted.

25 In subsection (c)(3) of this section, the reference to “individuals” is substituted
26 for the former reference to “persons” because only human beings may be
27 registered voters.

28 Former Art. 2B, § 9–203(a), which stated that former Art. 2B, § 9–203 applied
29 only in Anne Arundel County, is deleted as unnecessary in light of the
30 organization of this revised article.

31 Defined terms: “Board” § 11–101

32 “County” § 11–101

33 “License” § 1–101

34 **11–1602. RESTRICTION ON OFF–SALE LICENSES.**

1 **(A) IN GENERAL.**

2 **THE BOARD MAY ISSUE A CLASS A (OFF-SALE), CLASS B (OFF-SALE), OR**
 3 **CLASS D (OFF-SALE) LICENSE BASED ON ITS DETERMINATION OF WHETHER THE**
 4 **LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC.**

5 **(B) FACTORS IN DETERMINATION.**

6 **IN MAKING ITS DETERMINATION, THE BOARD MAY CONSIDER WHETHER THE**
 7 **ESTABLISHMENT FOR WHICH THE LICENSE WOULD BE ISSUED IS IN:**

8 **(1) A DISTRICT IN WHICH THE RATIO OF OFF-SALE LICENSES PER**
 9 **INDIVIDUAL IS MORE THAN ONE PER 4,000 INDIVIDUALS; OR**

10 **(2) A DISTRICT IN WHICH THE RATIO OF OFF-SALE LICENSES PER**
 11 **INDIVIDUAL IS LESS THAN ONE PER 4,000 INDIVIDUALS.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 9-203(b)(3)(ii) and (i)2 and 3.

14 In the introductory language of subsection (b) of this section, the reference to
 15 the "establishment" is substituted for the former reference to the "premises"
 16 to conform to the terminology used throughout this article.

17 Also in the introductory language of subsection (b) of this section, the former
 18 phrase "but is not required to" is deleted as included in the word "may".

19 In subsection (b)(1) and (2) of this section, the former definitions of "overserved
 20 district" and "underserved district", used only once in the former law, are
 21 revised as part of the substantive provisions of subsection (b) for concision.

22 Also in subsection (b)(1) and (2) of this section, the references to an
 23 "individual" and "individuals" are substituted for the former references to a
 24 "person" and "persons" because the ratio is one license to a specified number
 25 of human beings.

26 Former Art. 2B, § 9-203(b)(3)(i)1, which stated that "[i]n this paragraph the
 27 following words have the meanings indicated", is deleted as unnecessary since
 28 the defined terms contained in former Art. 2B, § 9-203(b)(3)(i) have been
 29 included in the substantive provisions of subsection (b) of this section.

30 Defined terms: "Board" § 11-101

31 "License" § 1-101

32 "Off-sale" § 1-101

1 **11-1603. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

2 **(A) IN GENERAL.**

3 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
4 **NOT ISSUE A NEW LICENSE FOR AN ESTABLISHMENT WHOSE ENTRY IS WITHIN 1,000**
5 **FEET IN A STRAIGHT LINE FROM THE ENTRY OF A PLACE OF WORSHIP OR SCHOOL.**

6 **(B) EXCEPTIONS.**

7 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
8 **SECTION DOES NOT APPLY TO:**

9 **(1) THE TRANSFER OF A LICENSE FROM THE CURRENT LICENSE**
10 **HOLDER TO A NEW LICENSE HOLDER, UNLESS THE TRANSFER WOULD ALLOW THE**
11 **SALE OF ALCOHOLIC BEVERAGES BY ANOTHER ESTABLISHMENT WITHIN THE**
12 **1,000-FOOT RESTRICTION;**

13 **(2) A NONPROFIT CLUB OR NONPROFIT ORGANIZATION;**

14 **(3) A RESTAURANT THAT HELD A LICENSE AT THE TIME THE**
15 **RESTAURANT WAS DESTROYED BY FIRE, FLOOD, WINDSTORM, OR OTHER ACT OF**
16 **GOD, IF A NEW PLACE OF WORSHIP OR SCHOOL HAS NOT BEEN CONSTRUCTED**
17 **WITHIN THE 1,000-FOOT RESTRICTION;**

18 **(4) THE ISSUANCE OF A CLASS H BEER AND WINE (ON-SALE) LICENSE**
19 **OR BEER, WINE, AND LIQUOR (ON-SALE) LICENSE; OR**

20 **(5) THE ISSUANCE OF A MOTEL-RESTAURANT COMPLEX OR**
21 **HOTEL-RESTAURANT COMPLEX BEER, WINE, AND LIQUOR (ON-SALE) LICENSE.**

22 **(C) RENEWAL OF LICENSE OR EXTENSION OF AREA ALLOWED.**

23 **FOR AN ESTABLISHMENT THAT IS WITHIN 1,000 FEET OF THE GROUNDS OF A**
24 **PLACE OF WORSHIP OR SCHOOL, THE BOARD:**

25 **(1) MAY RENEW A LICENSE;**

26 **(2) MAY EXTEND THE AREA OF THE LICENSED PREMISES; BUT**

27 **(3) MAY NOT CHANGE THE OPERATIONAL CLASSIFICATION OF AN**
28 **EXISTING LICENSE, UNLESS THE CHANGE IS FROM A CLASS B, CLASS C, OR CLASS**
29 **D LICENSE TO A CLASS H LICENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9–203(c)(2), (3), and (1)(ii) and (iii).

3 Throughout this section, the references to an “establishment” are substituted
4 for the former references to a “building” in instances when a license has not
5 been issued, to conform to the terminology used throughout this article.

6 Also throughout this section, the references to a “place of worship” are
7 substituted for the former narrower references to a “church” to conform to the
8 terminology used throughout this article.

9 In subsection (a) and in the introductory language of subsection (c) of this
10 section, the references to the “Board” are added to state expressly what was
11 only implicit in the former law, that the Board is the governmental unit that
12 issues licenses.

13 In subsection (a) of this section, the former reference to a license “to sell
14 alcoholic beverages” is deleted as included in the defined term “license”.
15 Similarly, in subsection (b)(1) of this section, the former reference to a license
16 “permitting the sale of alcoholic beverages” is deleted.

17 In subsection (b) of this section, the former reference to the “City of Annapolis”
18 as being exempt from the distance restriction from a place of worship or school
19 is deleted as unnecessary in light of the organization of this revised article.
20 This section, placed in Title 11 of this article, does not apply to the City of
21 Annapolis. Title 10 of this article, which applies to the City of Annapolis, lacks
22 a distance restriction.

23 In subsection (b)(1) of this section, the former definition of “[t]ransfer or
24 assignment” which was used only once in the former law, is revised as part of
25 the substantive provisions of subsection (b)(1) for concision. Similarly, in
26 subsection (c)(2) and (3) of this section, the former definition of “[e]xtended for
27 the same building”, which was not used in the former law, is revised as part
28 of the substantive provisions of subsection (c)(2) and (3).

29 Also in subsection (b)(1) of this section, the former reference to an
30 “assignment” of a license is deleted as included in the reference to a “transfer”
31 of a license.

32 Former Art. 2B, § 9–203(c)(1)(i), which stated that “[i]n this subsection the
33 following words have the meanings indicated”, is deleted as unnecessary since
34 the defined terms contained in former Art. 2B, § 9–203(c)(1) have been
35 included in the substantive provisions of subsections (b)(1) and (c)(2) and (3)
36 of this section.

37 Defined terms: “Alcoholic beverage” § 1–101

1 "Board" § 11-101
 2 "Club" § 1-101
 3 "License" § 1-101
 4 "License holder" § 1-101
 5 "On-sale" § 1-101
 6 "Restaurant" § 1-101

7 **11-1604. RESTRICTION ON BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

8 **THE BOARD MAY NOT ISSUE A CLASS H BEER AND LIGHT WINE LICENSE:**

9 **(1) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A**
 10 **RESTAURANT IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

11 **(2) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN ARCHWAY, AN**
 12 **OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A**
 13 **BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 5-202(c)(1)(ii).

16 In the introductory language of this section, the reference to the "Board" is
 17 added to state expressly what was only implicit in the former law, that the
 18 Board is the governmental unit that issues licenses.

19 In item (1) of this section, the reference to the "site" of a restaurant is
 20 substituted for the former reference to the "premises" of a restaurant to
 21 conform to the terminology used throughout this article. Similarly, in item (2)
 22 of this section, the reference to an "establishment" is substituted for the
 23 former reference to a "premises".

24 Former Art. 2B, § 5-202(c)(1)(i), which stated that former Art. 2B, §
 25 5-202(c)(1) applied only in Anne Arundel County, is deleted as unnecessary
 26 in light of the organization of this revised article.

27 Defined terms: "Board" § 11-101
 28 "Restaurant" § 1-101

29 **11-1605. RESERVED.**

30 **11-1606. RESERVED.**

31 **PART II. MULTIPLE LICENSING PLANS.**

32 **11-1607. MULTITYPE LICENSING PLAN.**

1 **(A) NUMBER OF LICENSES LIMITED TO 10.**

2 **(1) A LICENSE HOLDER MAY HOLD NOT MORE THAN 10 LICENSES OF**
3 **ANY CLASS IN ACCORDANCE WITH THIS SECTION.**

4 **(2) OF THE LICENSES HELD BY A LICENSE HOLDER:**

5 **(I) NOT MORE THAN FOUR LICENSES MAY BE LICENSES IN**
6 **WHICH THE LICENSE HOLDER HOLDS A DIRECT INTEREST; AND**

7 **(II) THE REMAINING LICENSES MAY ONLY BE LICENSES IN**
8 **WHICH THE LICENSE HOLDER HOLDS AN INDIRECT INTEREST, AS EVIDENCED BY**
9 **ANY OF THE FOLLOWING RELATIONSHIPS INVOLVING THE LICENSE HOLDER AND**
10 **ANOTHER LICENSE HOLDER OR THE LICENSE HOLDER AND AN APPLICANT FOR A**
11 **LICENSE:**

12 1. **A COMMON PARENT COMPANY;**

13 2. **A FRANCHISE AGREEMENT;**

14 3. **A LICENSING AGREEMENT;**

15 4. **A CONCESSION AGREEMENT;**

16 5. **MEMBERSHIP BY THE LICENSE HOLDER AND THE**
17 **OTHER PERSON IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND**
18 **SO PORTRAYED TO THE PUBLIC;**

19 6. **SHARING OF DIRECTORS OR STOCKHOLDERS OR**
20 **SHARING OF DIRECTORS OR STOCKHOLDERS OF PARENT COMPANIES OR**
21 **SUBSIDIARIES;**

22 7. **COMMON DIRECT OR INDIRECT SHARING OF PROFIT**
23 **FROM THE SALE OF ALCOHOLIC BEVERAGES;**

24 8. **SHARING OF A COMMON TRADE NAME, TRADEMARK,**
25 **LOGO, OR THEME; OR**

26 9. **EXCEPT FOR HOTELS AND MOTELS, SHARING OF A**
27 **MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

1 **(B) FIRST RESTAURANT LICENSE — CLASS B, BLX, OR H ALLOWED**
2 **ANYWHERE IN COUNTY.**

3 **THE BOARD MAY ISSUE ONE CLASS B LICENSE, CLASS BLX LICENSE, OR**
4 **CLASS H LICENSE TO A PERSON FOR A RESTAURANT LOCATED ANYWHERE IN THE**
5 **COUNTY.**

6 **(C) SECOND RESTAURANT LICENSE — CLASS B, BLX, OR H ALLOWED IN**
7 **SPECIFIED AREAS.**

8 **THE BOARD MAY ISSUE A SECOND LICENSE TO A LICENSE HOLDER IF:**

9 **(1) THE LICENSE HOLDER HOLDS A CLASS B LICENSE THAT HAS A**
10 **RESTRICTION PROHIBITING OFF-SALES, A CLASS H LICENSE, OR A CLASS BLX**
11 **LICENSE;**

12 **(2) THE LICENSE SOUGHT IS A CLASS H LICENSE OR A CLASS BLX**
13 **LICENSE; AND**

14 **(3) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS**
15 **LOCATED IN:**

16 **(I) THE GLEN BURNIE URBAN RENEWAL AREA;**

17 **(II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT**
18 **AREA;**

19 **(III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT**
20 **AREA;**

21 **(IV) THE BALTIMORE-WASHINGTON INTERNATIONAL**
22 **THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS**
23 **DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6-301(F)(8) OF THE**
24 **ECONOMIC DEVELOPMENT ARTICLE;**

25 **(V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST**
26 **1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING**
27 **ARTICLE OF THE COUNTY CODE;**

28 **(VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES**
29 **LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198,**
30 **FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S**
31 **COUNTY-ANNE ARUNDEL COUNTY LINE ON THE WEST;**

1 (VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION
2 IN THE SERIES “A” THROUGH “P”, INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY
3 THE COUNTY COUNCIL BY BILL 97-01 OF THE COUNTY ORDINANCES;

4 (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF
5 PROPERTIES DESIGNATED AS “COMMERCIAL ZONING” BY THE COMPREHENSIVE
6 REZONING MAPS ADOPTED BY THE COUNTY COUNCIL AND LOCATED ON THAT
7 PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND EAST OF
8 THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD PASSENGER
9 CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

10 (IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT,
11 CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING
12 DISTRICTS” ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY
13 COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;

14 (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF
15 THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING AREAS”,
16 INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN
17 MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS
18 ADOPTED BY THE COUNTY COUNCIL FOR THE PASADENA SMALL AREA PLANNING
19 DISTRICT; OR

20 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL
21 PROPERTY.

22 (D) THIRD RESTAURANT LICENSE — CLASS BLX ALLOWED IN SPECIFIED
23 AREAS.

24 **THE BOARD MAY ISSUE A THIRD LICENSE TO A LICENSE HOLDER IF:**

25 (1) THE LICENSE SOUGHT IS A CLASS BLX LICENSE; AND

26 (2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS
27 LOCATED IN:

28 (I) THE GLEN BURNIE URBAN RENEWAL AREA;

29 (II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT
30 AREA;

1 (III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT
2 AREA;

3 (IV) THE BALTIMORE-WASHINGTON INTERNATIONAL
4 THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS
5 DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6-301(F)(8) OF THE
6 ECONOMIC DEVELOPMENT ARTICLE;

7 (V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST
8 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING
9 ARTICLE OF THE COUNTY CODE;

10 (VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES
11 LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198,
12 FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S
13 COUNTY-ANNE ARUNDEL COUNTY LINE ON THE WEST;

14 (VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION
15 IN THE SERIES "A" THROUGH "P", INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY
16 THE COUNTY COUNCIL BY BILL 97-01 OF THE COUNTY ORDINANCES;

17 (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF
18 PROPERTIES DESIGNATED AS "COMMERCIAL ZONING" BY THE COMPREHENSIVE
19 REZONING MAPS ADOPTED BY THE COUNTY COUNCIL AND LOCATED ON THAT
20 PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND EAST OF
21 THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD PASSENGER
22 CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

23 (IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT,
24 CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING
25 DISTRICTS" ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY
26 COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;

27 (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF
28 THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING AREAS",
29 INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN
30 MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS
31 ADOPTED BY THE COUNTY COUNCIL FOR THE PASADENA SMALL AREA PLANNING
32 DISTRICT; OR

33 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL
34 PROPERTY.

1 **(E) FOURTH THROUGH TENTH RESTAURANT LICENSE — CLASS BLX**
 2 **ALLOWED ANYWHERE IN COUNTY.**

3 **(1) THE BOARD MAY ISSUE A FOURTH, FIFTH, SIXTH, SEVENTH,**
 4 **EIGHTH, NINTH, OR TENTH LICENSE TO A LICENSE HOLDER IF THE LICENSE SOUGHT**
 5 **IS A CLASS BLX LICENSE.**

6 **(2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT MAY BE**
 7 **LOCATED ANYWHERE IN THE COUNTY.**

8 **(F) LICENSES ISSUED ON CERTAIN DATES.**

9 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 10 **LICENSE THAT WAS ISSUED ON OR BEFORE JUNE 30, 2006, AND IN WHICH A LICENSE**
 11 **HOLDER HOLDS A DIRECT INTEREST OR AN INDIRECT INTEREST SHALL BE COUNTED**
 12 **AGAINST THE MAXIMUM NUMBER OF 10 LICENSES THAT THE LICENSE HOLDER MAY**
 13 **HOLD UNDER THIS SECTION BUT IS EXEMPT FROM THE RESTRICTIONS UNDER**
 14 **SUBSECTIONS (B) THROUGH (E) OF THIS SECTION.**

15 **(2) A CLASS H LICENSE THAT WAS ISSUED IN THE PERIOD BEGINNING**
 16 **ON MARCH 14, 2005, AND ENDING ON DECEMBER 1, 2005, MAY NOT BE COUNTED**
 17 **AGAINST THE MAXIMUM NUMBER OF 10 LICENSES THAT THE LICENSE HOLDER MAY**
 18 **HOLD UNDER THIS SECTION.**

19 **(G) REGULATIONS.**

20 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 8–202.1(g) through (n) and (q).

23 In subsections (b) through (e) of this section, the clause “[t]he Board may
 24 issue” is substituted for the former references to the clause “[a] licensee may
 25 be issued” to state expressly what was only implied in the former law, that the
 26 Board is the unit that issues licenses.

27 The Alcoholic Beverages Article Review Committee notes, for consideration by
 28 the General Assembly, that in subsection (a)(2)(ii)9 of this section, the
 29 meaning of the phrase “sharing of a mode of operation identifiable by the
 30 public” is unclear.

31 The Alcoholic Beverages Article Review Committee also notes, for
 32 consideration by the General Assembly, that the use of the term “Brumwell
 33 Property” in subsections (c)(3)(xi) and (d)(2)(xi) of this section is vague. The

1 General Assembly may wish to clarify the reference with a more detailed
2 description of the property.

3 Defined terms: "Board" § 11-101
4 "County" § 11-101
5 "License" § 1-101
6 "Person" § 1-101

7 **11-1608. CLASS BLX LICENSE.**

8 **(A) DEFINITIONS.**

9 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
10 **INDICATED.**

11 **(2) "CAPITAL INVESTMENT" MEANS AMOUNTS PAID FOR THE**
12 **ACQUISITION OF PROPERTY:**

13 **(I) FOR A USEFUL LIFE GREATER THAN 1 YEAR; OR**

14 **(II) FOR A PERMANENT IMPROVEMENT OR BETTERMENT OF THE**
15 **PROPERTY THAT HAS A USEFUL LIFE GREATER THAN 1 YEAR.**

16 **(3) "COST OF LAND" INCLUDES:**

17 **(I) THE PURCHASE PRICE, TAXES AND FEES INCIDENTAL TO**
18 **THE PURCHASE, AND COSTS RELATED TO OBTAINING APPROPRIATE ZONING AND**
19 **LICENSING;**

20 **(II) THE COST OF SITE GRADING, PREPARATION, PAVING,**
21 **SIDEWALKS, GUTTERS, CURBS, AND LANDSCAPING; AND**

22 **(III) THE COST OF THE CONSTRUCTION AND INSTALLATION OF**
23 **ALL UTILITIES TO THE EXTERIOR OF THE BUILDING SHELL.**

24 **(4) "COST OF THE BUILDING SHELL" INCLUDES THE COST**
25 **ATTRIBUTABLE TO A STRUCTURE WITH A ROOF, SIDEWALLS, DOORS, AND WINDOWS**
26 **COMPLETELY ENCLOSED AND WEATHERPROOFED ON A SLAB OR OTHER**
27 **SUBFLOORING.**

28 **(B) AUTHORIZED.**

29 **THE BOARD MAY ISSUE A 7-DAY CLASS BLX DELUXE RESTAURANT ON-SALE**
30 **BEER, WINE, AND LIQUOR LICENSE.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE MAY ONLY BE USED IN AN ESTABLISHMENT THAT:**

3 **(1) QUALIFIES AS A RESTAURANT UNDER THE REGULATIONS OF THE**
4 **BOARD;**

5 **(2) HAS A MINIMUM SEATING CAPACITY OF 100 INDIVIDUALS FOR**
6 **DINING;**

7 **(3) HAS A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY NOT**
8 **EXCEEDING 25% OF THE SEATING CAPACITY FOR DINING;**

9 **(4) HAS PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF 75**
10 **VEHICLES; AND**

11 **(5) HAS A MINIMUM CAPITAL INVESTMENT BY THE APPLICANT FOR**
12 **THE LICENSE OF \$800,000, EXCLUSIVE OF THE COST OF THE LAND AND BUILDINGS.**

13 **(D) CAPITAL INVESTMENT.**

14 **(1) IF AN APPLICANT FOR THE LICENSE PURCHASES AN EXISTING**
15 **BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE**
16 **BUILDING SHELL WILL BE BASED ON THE FAIR MARKET VALUE OF THE STRUCTURES**
17 **FOR WHICH THE COST OF THE BUILDING SHELL WAS INCURRED, DETERMINED AT**
18 **THE TIME OF PURCHASE.**

19 **(2) THE CAPITAL INVESTMENT, EXCLUDING LAND AND BUILDING**
20 **SHELL, SHALL ALSO BE EVALUATED AT THE FAIR MARKET VALUE AT THE TIME OF**
21 **PURCHASE.**

22 **(3) IF THE PREMISES ARE LEASED, THE RENT PAID FOR THE LAND**
23 **SHALL BE CONSIDERED A COST OF LAND AND ANY RENT PAID FOR A BUILDING SHALL**
24 **BE CONSIDERED A COST OF THE BUILDING SHELL.**

25 **(E) CLASS BLX LICENSE NOT AVAILABLE FOR FAST-FOOD RESTAURANT.**

26 **THE LICENSE MAY NOT BE ISSUED FOR USE IN AN ESTABLISHMENT THAT IS A**
27 **FAST-FOOD STYLE RESTAURANT.**

28 **(F) HOURS AND DAYS OF SALE.**

1 **A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF SALE UNDER A CLASS**
 2 **BLX LICENSE DURING THE SAME HOURS AND DAYS AS THOSE FOR A CLASS B**
 3 **ON-SALE BEER, WINE, AND LIQUOR LICENSE IN THE COUNTY.**

4 **(G) TRANSFER OF LICENSES.**

5 **(1) THIS SUBSECTION DOES NOT APPLY TO A TRANSFER OF LICENSE**
 6 **HOLDERS FOR THE SAME PREMISES OR A RENEWAL OF A CLASS BLX LICENSE.**

7 **(2) A CLASS BLX LICENSE MAY NOT BE TRANSFERRED FROM THE**
 8 **LOCATION SITE OF THE FIRST ISSUANCE OF THE LICENSE.**

9 **(H) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$1,200.**

11 **(I) REGULATIONS.**

12 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 8-202.1(b)(1), (3), (4), and (5), (c) through (f),
 15 (o), (p), and (q).

16 Former Art. 2B, § 8-202.1(a), which stated that the provisions of former Art.
 17 2B, § 8-201.1 applied only in Anne Arundel County, is deleted as unnecessary
 18 in light of the organization of this revised article.

19 Former Art. 2B, § 8-202.1(b)(2), which defined "Board" to mean the Board of
 20 License Commissioners of Anne Arundel County, is deleted as unnecessary
 21 because "Board" is already defined in § 11-101 of this title.

22 Defined terms: "Board" § 11-101

23 "County" § 11-101

24 "License" § 1-101

25 "Restaurant" § 1-101

26 **11-1609. CLASS H LICENSES.**

27 **(A) LIMITATIONS ON ISSUANCE.**

28 **THE BOARD MAY ISSUE A SECOND LICENSE TO A HOLDER OF A CLASS B**
 29 **LICENSE THAT HAS A RESTRICTION PROHIBITING SALES FOR CONSUMPTION OFF**
 30 **THE PREMISES OR A HOLDER OF A CLASS H LICENSE IF:**

1 **(1) THE SECOND LICENSE IS A CLASS H BEER, WINE, AND LIQUOR**
2 **LICENSE OR A CLASS H BEER AND WINE LICENSE; AND**

3 **(2) THE RESTAURANT FOR WHICH THE CLASS H LICENSE UNDER**
4 **ITEM (1) OF THIS SUBSECTION IS SOUGHT OR TO WHICH THE ORIGINAL CLASS B OR**
5 **CLASS H LICENSE APPLIES IS IN:**

6 **(I) A SUBURBAN COMMUNITY CENTER DESIGNATED BY THE**
7 **COUNTY IN ACCORDANCE WITH BILL NOS. 36-96 AND 70-96 OF THE COUNTY**
8 **ORDINANCES; OR**

9 **(II) ONE OF THE FOLLOWING LOCATIONS AS THE LOCATION**
10 **EXISTED ON OCTOBER 1, 1999:**

11 1. **THE GLEN BURNIE URBAN RENEWAL AREA;**

12 2. **THE PAROLE TOWN CENTER GROWTH MANAGEMENT**
13 **AREA;**

14 3. **THE ODENTON TOWN CENTER GROWTH**
15 **MANAGEMENT AREA;**

16 4. **THE BALTIMORE-WASHINGTON INTERNATIONAL**
17 **THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS**
18 **DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6-301(F)(8) OF THE**
19 **ECONOMIC DEVELOPMENT ARTICLE;**

20 5. **A SHOPPING CENTER WITH A GROSS AREA OF AT**
21 **LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE**
22 **ZONING ARTICLE OF THE COUNTY CODE; OR**

23 6. **THE ROUTE 198 CORRIDOR, CONSISTING OF**
24 **PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND**
25 **ROUTE 198, FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S**
26 **COUNTY-ANNE ARUNDEL COUNTY LINE ON THE WEST.**

27 **(B) MAXIMUM NUMBER OF CLASS H LICENSES.**

28 **THE BOARD MAY NOT ISSUE MORE THAN 60 CLASS H LICENSES UNDER THIS**
29 **SECTION.**

30 **(C) MAXIMUM NUMBER OF CLASS H LICENSES HELD BY SAME PERSON.**

1 **THE BOARD MAY ISSUE A MAXIMUM OF TWO LICENSES TO A PERSON IN THE**
2 **COUNTY IF:**

3 **(1) EACH LICENSE IS A CLASS H BEER AND WINE LICENSE OR A CLASS**
4 **H BEER, WINE, AND LIQUOR LICENSE; AND**

5 **(2) THE RESTAURANT FOR WHICH ONE OF THE CLASS H LICENSES**
6 **UNDER ITEM (1) OF THIS SUBSECTION IS SOUGHT IS IN:**

7 **(I) A SUBURBAN COMMUNITY CENTER DESIGNATED BY THE**
8 **COUNTY IN ACCORDANCE WITH BILL NOS. 36-96 AND 70-96 OF THE COUNTY**
9 **ORDINANCES; OR**

10 **(II) ONE OF THE FOLLOWING LOCATIONS AS THE LOCATION**
11 **EXISTED ON OCTOBER 1, 1999:**

12 **1. THE GLEN BURNIE URBAN RENEWAL AREA;**

13 **2. THE PAROLE TOWN CENTER GROWTH MANAGEMENT**
14 **AREA;**

15 **3. THE ODENTON TOWN CENTER GROWTH**
16 **MANAGEMENT AREA;**

17 **4. THE BALTIMORE-WASHINGTON INTERNATIONAL**
18 **THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS**
19 **DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6-301(F)(8) OF THE**
20 **ECONOMIC DEVELOPMENT ARTICLE;**

21 **5. A SHOPPING CENTER WITH A GROSS AREA OF AT**
22 **LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE**
23 **ZONING ARTICLE OF THE COUNTY CODE; OR**

24 **6. THE ROUTE 198 CORRIDOR, CONSISTING OF**
25 **PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND**
26 **ROUTE 198, FROM ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S**
27 **COUNTY-ANNE ARUNDEL COUNTY LINE ON THE WEST.**

28 **(D) FRANCHISORS.**

29 **A FRANCHISOR MAY NOT HAVE A DIRECT OWNERSHIP INTEREST, AS DEFINED**
30 **BY THE BOARD, IN MORE THAN TWO LICENSES UNDER THIS SECTION.**

1 **(E) REGULATIONS.**

2 **THE BOARD SHALL ADOPT REGULATIONS:**

3 **(1) TO CARRY OUT THIS SECTION; AND**

4 **(2) THAT DEFINE “DIRECT OWNERSHIP INTEREST” FOR THE**
 5 **PURPOSES OF SUBSECTION (D) OF THIS SECTION.**

6 REVISOR’S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 9–102(h–1)(1) through (5).

8 In the introductory language of subsection (a) of this section, the former
 9 reference to a “current” holder is deleted as surplusage.

10 Also in the introductory language of subsection (a) of this section, the former
 11 phrase “or a holder as of June 1, 2002” is deleted as obsolete.

12 In subsection (b) of this section, the former reference to “additional” licenses
 13 is deleted as surplusage.

14 In the introductory language of subsection (c) of this section, the reference to
 15 “[t]he Board may issue” a maximum of two licenses is added for clarity.

16 Also in the introductory language of subsection (c) of this section, the former
 17 reference to a person “who does not hold a retail alcoholic beverages license”
 18 is deleted as unnecessary.

19 In subsection (c)(2)(ii) of this section, the clause “as the location existed” is
 20 substituted for the former clause “as they existed” for clarity.

21 Former Art. 2B, § 9–102(h–1)(6), which required the Anne Arundel County
 22 Economic Development Corporation, in consultation with the Board of License
 23 Commissioners for Anne Arundel County, to conduct a comprehensive study
 24 of the impact of these provisions on the economy of Anne Arundel County and
 25 submit the study’s findings on or before January 1, 2006, to the Anne Arundel
 26 County House Delegation, the Anne Arundel County Senate Delegation, the
 27 County Executive for Anne Arundel County, and the Anne Arundel County
 28 Council, is deleted as obsolete.

29 Defined terms: “Board” § 11–101

30 “County” § 11–101

31 “License” § 1–101

32 “Person” § 1–101

33 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

1 **11-1701. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
4 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
5 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

6 (1) **§ 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
7 **AND**

8 (2) **§ 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
9 **REQUIRED”).**

10 (B) **VARIATIONS.**

11 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
12 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
13 **APPLY IN THE COUNTY:**

14 (1) **§ 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
15 **LICENSE AND INVENTORY”), SUBJECT TO § 11-1702 OF THIS SUBTITLE;**

16 (2) **§ 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO §**
17 **11-1703 OF THIS SUBTITLE; AND**

18 (3) **§ 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”),**
19 **SUBJECT TO § 11-1706 OF THIS SUBTITLE.**

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to the transfer of licenses and the substitution of
22 names of officers on licenses.

23 Defined terms: “County” § 11-101
24 “License” § 1-101

25 **11-1702. REQUIREMENTS FOR APPROVAL OF TRANSFER.**

26 (A) **TRANSFEROR TO MAKE ARRANGEMENTS FOR DEBTS AND OBLIGATIONS.**

27 (1) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
28 **NOT APPROVE AN APPLICATION FOR THE TRANSFER OF A LICENSE UNLESS:**

1 **(I) ALL OBLIGATIONS OF THE TRANSFEROR PERTAINING TO**
 2 **THE LICENSED ESTABLISHMENT HAVE BEEN PAID; OR**

3 **(II) AN ARRANGEMENT CONCERNING DEBTS AND OBLIGATIONS**
 4 **SATISFACTORY TO THE TRANSFEROR’S CREDITORS HAS BEEN MADE.**

5 **(2) PARAGRAPH (1) OF THIS SUBSECTION ALSO APPLIES TO**
 6 **APPROVAL OF AN APPLICATION FOR A NEW LICENSE IF THE BOARD BELIEVES THAT**
 7 **THE APPLICATION IS BEING USED TO AVOID PROVISIONS REGARDING THE**
 8 **TRANSFER OF A LICENSE.**

9 **(B) RESTRICTIONS CONDITIONED ON CREDITOR’S CLAIM.**

10 **THE BOARD IS NOT BOUND BY SUBSECTION (A) OF THIS SECTION UNLESS:**

11 **(1) A CREDITOR SUBMITS A CLAIM, UNDER AFFIDAVIT, TO THE BOARD**
 12 **BEFORE THE HEARING HELD ON THE TRANSFER; AND**

13 **(2) THE CLAIM INVOLVES AN INDEBTEDNESS INCURRED IN THE**
 14 **OPERATION OF THE LICENSED PREMISES.**

15 REVISOR’S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 10–503(c)(3).

17 In subsection (a)(1)(i) of this section, the former parenthetical reference to
 18 “former licensee” that modified the reference to “transferrer” is deleted as
 19 surplusage.

20 Also in subsection (a)(1)(i) of this section, the former reference to being “fully”
 21 paid is deleted as surplusage.

22 In subsection (a)(2) of this section, the former phrase “as a subterfuge” is
 23 deleted as surplusage.

24 In the introductory language of subsection (b) of this section, the former
 25 reference to “the prohibition in” subsection (a) of this section is deleted as
 26 surplusage.

27 In subsection (b)(1) of this section, the former reference to a “bona fide”
 28 creditor is deleted as surplusage.

29 Defined terms: “Board” § 11–101

30 “License” § 1–101

31 **11–1703. FEE.**

1 **(A) SCOPE OF SECTION.**

2 **THIS SECTION DOES NOT APPLY TO A CLUB LICENSE.**

3 **(B) IN GENERAL.**

4 **THE FEE FOR A TRANSFER OF LOCATION OR OWNERSHIP OF A LICENSE IS**
5 **\$200.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-503(c)(2).

8 In subsection (b) of this section, the reference to a transfer "of location or
9 ownership" of a license is added for clarity.

10 Also in subsection (b) of this section, the former reference to "assignment" is
11 deleted as included in the reference to "a transfer".

12 Former Art. 2B, § 10-503(c)(1), which stated that former Art. 2B, §
13 10-503(c) applied only in Anne Arundel County, is deleted as unnecessary in
14 light of the organization of this revised article.

15 Defined terms: "Club" § 1-101
16 "License" § 1-101

17 **11-1704. MULTIPLE LICENSES.**

18 **NOTWITHSTANDING § 11-1505 OF THIS TITLE, A PERSON THAT HAS AN**
19 **INTEREST IN MORE THAN ONE LICENSE MAY TRANSFER EACH LICENSE TO A SIMILAR**
20 **TYPE OF BUSINESS ESTABLISHMENT.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from the third sentence of former Art. 2B, § 9-301(3)(i), as it related
23 to the transfer of a license.

24 The phrase "[n]otwithstanding § 11-1505 of this title" is substituted for the
25 former phrase "[n]othing in this section applies to or affects" to reflect the
26 revision of the first sentence of former Art. 2B, § 9-301(3)(i) in §
27 11-1505 of this title.

28 The reference to a person who "may transfer" a license is substituted for the
29 former reference to the "possibility of such licensee having the license
30 transferred" for clarity.

31 Defined terms: "License" § 1-101

1 "Person" § 1-101

2 **11-1705. TRANSFER RESTRICTIONS.**

3 **(A) IN GENERAL.**

4 **A LICENSE MAY NOT BE TRANSFERRED UNLESS THE LICENSE HOLDER HAS**
5 **ACTIVELY ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES AS AUTHORIZED BY**
6 **THE LICENSE WITHIN 1 YEAR BEFORE THE DATE OF APPLICATION FOR TRANSFER.**

7 **(B) UNAUTHORIZED TRANSFER IS VOID.**

8 **AN ATTEMPTED TRANSFER OF A DORMANT LICENSE NOT IN ACCORDANCE**
9 **WITH THIS SECTION IS VOID.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 9-203(c)(4)(i), as it related to the transfer of a
12 license.

13 Defined terms: "Alcoholic beverage" § 1-101

14 "License" § 1-101

15 "License holder" § 1-101

16 **11-1706. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

17 **(A) CONDITIONS FOR SUBSTITUTION.**

18 **(1) IN ADDITION TO THE CONDITIONS STATED UNDER § 4-306(A) OF**
19 **THIS ARTICLE, A CORPORATION OR CLUB HOLDING A LICENSE MAY SUBSTITUTE ON**
20 **THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER**
21 **WHO:**

22 **(I) HAS MOVED FROM THE COUNTY; OR**

23 **(II) NO LONGER HAS A FINANCIAL INTEREST IN THE**
24 **CORPORATION OR CLUB.**

25 **(2) THE SUBSTITUTION MAY NOT BE ACCOMPANIED BY A SALE OF**
26 **CORPORATE STOCK THAT RESULTS IN A CHANGE OF THE CONTROLLING INTEREST**
27 **OF THE CORPORATION OR CLUB.**

28 **(B) SUBMISSION OF LETTER.**

1 **THE CORPORATION OR CLUB MAY APPLY TO THE BOARD FOR A SUBSTITUTION**
2 **BY SUBMITTING A LETTER THAT IS SIGNED BY THE NEW LICENSE APPLICANT AND**
3 **THE TWO REMAINING LICENSE HOLDERS.**

4 **(C) CONDITIONS FOR APPROVAL OF SUBSTITUTION.**

5 **THE BOARD MAY NOT APPROVE THE APPLICATION FOR THE SUBSTITUTION**
6 **UNLESS:**

7 **(1) ALL OBLIGATIONS OF THE CORPORATION OR CLUB HAVE BEEN**
8 **PAID; OR**

9 **(2) AN ARRANGEMENT CONCERNING DEBTS AND OBLIGATIONS**
10 **SATISFACTORY TO THE CREDITORS OF THE CORPORATION OR CLUB HAS BEEN**
11 **MADE.**

12 **(D) CORRECTED LICENSE TO BE ISSUED.**

13 **(1) ON THE APPROVAL OF THE BOARD AND THE PAYMENT OF THE**
14 **NECESSARY COSTS AND FEES, A CORRECTED LICENSE SHALL BE ISSUED.**

15 **(2) IN ALL OTHER CASES A FORMAL TRANSFER OF THE LICENSE**
16 **SHALL BE ACCOMPLISHED IN ACCORDANCE WITH §§ 4-302, 4-304, AND 4-305 OF**
17 **THIS ARTICLE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-503(c)(4).

20 In subsection (a)(1) of this section, the former phrase "during any license year"
21 is deleted as surplusage.

22 Also in subsection (a)(1) of this section, the former references to an officer who
23 has "died" or has "retired" are deleted as redundant of provisions in §
24 4-306(a) of this article.

25 In subsection (d)(1) of this section, the reference to a "corrected license" is
26 substituted for the former reference to a "new license ... with the correct
27 names on it" for brevity.

28 The Alcoholic Beverages Article Review Committee notes, for consideration by
29 the General Assembly, that the references to a "corporation or club"
30 throughout this section may be too narrow because a license may be held for
31 the use of other types of business entities, such as limited liability companies.
32 The General Assembly may want to consider using a term that encompasses
33 all of the types of business entities for the use of which a license may be held.

1 Defined terms: "Board" § 11-101
 2 "Club" § 1-101
 3 "County" § 11-101
 4 "License" § 1-101
 5 "License holder" § 1-101

6 **SUBTITLE 18. RENEWAL OF LICENSES.**

7 **11-1801. APPLICATION OF GENERAL PROVISIONS.**

8 **TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF**
 9 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

10 REVISOR'S NOTE: This section is new language added to incorporate by reference
 11 general provisions relating to the renewal of local licenses.

12 Defined terms: "County" § 11-101
 13 "License" § 1-101

14 **11-1802. RENEWAL APPLICATION FEE.**

15 **AN APPLICANT FOR A LICENSE RENEWAL SHALL PAY TO THE LOCAL**
 16 **COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF \$50 IN ADDITION TO THE**
 17 **ANNUAL LICENSE FEE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 10-301(u).

20 Defined terms: "License" § 1-101
 21 "Local collecting agent" § 1-101

22 **11-1803. HOLDERS OF OUT-OF-STATE LICENSES.**

23 **NOTWITHSTANDING § 11-1504 OF THIS TITLE, THE BOARD MAY RENEW A**
 24 **CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**
 25 **WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
 26 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 9-102(b-3)(2), as it related to the renewal of a
 29 license by a person who holds an out-of-state license.

30 The phrase "[n]otwithstanding § 11-1504 of this title," is added to clarify that
 31 this section is an exception to § 11-1504.

1 The reference to an “out-of-state” license is substituted for the former
2 reference to a license “in any other state or in Washington, D.C.” for brevity.

3 The reference to the authority of “the Board” to “renew” a license “originally
4 issued to a holder of an out-of-state” license is substituted for the former
5 reference to the “except[ion] by way of renewal to a person, corporation, or
6 limited liability company holding” an out-of-state license for clarity and to
7 avoid the implication that a licensee can obtain an out-of-state license after
8 obtaining the original license and continue to renew the original license.

9 Defined terms: “Alcoholic beverage” § 1-101
10 “Beer” § 1-101
11 “Board” § 11-101
12 “State” § 1-101
13 “Wine” § 1-101

14 **11-1804. MULTIPLE LICENSES.**

15 **NOTWITHSTANDING § 11-1505 OF THIS TITLE, A PERSON THAT HAS AN**
16 **INTEREST IN MORE THAN ONE LICENSE MAY RENEW THE LICENSES.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 9-301(3)(i), as it related to the renewal of a
19 license.

20 The phrase “[n]otwithstanding § 11-1505 of this title,” is added to clarify that
21 this section is an exception to § 11-1505.

22 Defined terms: “License” § 1-101
23 “Person” § 1-101

24 **11-1805. RENEWAL AND REISSUANCE RESTRICTIONS.**

25 **(A) IN GENERAL.**

26 **(1) (I) A LICENSE MAY NOT BE RENEWED UNLESS THE LICENSE**
27 **HOLDER HAS ACTIVELY ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES AS**
28 **AUTHORIZED BY THE LICENSE WITHIN 1 YEAR BEFORE THE DATE OF APPLICATION**
29 **FOR RENEWAL.**

30 **(II) AN ATTEMPTED RENEWAL OF A DORMANT LICENSE NOT IN**
31 **ACCORDANCE WITH THIS SECTION IS VOID.**

1 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
 2 **THE REISSUANCE OF A DORMANT LICENSE IS SUBJECT TO THE HEARING, NOTICE,**
 3 **AND OTHER PROVISIONS OF TITLE 4, SUBTITLE 2 OF THIS ARTICLE.**

4 **(3) THE BOARD MAY RENEW OR REISSUE THE DORMANT LICENSE OF**
 5 **A LICENSE HOLDER WITHOUT HOLDING A HEARING IF:**

6 **(I) THE MAIN BUILDING OF THE LICENSED PREMISES HAS BEEN**
 7 **DESTROYED BY FIRE, WIND, OR FLOOD; AND**

8 **(II) THE LICENSE HOLDER PROVES THAT SUBSTANTIAL**
 9 **EFFORTS ARE BEING MADE TO RESTORE, REPLACE, OR REPAIR THE LICENSED**
 10 **PREMISES.**

11 **(B) REISSUANCE OF LICENSE.**

12 **(1) A LICENSE REISSUANCE IS IN EFFECT FOR 1 YEAR AFTER THE**
 13 **BOARD APPROVES THE REISSUANCE.**

14 **(2) THE LICENSE HOLDER MAY SEEK A REISSUANCE FOR AN**
 15 **ADDITIONAL YEAR BY FOLLOWING THE PROCEDURES OF THIS SECTION.**

16 **(3) THE LICENSE HOLDER SHALL PAY THE ANNUAL LICENSE FEE FOR**
 17 **EACH YEAR OF THE REISSUANCE, INCLUDING ANY YEAR THAT THE LICENSED**
 18 **PREMISES IS NOT OPEN.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 9–203(c)(4)(ii) and, as it related to the renewal
 21 of a license, (i).

22 In subsection (a)(1)(ii) of this section, the former reference to an attempted
 23 renewal being “null and” void is deleted as surplusage.

24 In subsection (a)(2) of this section, the reference to a “dormant license” is
 25 substituted for the former reference to a “license to any licensee whose license
 26 has been nonrenewed under the provisions of this section” for brevity.

27 In the introductory language of subsection (a)(3) of this section, the reference
 28 to renewing or reissuing the dormant license “without holding a hearing” is
 29 added for clarity.

30 In subsection (a)(3)(ii) of this section, the reference to “the license holder
 31 prov[ing] that substantial efforts are being made” to restore, replace, or repair
 32 the “licensed premises” is substituted for the former reference to the

1 requirement that “it has been proven that the licensee is making substantial
2 efforts” to restore, replace, or repair the “building” for clarity.

3 In subsection (b)(1) of this section, the reference to a “license reissuance” is
4 substituted for the former reference to an “extension” for consistency.

5 In subsection (b)(2) of this section, the reference to the authority for the
6 “license holder” to “seek a reissuance for an additional year by following the
7 procedures of this section” is substituted for the former requirement that “[i]f
8 the licensee desires another extension, the licensee shall follow the same
9 procedure” for clarity.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “Board” § 11–101

12 “License” § 1–101

13 “License holder” § 1–101

14 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

15 **11–1901. APPLICATION OF GENERAL PROVISIONS.**

16 **(A) WITHOUT EXCEPTION OR VARIATION.**

17 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL
18 LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
19 WITHOUT EXCEPTION OR VARIATION:**

20 **(1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

21 **(2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED
22 PREMISES”);**

23 **(3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**

24 **(4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**

25 **(5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

26 **(6) § 4–508 (“DISPLAY OF LICENSE”).**

27 **(B) VARIATION.**

28 **SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I
29 OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11–1902 OF THIS
30 SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to conduct of local license holders.

3 Defined terms: "Alcoholic beverage" § 1-101

4 "County" § 11-101

5 "License" § 1-101

6 "License holder" § 1-101

7 **11-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

8 **(A) INDIVIDUALS AT LEAST 16 YEARS OLD.**

9 **A HOLDER OF A CLASS A LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 16**
10 **YEARS OLD TO STOCK ALCOHOLIC BEVERAGES.**

11 **(B) INDIVIDUALS AT LEAST 18 YEARS OLD.**

12 **AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES**
13 **WHILE ACTING AS A SERVER.**

14 **(C) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

15 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER**
16 **OR IN ANY SOLELY BAR-RELATED CAPACITY.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 12-202(d) and 12-302(b)(1).

19 Throughout this section, the references to an "individual" are substituted for
20 the former references to a "person" because this section applies only to human
21 beings.

22 In subsection (b) of this section, the reference to a "server" is substituted for
23 the former reference to a "waiter or waitress" for brevity.

24 Also in subsection (b) of this section, the former phrase "in the capacity of" is
25 deleted as surplusage.

26 In subsection (c) of this section, the former phrase "notwithstanding any
27 provisions in this article to the contrary" is deleted as unnecessary in light of
28 the organization of this revised article.

29 Also in subsection (c) of this section, the former reference to a "barmaid" is
30 deleted as included in the reference to a "bartender".

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that in subsection (c) of this section, the phrase
3 “bar-related capacity” is unclear.

4 Defined term: “Alcoholic beverage” § 1-101

5 **11-1903. WINDOW REQUIRED ON PREMISES WITH CLASS D LICENSE.**

6 **(A) WINDOW MUST FACE STREET.**

7 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL**
8 **ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE PROVIDED ONLY**
9 **IN A ROOM WITH AT LEAST ONE PLAIN GLASS WINDOW FACING THE STREET.**

10 **(B) UNOBSTRUCTED VIEW OF INTERIOR OF PREMISES.**

11 **(1) THE WINDOW SHALL ENABLE AN INDIVIDUAL STANDING ON THE**
12 **GROUND TO OBSERVE THE INTERIOR OF THE PREMISES WHEN SALES OF ALCOHOLIC**
13 **BEVERAGES ARE PROHIBITED.**

14 **(2) THE VIEW AFFORDED BY THE WINDOW MAY NOT BE OBSTRUCTED**
15 **WHEN SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 12-202.1.

18 In subsection (a) of this section, the reference to alcoholic beverages being
19 “provided” is substituted for the former reference to alcoholic beverages being
20 “sold or furnished” for brevity.

21 Also in subsection (a) of this section, the former reference to a “highway” is
22 deleted as included in the reference to a “street”.

23 Also in subsection (a) of this section, the former phrase “for the sale of alcoholic
24 beverages on any premises” is deleted as surplusage.

25 In subsection (b)(1) of this section, the reference to an “individual” is
26 substituted for the former reference to a “person” because this section applies
27 only to human beings.

28 Also in subsection (b)(1) of this section, the former phrase “at all hours” is
29 deleted as surplusage.

1 Also in subsection (b)(1) of this section, the former reference to the “highway”
2 is deleted as included in the reference to the “ground”.

3 In subsection (b)(2) of this section, the phrase “when sales of alcoholic
4 beverages are prohibited” is substituted for the former phrase “[d]uring those
5 hours” for clarity.

6 Also in subsection (b)(2) of this section, the former reference to “windows” is
7 deleted in light of the reference to “window” and GP § 1–202, which provides
8 that the singular generally includes the plural.

9 Also in subsection (b)(2) of this section, the former prohibition against the view
10 not being obstructed by “any curtain, blind, or other obstruction” is deleted as
11 surplusage.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Beer” § 1–101

14 “Wine” § 1–101

15 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

16 **11–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

17 **(A) IN GENERAL.**

18 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
19 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
20 **PREMISES LICENSED UNDER THIS TITLE.**

21 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
22 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
23 **ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS**
24 **SUBSECTION.**

25 **(B) PENALTY.**

26 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
27 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 11–304(a)(1) and, as it related to Anne Arundel
30 County, (2).

31 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
32 under this title” is added for clarity.

1 Also in subsection (a)(1) of this section, the reference to an “individual” is
2 substituted for the former reference to a “person” because the prohibition
3 against consumption applies only to human beings.

4 Also in subsection (a)(1) of this section, the reference to “a premises licensed
5 under this title” is substituted for the former references to “any premises open
6 to the general public, any place of public entertainment, or any place at which
7 setups or other component parts of mixed alcoholic drinks are sold under any
8 license issued under the provisions of the Business Regulation Article” for
9 brevity.

10 In subsection (a)(2) of this section, the reference to “a premises licensed under
11 this title” is substituted for the former reference to “the premises” for
12 consistency with the terminology used in subsection (a)(1) of this section.

13 In subsection (b) of this section, the reference to a person who “violates this
14 section” is substituted for the former reference to a person who is “found
15 consuming any alcoholic beverage on any premises open to the general public,
16 and any owner, operator or manager of those premises or places who
17 knowingly permits consumption between the hours provided by this section”
18 for brevity.

19 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
20 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
21 section.

22 Also in subsection (b) of this section, the former reference to a fine “not less
23 than \$5” is deleted to conform to the statement of legislative policy in §
24 14–102 of the Criminal Law Article, which sets forth the general rule that,
25 notwithstanding a statutory minimum penalty, a court may impose a lesser
26 penalty of the same character.

27 Defined terms: “Alcoholic beverage” § 1–101
28 “Person” § 1–101

29 **11–2002. BEER LICENSES.**

30 **RESERVED.**

31 **11–2003. BEER AND LIGHT WINE LICENSES.**

32 **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

1 **(1) A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY**
2 **SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2**
3 **A.M. THE FOLLOWING DAY.**

4 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
5 **THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON**
6 **SUNDAY.**

7 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
8 **LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY**
9 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

10 **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

11 **(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY**
12 **SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
13 **A.M. THE FOLLOWING DAY.**

14 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
15 **THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON**
16 **SUNDAY.**

17 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
18 **LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY**
19 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

20 **(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER AND LIGHT**
21 **WINE AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER AND LIGHT**
22 **WINE IS ALLOWED BY LAW.**

23 **(C) CLASS C BEER AND LIGHT WINE LICENSE.**

24 **(1) A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY**
25 **SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
26 **A.M. THE FOLLOWING DAY.**

27 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
28 **THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON**
29 **SUNDAY.**

30 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
31 **LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY**
32 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

1 **(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER AND LIGHT**
2 **WINE AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER AND LIGHT**
3 **WINE IS ALLOWED BY LAW.**

4 **(D) CLASS D BEER AND LIGHT WINE LICENSE.**

5 **(1) A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY**
6 **SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
7 **A.M. THE FOLLOWING DAY.**

8 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
9 **THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON**
10 **SUNDAY.**

11 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
12 **LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY**
13 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

14 **(E) CLASS H BEER AND LIGHT WINE LICENSE.**

15 **(1) A HOLDER OF A CLASS H BEER AND LIGHT WINE LICENSE MAY**
16 **SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
17 **A.M. THE FOLLOWING DAY.**

18 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
19 **THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON**
20 **SUNDAY.**

21 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
22 **LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY**
23 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, §§ 8-202(d)(2), 11-502(a) and (d), and, as it
26 related to the sale of alcoholic beverages, 11-403(a)(2)(ii).

27 Throughout this section, the references to "beer and light wine" are
28 substituted for the broader former references to "alcoholic beverages" in
29 accordance with the scope of this section.

30 In subsections (b)(4) and (c)(4) of this section, the references to "sell" are
31 substituted for the former references to "vend, serve, deliver" to conform to the
32 terminology used throughout this article.

1 Former Art. 2B, § 11–502(c), which stated that the hours established by the
 2 article for the sale of alcoholic beverages in the County are declared to be in
 3 accordance with Eastern Standard Time on the last Sunday of October in each
 4 year, is deleted as obsolete and unnecessary. Since 2007, Eastern Standard
 5 Time begins in Maryland on the first Sunday in November; thus, on the last
 6 Sunday of October, the State now observes Eastern Daylight Savings Time.

7 Former Art. 2B, § 11–502(f), which stated that the provisions of former Art.
 8 2B, § 11–502 applied only to the first, second, third, fourth, fifth, seventh, and
 9 eighth districts of Anne Arundel County, is deleted as unnecessary. The only
 10 election district not stated in former § 11–502 is the sixth, which covers the
 11 City of Annapolis. Throughout this revised article, the City of Annapolis is
 12 always treated as a jurisdiction separate from Anne Arundel County.

13 Defined terms: “Beer” § 1–101

14 “Board” § 11–101

15 “License” § 1–101

16 “License holder” § 1–101

17 “Wine” § 1–101

18 **11–2004. BEER, WINE, AND LIQUOR LICENSES.**

19 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

20 **(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY**
 21 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2**
 22 **A.M. THE FOLLOWING DAY.**

23 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
 24 **THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON**
 25 **SUNDAY.**

26 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
 27 **LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY**
 28 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

29 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

30 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY**
 31 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2**
 32 **A.M. THE FOLLOWING DAY.**

33 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
 34 **THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON**
 35 **SUNDAY.**

1 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
2 **LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY**
3 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

4 **(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER, WINE, AND**
5 **LIQUOR AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER, WINE,**
6 **AND LIQUOR IS ALLOWED BY LAW.**

7 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

8 **(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY**
9 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2**
10 **A.M. THE FOLLOWING DAY.**

11 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
12 **THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON**
13 **SUNDAY.**

14 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
15 **LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY**
16 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

17 **(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER, WINE, AND**
18 **LIQUOR AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER, WINE,**
19 **AND LIQUOR IS ALLOWED BY LAW.**

20 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

21 **(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY**
22 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2**
23 **A.M. THE FOLLOWING DAY.**

24 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
25 **THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON**
26 **SUNDAY.**

27 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
28 **LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY**
29 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

30 **(E) CLASS H BEER, WINE, AND LIQUOR LICENSE.**

1 **(1) A HOLDER OF A CLASS H BEER, WINE, AND LIQUOR LICENSE MAY**
 2 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2**
 3 **A.M. THE FOLLOWING DAY.**

4 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
 5 **THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON**
 6 **SUNDAY.**

7 **(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY**
 8 **LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY**
 9 **ACCORDING TO TERMS THAT THE LICENSE STATES.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, §§ 8-202(d)(2), 11-502(a) and (d), and, as it
 12 related to the sale of alcoholic beverages, 11-403(a)(2)(ii).

13 Throughout this section, the references to "beer, wine, and liquor" are
 14 substituted for the broader former references to "alcoholic beverages" in
 15 accordance with the scope of this section.

16 In subsections (b)(4) and (c)(4) of this section, the references to "sell or provide"
 17 alcoholic beverages are substituted for the former references to "vend, serve,
 18 [or] deliver" alcoholic beverages to conform to the terminology used
 19 throughout this article.

20 Defined terms: "Beer" § 1-101
 21 "Board" § 11-101
 22 "License" § 1-101
 23 "License holder" § 1-101
 24 "Wine" § 1-101

25 **11-2005. SUNDAY HOURS.**

26 **EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE HOLDER MAY**
 27 **NOT SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.**

28 REVISOR'S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 8-202(d)(2).

30 The former reference to "§ 6-501 of this article", which refers to the Class E
 31 beer, wine, and liquor license issued for water vessels, is deleted as outside
 32 the scope of this title because the Class E license is issued by the Comptroller
 33 and not by the Anne Arundel Board of License Commissioners.

1 The former phrase “[n]otwithstanding any other provisions of this article and
2 except for ‘special licenses’ provided for in § 6–501 of this article” is deleted as
3 unnecessary in light of the organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101
5 “License holder” § 1–101

6 **11–2006. HOURS FOR JANUARY 1.**

7 **A HOLDER OF AN ON–SALE LICENSE MAY NOT BE REQUIRED TO CLOSE THE**
8 **LICENSED PREMISES AT ANY TIME ON JANUARY 1.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 11–402(c).

11 The former language that authorized the license holder to sell alcoholic
12 beverages that are authorized by the license at any time on January 1 is
13 deleted as implicit in the prohibition against requiring a license holder to close
14 the licensed premises at any time on January 1.

15 The former reference to January 1 “of any year” is deleted as surplusage.

16 Former Art. 2B, § 11–402(c)(1), which stated that former Art. 2B, § 11–402(c)
17 applied only in Anne Arundel County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Defined term: “License” § 1–101

20 **11–2007. SALES AFTER HOURS — IN GENERAL.**

21 **(A) 15–MINUTE RULE FOR REMAINING OPEN AFTER HOURS.**

22 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 11–2006 OF**
23 **THIS SUBTITLE, A LICENSED PREMISES MAY NOT REMAIN OPEN TO THE PUBLIC OR**
24 **TO A PRIVATE PERSON FOR ANY PURPOSE FOR MORE THAN 15 MINUTES AFTER THE**
25 **HOURS AND DAYS OF SALE SPECIFIED IN THIS TITLE, EVEN IF ALCOHOLIC**
26 **BEVERAGES ARE NOT SOLD.**

27 **(B) PERMISSION TO SELL FOOD OR OTHER NONALCOHOLIC ITEMS AFTER**
28 **HOURS.**

29 **(1) THE BOARD MAY ALLOW A LICENSE HOLDER TO SELL FOOD OR**
30 **OTHER NONALCOHOLIC ITEMS UNTIL A SPECIFIED TIME IF:**

1 **(I) THE APPLICANT SATISFIES THE BOARD THAT SUITABLE**
 2 **PRECAUTIONS HAVE BEEN TAKEN TO PREVENT THE SALE OR CONSUMPTION OF**
 3 **ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES AFTER THE HOURS OF**
 4 **CLOSING; AND**

5 **(II) THE APPLICANT HOLDS:**

6 **1. A CLASS B LICENSE;**

7 **2. A MOTEL/HOTEL-RESTAURANT COMPLEX LICENSE, AS**
 8 **DESCRIBED IN § 11-907 OF THIS TITLE;**

9 **3. A CLASS A LICENSE, WITH RETAIL SALES OF**
 10 **ALCOHOLIC BEVERAGES NOT EXCEEDING 25% OF THE LICENSE HOLDER'S TOTAL**
 11 **RETAIL VOLUME; OR**

12 **4. A CLASS H LICENSE.**

13 **(2) THE BOARD SHALL ISSUE A PERMIT TO A LICENSE HOLDER WHO**
 14 **RECEIVES PERMISSION TO SELL NONALCOHOLIC ITEMS UNDER THIS SUBSECTION.**

15 **(C) FEE.**

16 **THE ANNUAL FEE FOR THE PRIVILEGE TO SELL FOOD OR OTHER**
 17 **NONALCOHOLIC ITEMS AFTER HOURS IS \$10.**

18 **(D) PENALTY.**

19 **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE SAME PENALTY**
 20 **IMPOSED FOR SELLING ALCOHOLIC BEVERAGES AFTER HOURS.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 11-502(b).

23 In subsection (b) of this section, the defined term "Board" is substituted for
 24 the former reference to "license commissioners" to conform to the terminology
 25 used throughout this title.

26 In subsection (c) of this section, the phrase "for the privilege to sell food or
 27 other nonalcoholic items after hours" is added for clarity.

28 In subsection (d) of this section, the reference to a "person who violates this
 29 section" is substituted for the former reference to "[a]ny violation of this
 30 subsection" to conform to the terminology used throughout this article.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Board” § 11–101

3 “License” § 1–101

4 “License holder” § 1–101

5 “Person” § 1–101

6 “Restaurant” § 1–101

7 **11–2008. SALES AFTER HOURS — BOWLING ALLEYS.**

8 **(A) BOWLING ALLEY MAY REMAIN OPEN UNTIL SPECIFIED HOUR.**

9 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY AUTHORIZE**
 10 **A BOWLING ALLEY WITH 20 LANES OR MORE THAT HAS A CLASS B OR CLASS D**
 11 **LICENSE TO STAY OPEN FOR BOWLING AND SERVE FOOD UNTIL A SPECIFIED HOUR.**

12 **(B) RESTRICTIONS.**

13 **(1) ALL ALCOHOLIC BEVERAGES SHALL BE KEPT UNDER LOCK AND**
 14 **KEY FROM 2 A.M. TO 6 A.M.**

15 **(2) AN INDIVIDUAL UNDER 18 YEARS OLD MAY NOT BE ON THE**
 16 **PREMISES FROM 2 A.M. TO 6 A.M. UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A**
 17 **SPOUSE, PARENT, OR GUARDIAN.**

18 REVISOR’S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 11–502(h).

20 In subsection (b)(2) of this section, the reference to an “individual” is
 21 substituted for the former reference to a “person” because the provision
 22 applies only to human beings.

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Board” § 11–101

25 “License” § 1–101

26 **11–2009. PER DIEM LICENSES.**

27 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, WHEN A PER**
 28 **DIEM LICENSE IS ISSUED UNDER SUBTITLE 11, PART 3 OF THIS TITLE, A HOLDER OF**
 29 **A WHOLESALER’S LICENSE MAY AGREE WITH THE HOLDER OF THE CLASS C LICENSE**
 30 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE LICENSE AND ACCEPT RETURNS**
 31 **ON THE SAME DAY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11-502(i).

3 The reference to a "per diem license ... issued under Subtitle 11, Part 3 of this
4 title" is substituted for the former reference to a "special Class C license ...
5 issued under the provisions of § 7-101 of this article" for clarity.

6 Defined terms: "License" § 1-101
7 "Wholesaler's license" § 1-101

8 **11-2010. RESTRICTIONS ON CONSUMPTION.**

9 **(A) "PREMISES" DEFINED.**

10 **IN THIS SECTION, "PREMISES" MEANS:**

11 **(1) A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, DISCO,**
12 **OR PLACE OF PUBLIC ENTERTAINMENT;**

13 **(2) A PLACE OPEN TO THE PUBLIC; OR**

14 **(3) A PLACE LICENSED BY THE STATE OR THE COUNTY.**

15 **(B) CONSUMPTION PROHIBITED.**

16 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
17 **PERSON MAY NOT PROVIDE OR ALLOW TO BE CONSUMED ON THE PREMISES OR ON**
18 **PREMISES UNDER ITS POSSESSION OR CONTROL ANY ALCOHOLIC BEVERAGES**
19 **OTHER THAN AS SPECIFICALLY ALLOWED UNDER THIS ARTICLE.**

20 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE**
21 **ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE.**

22 **(C) PENALTY.**

23 **A PERSON WHO KNOWINGLY ALLOWS CONSUMPTION IN VIOLATION OF THIS**
24 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE**
25 **NOT EXCEEDING \$250.**

26 REVISOR'S NOTE: This section is new language derived without substantive change
27 from former Art. 2B, § 11-304(c)(1)(ii) and (iii) and (3).

28 In subsection (a)(3) of this section, the former phrase "in any way" is deleted
29 as surplusage.

1 In subsection (c) of this section, the defined term “person” is substituted for
2 the former reference to “[a]ny owner, operator, manager, or employee of the
3 premises” for brevity and to conform to other similar provisions of the Code.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “County” § 11–101

6 “Restaurant” § 1–101

7 “State” § 1–101

8 **11–2011. CONSUMPTION AT BAR OR COUNTER.**

9 **A PATRON MAY CONSUME AN ALCOHOLIC BEVERAGE AUTHORIZED BY LAW TO**
10 **BE SOLD AT A BAR OR COUNTER ON A DAY ON WHICH THE SALE OF THE ALCOHOLIC**
11 **BEVERAGE IS AUTHORIZED BY LAW.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11–403(a)(2)(ii), as it related to the consumption
14 of alcoholic beverages.

15 Defined term: “Alcoholic beverage” § 1–101

16 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

17 **11–2101. APPLICATION OF GENERAL PROVISIONS.**

18 **(A) WITHOUT EXCEPTION OR VARIATION.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
20 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
21 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

22 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

23 **(2) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”);**

24 **(3) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

25 **(4) § 4–606 (“EFFECTS OF REVOCATION”).**

26 **(B) VARIATION.**

27 **SECTION 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”) OF**
28 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 11–2102 AND**
29 **11–2103 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the revocation and suspension of local licenses.

3 Former Art. 2B, § 10-405(a)(2), which stated that former Art. 2B, § 10-405,
4 which related to nudity and sexual displays, applied in Anne Arundel County,
5 is deleted as unnecessary in light of the organization of this revised article.

6 Defined terms: "County" § 11-101

7 "License" § 1-101

8 "Local licensing board" § 1-101

9 **11-2102. IMMEDIATE SUSPENSION OF LICENSE.**

10 **(A) IN GENERAL.**

11 **(1) IN ADDITION TO THE REVOCATION AND SUSPENSION**
12 **PROCEDURES PROVIDED UNDER § 4-603 OF THIS ARTICLE, THE BOARD MAY**
13 **IMMEDIATELY SUSPEND A LICENSE IF IT IS ALLEGED BY A PERSON SPECIFIED**
14 **UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT THE LICENSE HOLDER HAS SOLD**
15 **OR PROVIDED ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21**
16 **YEARS WITH SUCH FREQUENCY AND DURING SUCH A LIMITED TIME SO AS TO**
17 **DEMONSTRATE A WILLFUL FAILURE TO COMPLY WITH § 6-304 OF THIS ARTICLE.**

18 **(2) AN ALLEGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION**
19 **MAY BE MADE BY:**

20 **(I) THE COMPTROLLER OR AN AGENT OR EMPLOYEE OF THE**
21 **COMPTROLLER;**

22 **(II) THE BOARD OR AN AGENT OR EMPLOYEE OF THE BOARD; OR**

23 **(III) A PEACE OFFICER.**

24 **(B) 7-DAY LIMIT ON SUSPENSION.**

25 **A SUSPENSION UNDER THIS SECTION MAY NOT EXCEED 7 DAYS.**

26 **(C) HEARING AND NOTICE REQUIRED AFTER SUSPENSION.**

27 **IF A LICENSE IS SUSPENDED UNDER THIS SECTION, THE BOARD SHALL:**

28 **(1) HOLD A HEARING ON THE MATTER WITHIN 7 DAYS AFTER THE**
29 **SUSPENSION BEGINS; AND**

1 **(2) GIVE NOTICE TO THE LICENSE HOLDER AT LEAST 2 DAYS BEFORE**
 2 **THE HEARING.**

3 **(D) FAILURE TO PROVIDE NOTICE.**

4 **IF THE BOARD FAILS TO PROVIDE THE LICENSE HOLDER WITH NOTICE OF A**
 5 **HEARING BEFORE THE END OF THE FIFTH DAY AFTER A SUSPENSION BEGINS:**

6 **(1) THE SUSPENSION SHALL END; AND**

7 **(2) THE LICENSE HOLDER SHALL BE ALLOWED TO RESUME THE SALE**
 8 **OF ALCOHOLIC BEVERAGES ON THE NEXT DAY ALLOWED UNDER THE LICENSE.**

9 **(E) EFFECT OF SECTION.**

10 **THIS SECTION DOES NOT PREVENT A LICENSE HOLDER WHOSE LICENSE IS**
 11 **SUSPENDED UNDER THIS SECTION FROM SEEKING AN INJUNCTION OR OTHER**
 12 **APPROPRIATE RELIEF.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, §§ 10–403(a)(2)(ii) and 15–112(c)(6).

15 In subsection (a)(1) of this section, the phrase “[i]n addition to the revocation
 16 and suspension procedures provided under § 4–603 of this article,” is added
 17 for clarity.

18 Also in subsection (a)(1) of this section, the former phrase “[n]othing contained
 19 in this section shall prevent the immediate suspension” of a license is deleted
 20 as included in the reference to the power of the Board to immediately suspend
 21 a license.

22 In subsection (c)(1) and the introductory language of subsection (d) of this
 23 section, the references to a suspension “begin[ning]” are added for clarity.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Board” § 11–101

26 “Comptroller” § 1–101

27 “License” § 1–101

28 “License holder” § 1–101

29 “Person” § 1–101

30 **11–2103. LESSER LICENSE AS ALTERNATIVE TO SUSPENSION OR REVOCATION.**

31 **(A) IN GENERAL.**

1 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, INSTEAD OF ORDERING THE**
2 **REVOCATION OR SUSPENSION OF A LICENSE, THE BOARD MAY ORDER A LICENSE**
3 **HOLDER TO EXCHANGE THE LICENSE FOR A LESSER LICENSE:**

4 **(1) UNDER WHICH ONLY ALCOHOLIC BEVERAGES OF A LOWER**
5 **ALCOHOLIC CONTENT OR OF A MORE LIMITED KIND THAN UNDER THE LICENSE**
6 **ORDERED EXCHANGED MAY BE SOLD; AND**

7 **(2) THAT HAS FEWER PRIVILEGES OR MORE OR GREATER**
8 **RESTRICTIONS THAN THE LICENSE ORDERED EXCHANGED.**

9 **(B) CONDITIONS FOR ISSUANCE OF LESSER LICENSE.**

10 **SUBSECTION (A) OF THIS SECTION APPLIES ONLY IF:**

11 **(1) AFTER A HEARING, THE BOARD FINDS THAT A LICENSE HOLDER**
12 **OR THE OPERATION OF A LICENSED PREMISES HAS VIOLATED OR IS VIOLATING THIS**
13 **ARTICLE; AND**

14 **(2) THE PENALTY FOR THE VIOLATION REQUIRES OR ALLOWS A**
15 **LICENSE TO BE REVOKED OR SUSPENDED.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-401(c)(2) and (3).

18 Throughout this section, former references to a "more restricted" license are
19 deleted as included in the reference to a "lesser" license.

20 In subsection (a) of this section, the references to a license that is "exchanged"
21 are substituted for the former references to a license that is "transferred" for
22 clarity and consistency throughout this section.

23 In the introductory language of subsection (a) of this section, the former
24 reference to "direct" a license holder is deleted in light of the reference to
25 "order" a license holder.

26 In subsection (b)(1) of this section, the former reference to a licensed premises
27 "operating under a license issued by the Board" is deleted as implicit in the
28 reference to a "licensed premises".

29 Former Art. 2B, § 10-401(c)(1), which stated that former Art. 2B,
30 § 10-401(c) applied in all election districts in Anne Arundel County except the
31 sixth, is deleted as unnecessary in light of the organization of this revised
32 article. In the past, the sixth district consisted of the City of Annapolis. The

1 City of Annapolis is not covered by this section but instead is covered under
2 Title 10 of this article.

3 Former Art. 2B, § 10–401(c)(4), which stated that “[t]he Board may determine
4 if any license is to be suspended or revoked for the violation of any of the
5 provisions of this section or any other provisions of this article, the penalty for
6 a violation of which provision requires or permits licenses to be suspended or
7 revoked”, is deleted as surplusage.

8 Defined terms: “Alcoholic beverage” § 1–101
9 “Board” § 11–101
10 “License” § 1–101
11 “License holder” § 1–101

12 **SUBTITLE 22. EXPIRATION OF LICENSES.**

13 **11–2201. APPLICATION OF GENERAL PROVISIONS.**

14 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
15 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 the general provisions relating to the expiration of local licenses.

18 Defined terms: “County” § 11–101
19 “License” § 1–101

20 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

21 **11–2301. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE**
24 **HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
25 **EXCEPTION OR VARIATION:**

26 **(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE**
27 **HOLDER”);**

28 **(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

29 **(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
30 **RESTRICTION”); AND**

1 **(4) § 4-806 (“REFUND”).**

2 **(B) VARIATION.**

3 **SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
 4 **CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
 5 **COUNTY, SUBJECT TO § 11-2302 OF THIS SUBTITLE.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
 7 general provisions relating to the death of a local license holder.

8 Defined terms: “County” § 11-101

9 “License” § 1-101

10 “License holder” § 1-101

11 **11-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
 12 **PARTNERSHIP OR CORPORATION.**

13 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
 14 **SURVIVING OFFICER.**

15 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
 16 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**
 17 **CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED**
 18 **TO:**

19 **(I) THE SURVIVING SPOUSE;**

20 **(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE**
 21 **PARTNERSHIP; OR**

22 **(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION**
 23 **FOR THE BENEFIT OF THE CORPORATION.**

24 **(2) THE NEW LICENSE SHALL BE ISSUED:**

25 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

26 **(II) WITHOUT FURTHER PROCEEDINGS.**

27 **(B) RENEWAL LICENSE.**

28 **A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE**
 29 **QUALIFIED TO HOLD THE LICENSE:**

1 **11-2401. APPLICATION OF GENERAL PROVISIONS.**

2 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
 3 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
 5 general provisions relating to the appeal of the decisions of the Board.

6 Defined term: “County” § 11-101

7 **11-2402. COURT MAY REMAND.**

8 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
 9 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
 10 **REMAND THE PROCEEDINGS TO THE BOARD.**

11 REVISOR’S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 16-101(e)(4)(ii)1.

13 The reference to the “circuit court for the County” is substituted for the former
 14 reference to the “court” for clarity.

15 Defined terms: “Board” § 11-101
 16 “County” § 11-101

17 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

18 **11-2501. SERVING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

19 **A PERSON MAY NOT GIVE OR ALLOW TO BE CONSUMED ON THE PREMISES OR**
 20 **ON PREMISES UNDER ITS CONTROL OR POSSESSION AN ALCOHOLIC BEVERAGE**
 21 **OTHER THAN AS AUTHORIZED UNDER THIS ARTICLE.**

22 REVISOR’S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 11-304(c)(1)(iii)1.

24 The former reference to a “corporation, club, or organization” is deleted as
 25 included in the defined term “person”.

26 The former reference to “specifically” authorized is deleted as surplusage.

27 Defined terms: “Alcoholic beverage” § 1-101
 28 “Person” § 1-101

1 **11-2502. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
2 **BEVERAGES FROM SUPPLIES HELD FOR CUSTOMER.**

3 **(A) SCOPE OF SECTION.**

4 **THIS SECTION APPLIES TO AN ESTABLISHMENT THAT:**

5 **(1) INCLUDES A RESTAURANT, HOTEL, CLUB, ROOM, DANCE STUDIO,**
6 **DISCO, PLACE OF PUBLIC ENTERTAINMENT, AND PLACE OPEN TO THE PUBLIC; AND**

7 **(2) IS SUBJECT TO A LICENSE ISSUED BY THE STATE OR THE COUNTY**
8 **OTHER THAN A LICENSE ISSUED UNDER THIS ARTICLE.**

9 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

10 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT UNDER SUBSECTION (A) OF**
11 **THIS SECTION MAY NOT SERVE, KEEP, OR ALLOW TO BE CONSUMED BY A CUSTOMER**
12 **ALCOHOLIC BEVERAGES FROM SUPPLIES THAT THE CUSTOMER PURCHASED,**
13 **RESERVED, OR BROUGHT TO THE ESTABLISHMENT.**

14 **(C) PENALTY.**

15 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
16 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
17 **NOT EXCEEDING \$10,000 OR BOTH.**

18 **REVISOR'S NOTE:** This section is new language derived without substantive
19 change from former Art. 2B, § 20-101(a), (c), and (d).

20 Subsection (a) of this section is revised as an enumeration of establishments
21 to which this section applies, rather than as the definition of "bottle club," for
22 clarity and brevity. In the former law, a "bottle club" was defined as a certain
23 type of unlicensed establishment that conducts certain activities. The former
24 law then prohibited a bottle club from conducting those activities.

25 In subsection (b) of this section, actions that were formerly included within
26 the former defined term "bottle club" are prohibited.

27 Also in subsection (b) of this section, the former prohibition against "giv[ing]"
28 and "dispens[ing]" are deleted as included in the reference to "serv[ing]".

29 Also in subsection (b) of this section, the former provision prohibiting an owner
30 or operator of an unlicensed establishment from "[e]vad[ing] the alcoholic
31 beverages laws in the county, including laws governing the hours of operation"
32 is deleted as unnecessary.

1 Former Art. 2B, § 20–101(b), which provided that former Art. 2B, § 20–101
2 applied only in Anne Arundel County is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Club” § 1–101

6 “County” § 11–101

7 “License” § 1–101

8 “Person” § 1–101

9 **11–2503. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
10 **BEVERAGES IS PROHIBITED.**

11 **(A) SCOPE OF SECTION.**

12 **THIS SECTION DOES NOT APPLY TO THE ROOM OF A REGISTERED GUEST IN A**
13 **HOTEL, MOTEL, OR HOSPICE.**

14 **(B) PROHIBITION AGAINST INDIVIDUAL.**

15 **EXCEPT AS PROVIDED ELSEWHERE IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON**
16 **ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

17 **(1) A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, OR**
18 **DISCO;**

19 **(2) A PLACE OPEN TO THE PUBLIC;**

20 **(3) A PLACE OF PUBLIC ENTERTAINMENT;**

21 **(4) A PLACE THAT IS LICENSED BY THE STATE OR THE COUNTY; OR**

22 **(5) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
23 **MIXED ALCOHOLIC DRINKS ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
24 **BUSINESS REGULATION ARTICLE.**

25 **(C) PROHIBITION AGAINST OWNER OR MANAGER.**

26 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
27 **SUBSECTION (B) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
28 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS PROVIDED IN SUBSECTION (B) OF**
29 **THIS SECTION.**

1 **(D) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
3 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 11–304(a)(1) and (2)(i) and (c)(1)(ii) and (iii)2.

6 In subsection (b)(2) of this section, the former reference to the “general” public
7 is deleted as surplusage.

8 In subsection (b)(4) of this section, the former reference to a place that is “in
9 any way” licensed by the State or county is deleted as surplusage.

10 In subsection (c) of this section, the former reference to an “operator” is deleted
11 as included in the reference to a “manager”.

12 In subsection (d) of this section, the former minimum penalty is deleted to
13 conform to the statement of legislative policy in § 14–102 of the Criminal Law
14 Article, which sets forth the general rule that, notwithstanding a statutory
15 minimum penalty, a court may impose a lesser penalty of the same character.

16 Former Art. 2B, § 11–304(c)(1)(i), which provided that former Art. 2B, §
17 11–304(c) applied only in Anne Arundel County, is deleted as unnecessary in
18 light of the organization of this revised article.

19 Defined terms: “Alcoholic beverage” § 1–101

20 “Club” § 1–101

21 “County” § 11–101

22 “Person” § 1–101

23 “Restaurant” § 1–101

24 “State” § 1–101

25 **SUBTITLE 26. ENFORCEMENT.**

26 **11–2601. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

28 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
29 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
30 **VARIATION:**

31 **(1) § 6–202 (“INSPECTIONS”);**

1 (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND
2 QUALITY OF ALCOHOLIC BEVERAGES”);

3 (3) § 6-205 (“PEACE OFFICERS”);

4 (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
5 ALCOHOLIC BEVERAGE”);

6 (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
7 EVIDENCE OF SALE”);

8 (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
9 ALCOHOL IN PUBLIC PLACES”);

10 (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
11 CONSUMPTION”); AND

12 (8) § 6-211 (“FINES AND FORFEITURES”).

13 (B) EXCEPTION.

14 SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION
15 LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS
16 SUPERSEDED BY § 11-2602 OF THIS SUBTITLE.

17 (C) VARIATION.

18 SECTION 6-204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS
19 ARTICLE APPLIES IN THE COUNTY, IN ADDITION TO § 11-2604 OF THIS SUBTITLE.

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to enforcement.

22 Defined terms: “Alcoholic beverage” § 1-101
23 “County” § 11-101
24 “State” § 1-101

25 **11-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

26 **THE COUNTY MAY:**

27 (1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE
28 PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS
29 ARTICLE; AND

1 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
2 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
3 **HIGHWAY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 19-103(a)(1).

6 In item (1) of this section, the reference to "the prohibition against disorderly
7 intoxication under § 6-320 of this article" is substituted for the former obsolete
8 reference to "this subheading".

9 In item (2) of this section, the former reference to the public "in general" is
10 deleted as surplusage.

11 Defined terms: "Alcoholic beverage" § 1-101
12 "County" § 11-101

13 **11-2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

14 **(A) IN GENERAL.**

15 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
16 **ESTABLISHMENT.**

17 **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

18 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
19 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

20 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
21 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
22 **CASE PENDING BEFORE THE COURT.**

23 **(C) FEES AND COSTS.**

24 **(1) THE BOARD SHALL CHARGE FEES FOR THE PRODUCTION AND**
25 **SERVICE OF A SUMMONS.**

26 **(2) THE FEES MAY BE ASSESSED ONLY AGAINST A LICENSE HOLDER**
27 **OR PARTY WHOM THE BOARD HAS ADJUDICATED RESPONSIBLE FOR A VIOLATION**
28 **OF A LAW CONCERNING ALCOHOLIC BEVERAGES.**

29 **(3) THE FEES ARE:**

1 **(I) \$20, FOR THE PRODUCTION OF A SUMMONS BY THE CLERK**
 2 **TO THE BOARD;**

3 **(II) \$5, FOR AN ADDRESS PROVIDED BY THE CLERK TO THE**
 4 **BOARD AND THE SERVICE IS BY MAIL; AND**

5 **(III) \$30, FOR EACH ADDRESS IF THE SERVICE IS BY AN**
 6 **INVESTIGATOR EMPLOYED BY THE BOARD.**

7 **(4) IN ADDITION TO OTHER FINES, PENALTIES, OR COSTS THAT MAY**
 8 **BE IMPOSED, THE BOARD SHALL ALSO IMPOSE COSTS OF \$100 AGAINST A LICENSE**
 9 **HOLDER OR PARTY WHOM THE BOARD HAS FOUND TO HAVE VIOLATED A LAW**
 10 **CONCERNING ALCOHOLIC BEVERAGES.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 16-410(c)(1)(i), (2), and (3) and (d)(2), (3), and
 13 (4).

14 In subsections (a) and (b)(1) of this section, the former references to "papers"
 15 are deleted as included in the references to "records" and "record".

16 In subsection (b)(1) of this section, the phrase "may petition" is substituted for
 17 the former phrase "shall report the fact to" for clarity.

18 Also in subsection (b)(1) of this section, the former phrase "for the county" is
 19 deleted as surplusage.

20 In subsection (b)(2) of this section, the phrase "may proceed" is substituted for
 21 the former phrase "shall proceed" for clarity.

22 Also in subsection (b)(2) of this section, the former phrase "in all respects" is
 23 deleted as surplusage.

24 In subsection (c)(2) and (4) of this section, the former references to a "statute,
 25 rule, or regulation" are deleted as included in the references to a "law".

26 Former Art. 2B, § 16-410(d)(1), which stated that former Art. 2B, § 16-410(d)
 27 applied only in Anne Arundel County, is deleted as unnecessary in light of the
 28 organization of this revised article.

29 Defined terms: "Alcoholic beverage" § 1-101

30 "Board" § 11-101

31 "License holder" § 1-101

32 **11-2604. SERVICE OF SUMMONS.**

1 **IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6-204**
2 **OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS AND COUNTY POLICE**
3 **MAY SERVE A SUMMONS.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 16-410(b)(2)(i)2.

6 The reference to "County police" is substituted for the former reference to the
7 "Anne Arundel County Police Department" for brevity.

8 Defined terms: "Board" § 11-101
9 "County" § 11-101

10 **11-2605. ISSUANCE OF CITATIONS.**

11 **AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL**
12 **CITATION AS PROVIDED IN § 10-119 OF THE CRIMINAL LAW ARTICLE.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 16-408, as it related to inspectors in Anne
15 Arundel County.

16 The former reference to license violations "under this article" is deleted as
17 surplusage.

18 Defined term: "License" § 1-101

19 **11-2606. ADDITIONAL RESOURCES AVAILABLE TO BOARD.**

20 **THE BOARD MAY CALL ON OTHER COUNTY ADMINISTRATIVE DEPARTMENTS**
21 **AND ALL PROSECUTING OFFICERS TO PROVIDE INFORMATION AND ASSISTANCE**
22 **THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THIS ARTICLE.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 16-412.

25 The former statement that "[n]othing in this section shall apply to the sixth
26 district of Anne Arundel County" is deleted as unnecessary. The Board of
27 License Commissioners for Anne Arundel County does not have jurisdiction
28 in the "sixth district of Anne Arundel County", which is an obsolete reference
29 to the City of Annapolis. See § 10-202(b) of this article.

30 Defined terms: "Board" § 11-101
31 "County" § 11-101

SUBTITLE 27. PROHIBITED ACTS.**11-2701. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

(1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

(2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);

(3) § 6-310 (“PROVIDING FREE FOOD”);

(4) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);

(5) § 6-312 (“BEVERAGE MISREPRESENTATION”);

(6) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);

(7) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(8) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(9) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(10) § 6-320 (“DISORDERLY INTOXICATION”);

(11) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(12) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(13) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

1 (14) § 6-327 (“TAX EVASION”);

2 (15) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

3 (16) § 6-329 (“PERJURY”).

4 **(B) EXCEPTIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
6 **OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

7 **(1) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
8 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

9 **(2) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
10 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
11 **YEARS”);**

12 **(3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC**
13 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”); AND**

14 **(4) § 6-322 (“POSSESSION OF OPEN CONTAINER”).**

15 **(C) VARIATIONS.**

16 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
17 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

18 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
19 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 11-2702 OF THIS**
20 **SUBTITLE; AND**

21 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
22 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 11-2703 OF THIS SUBTITLE.**

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to prohibited acts.

25 Defined terms: “Alcoholic beverage” § 1-101

26 “County” § 11-101

27 “License holder” § 1-101

28 “Retail dealer” § 1-101

1 **11-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
2 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

3 (A) **SUMMONS; BAIL.**

4 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
5 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

6 (1) **SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
7 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
8 **EMPLOYEE; AND**

9 (2) **MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
10 **COURT IN THE STATE.**

11 (B) **DUE CAUTION STANDARD FOR NONRESIDENTS.**

12 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
13 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

14 (1) **THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
15 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
16 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
17 **OF 21 YEARS; AND**

18 (2) **THE INDIVIDUAL IS NOT A RESIDENT OF THE STATE.**

19 (C) **BAR TO ADMINISTRATIVE ACTION.**

20 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
21 **VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
22 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
23 **BEFORE JUDGMENT FOR, THE VIOLATION.**

24 **REVISOR'S NOTE:** This section is new language derived without substantive
25 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

26 In subsection (a)(2) of this section, the former reference to bail "bond" is
27 deleted as surplusage.

28 In subsection (b)(1) of this section, the reference to the "finder of fact" is
29 substituted for the former reference to the "jury or the court sitting as a jury"
30 for brevity.

1 Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted
2 as surplusage.

3 In subsection (c) of this section, the reference to the “Board” is substituted for
4 the former reference to “any alcoholic beverage law enforcement or licensing
5 authorities” to conform to terminology used throughout this title.

6 Also in subsection (c) of this section, the reference to probation before
7 “judgment” is substituted for the former reference to a probation “without a
8 verdict” to conform to current terminology.

9 Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise
10 provided in this section” is deleted as unnecessary in light of the organization
11 of this revised article.

12 Defined terms: “Board” § 11–101

13 “License holder” § 1–101

14 “State” § 1–101

15 **11–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
16 **INDIVIDUAL — CRIMINAL PROCEDURE.**

17 **(A) SUMMONS; BAIL.**

18 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
19 **CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

20 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
21 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
22 **EMPLOYEE; AND**

23 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
24 **COURT IN THE STATE.**

25 **(B) BAR TO ADMINISTRATIVE ACTION.**

26 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
27 **VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
28 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
29 **BEFORE JUDGMENT FOR, THE VIOLATION.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

1 In subsection (a)(2) of this section, the former reference to bail “bond” is
2 deleted as surplusage.

3 In subsection (b) of this section, the reference to the “Board” is substituted for
4 the former reference to “any alcoholic beverage law enforcement or licensing
5 authorities” to conform to terminology used throughout this title.

6 Also in subsection (b) of this section, the reference to probation before
7 “judgment” is substituted for the former reference to a probation “without a
8 verdict” to conform to current terminology.

9 Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise
10 provided in this section” is deleted as unnecessary in light of the organization
11 of this revised article.

12 Defined terms: “Board” § 11-101

13 “License holder” § 1-101

14 “State” § 1-101

15 **11-2704. ON-PREMISES CONSUMPTION, DISPLAY, OR POSSESSION OF ALCOHOLIC**
16 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.**

17 **(A) “PREMISES” DEFINED.**

18 **IN THIS SECTION, “PREMISES” INCLUDES A BUILDING, PARKING LOT, PICNIC**
19 **GROUND, TERRACE, OR GROUND THAT FORM AN INTEGRAL PART OF THE**
20 **LICENSED PREMISES.**

21 **(B) IN GENERAL.**

22 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

23 **(1) AN INDIVIDUAL MAY NOT CONSUME, DISPLAY, OR POSSESS ON THE**
24 **LICENSED PREMISES AN ALCOHOLIC BEVERAGE NOT PURCHASED FROM THE**
25 **LICENSE HOLDER; AND**

26 **(2) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO**
27 **CONSUME, DISPLAY, OR POSSESS ON THE LICENSED PREMISES AN ALCOHOLIC**
28 **BEVERAGE THAT IS NOT PURCHASED FROM THE LICENSE HOLDER.**

29 **(C) BEACH AND AMUSEMENT PARK LICENSE.**

30 **A HOLDER OF A BEACH AND AMUSEMENT PARK LICENSE MAY GRANT WRITTEN**
31 **PERMISSION TO A PATRON OF THE LICENSE HOLDER’S BEACH OR PARK TO BRING**

1 **AND CONSUME ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE NOT**
2 **PURCHASED FROM THE LICENSE HOLDER.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from the first, second, and fourth sentences of former Art. 2B, §
5 16–201.

6 In subsection (b) of this section, the references to “consum[ing]” are
7 substituted for the former references to “drink[ing]” to conform to the
8 terminology used throughout this article.

9 The third sentence of former Art. 2B, § 16–201, which stated that this section
10 applied “to the first, second, third, fourth, fifth, seventh, and eighth districts
11 of Anne Arundel County only” is deleted as unnecessary in light of the
12 organization of this revised article. The reference to all of the districts of Anne
13 Arundel County except the sixth district is an obsolete way of referring to all
14 of Anne Arundel County except the City of Annapolis, which in the past was
15 congruent with the sixth district.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “License” § 1–101

18 “License holder” § 1–101

19 **SUBTITLE 28. PENALTIES.**

20 **11–2801. APPLICATION OF GENERAL PROVISION.**

21 **SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE**
22 **APPLIES IN THE COUNTY.**

23 REVISOR'S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to imposing a penalty for a violation for which no
25 specific penalty is provided.

26 Defined term: “County” § 11–101

27 **11–2802. PENALTY IMPOSED BY BOARD.**

28 **(A) IN GENERAL.**

29 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A**
30 **LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION**
31 **UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

32 **(B) PENALTY IN ADDITION TO TERM OR CONDITION.**

1 **“CITY” MEANS BALTIMORE CITY.**

2 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
3 full reference to “Baltimore City”.

4 **(D) LIGHT WINE.**

5 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
6 **ALCOHOL BY VOLUME.**

7 REVISOR’S NOTE: This subsection is new language derived without substantive
8 change from former Art. 2B, § 4–101(a) and (d).

9 The defined term “wine” is substituted for the former reference to “a fermented
10 beverage” to conform to the terminology used throughout this article.

11 Defined term: “Wine” § 1–101

12 **(E) RESTAURANT.**

13 **THE DEFINITION OF “RESTAURANT” UNDER § 1–101 OF THIS ARTICLE**
14 **APPLIES IN THE CITY, SUBJECT TO § 12–104 OF THIS SUBTITLE.**

15 REVISOR’S NOTE: This subsection is new language added to state explicitly what
16 was implied by the former law, that the statewide definition of “restaurant”
17 applies in the City.

18 Defined terms: “City” § 12–101
19 “Restaurant” § 1–101

20 **(F) TOTAL DAILY RECEIPTS.**

21 **“TOTAL DAILY RECEIPTS” DOES NOT INCLUDE:**

22 **(1) SALES OF NOVELTY ITEMS;**

23 **(2) INCOME FROM VENDING MACHINES; OR**

24 **(3) OTHER RECEIPTS NOT RESULTING FROM THE SALE OF FOOD OR**
25 **BEVERAGES.**

26 REVISOR’S NOTE: This subsection is new language derived without substantive
27 change from former Art. 2B, § 1–102(a)(26).

1 **12-102. SCOPE OF TITLE.**

2 **THIS TITLE APPLIES ONLY IN BALTIMORE CITY.**

3 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
4 organization of this revised article.

5 **12-103. RESTRICTIONS ON ADVERTISING.**

6 **(A) CITY ORDINANCE AUTHORIZED.**

7 **SUBJECT TO SUBSECTIONS (B) AND (C) THIS SECTION, THE MAYOR AND CITY**
8 **COUNCIL MAY ADOPT AN ORDINANCE RESTRICTING THE PLACEMENT ON THE SIDE**
9 **OF A BUILDING OR ANY OTHER PUBLICLY VISIBLE LOCATION OF ANY FORM OF**
10 **ADVERTISING FOR ALCOHOLIC BEVERAGES, INCLUDING A SIGN, A POSTER, A**
11 **PLACARD, A DEVICE, A GRAPHIC DISPLAY, AN OUTDOOR BILLBOARD, AND A**
12 **FREESTANDING SIGNBOARD.**

13 **(B) REQUIREMENTS FOR ADOPTION.**

14 **AN ORDINANCE MAY BE ADOPTED IF:**

15 **(1) THE ORDINANCE IS NECESSARY TO PROMOTE THE WELFARE AND**
16 **TEMPERANCE OF MINORS EXPOSED TO ADVERTISEMENTS FOR ALCOHOLIC**
17 **BEVERAGES PLACED IN PUBLICLY VISIBLE LOCATIONS, INCLUDING OUTDOOR**
18 **BILLBOARDS, SIDES OF BUILDINGS, AND FREESTANDING SIGNBOARDS; AND**

19 **(2) THE RESTRICTIONS DO NOT UNDULY BURDEN LEGITIMATE**
20 **BUSINESS ACTIVITIES OF A LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES AT**
21 **RETAIL.**

22 **(C) EXCEPTIONS FROM ORDINANCE.**

23 **THE ORDINANCE MAY NOT RESTRICT:**

24 **(1) THE PLACEMENT OF A SIGN, INCLUDING AN ADVERTISEMENT:**

25 **(I) INSIDE LICENSED PREMISES;**

26 **(II) ON A COMMERCIAL VEHICLE USED TO TRANSPORT**
27 **ALCOHOLIC BEVERAGES; OR**

28 **(III) IN CONJUNCTION WITH A TEMPORARY LICENSE;**

1 **(2) A SIGN THAT CONTAINS THE NAME OR SLOGAN OF THE LICENSED**
2 **PREMISES THAT HAS BEEN PLACED TO IDENTIFY THE LICENSED PREMISES;**

3 **(3) EXCEPT FOR A BILLBOARD AND FREESTANDING SIGNBOARD, A**
4 **SIGN FOR WHICH ZONING BOARD APPROVAL OR A MINOR PRIVILEGE PERMIT IS**
5 **REQUIRED;**

6 **(4) A SIGN THAT CONTAINS A GENERIC DESCRIPTION OF BEER, WINE,**
7 **OR LIQUOR, OR ANY OTHER GENERIC DESCRIPTION OF ALCOHOLIC BEVERAGES;**

8 **(5) A NEON OR ELECTRICALLY CHARGED SIGN ON LICENSED**
9 **PREMISES THAT IS PROVIDED AS PART OF A PROMOTION OF A PARTICULAR BRAND**
10 **OF ALCOHOLIC BEVERAGE;**

11 **(6) A SIGN ON AN MTA VEHICLE OR A TAXICAB;**

12 **(7) A SIGN ON PROPERTY OWNED, LEASED, OR OPERATED BY THE**
13 **MARYLAND STADIUM AUTHORITY;**

14 **(8) A SIGN AT A FACILITY THAT OPERATES IN ACCORDANCE WITH A**
15 **LICENSE ISSUED UNDER § 11-304 OF THE BUSINESS REGULATION ARTICLE; OR**

16 **(9) A SIGN ON PROPERTY ADJACENT TO AN INTERSTATE HIGHWAY.**

17 **(D) PENALTY.**

18 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
19 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

20 REVISOR'S NOTE: This section is new language derived without substantive change
21 from former Art. 2B, § 21-105(b), (c), and (e).

22 In subsection (a) of this section, the former reference to the sides of the
23 building "of the licensed premises" is deleted as included in the broader
24 reference to "the side of a building".

25 In subsection (c) of this section, the former reference to a "sign at Memorial
26 Stadium" is deleted as obsolete.

27 In subsection (c)(1)(iii) of this section, the former reference to a "1-day
28 alcoholic beverages license" is deleted as included in the reference to a
29 "temporary license".

1 Also in subsection (c)(1)(iii) of this section, the former reference to a temporary
2 license “granted by the Board of License Commissioners” is deleted as
3 surplusage.

4 In subsection (c)(4) of this section, the former reference to “spirits” is deleted
5 as included in the reference to “liquor”.

6 In subsection (d) of this section, the phrase “on conviction” is added to conform
7 to other similar provisions of the Code.

8 Former Art. 2B, § 21–105(a), which stated that former Art. 2B, § 21–105
9 applied only in Baltimore City, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “Beer” § 1–101

13 “City” § 12–101

14 “License” § 1–101

15 “License holder” § 1–101

16 “Person” § 1–101

17 “Wine” § 1–101

18 **12–104. REQUIREMENTS FOR RESTAURANTS.**

19 **(A) IN GENERAL.**

20 **TO BE CONSIDERED A RESTAURANT, AN ESTABLISHMENT SHALL MEET THE**
21 **REQUIREMENTS OF THIS SECTION.**

22 **(B) FOOD SALE RATIO.**

23 **AN ESTABLISHMENT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE**
24 **OF FOOD THAT ARE AT LEAST 40% OF ITS TOTAL DAILY RECEIPTS.**

25 **(C) LIMITATION.**

26 **THE BOARD MAY NOT CONSIDER AS FOOD AN INGREDIENT OR A GARNISH**
27 **USED WITH OR MIXED WITH AN ALCOHOLIC BEVERAGE THAT IS PREPARED AND**
28 **SERVED FOR ON–PREMISES CONSUMPTION.**

29 **(D) WAIVER.**

30 **THE BOARD MAY WAIVE THE FOOD REQUIREMENT SPECIFIED UNDER**
31 **SUBSECTION (B) OF THIS SECTION FOR A RESTAURANT OWNED AND OPERATED BY A**
32 **NOT–FOR–PROFIT ORGANIZATION IN THE AREA BOUNDED BY SOUTH ELLWOOD**

1 AVENUE ON THE WEST, BANK STREET ON THE NORTH, SOUTH BOULDIN STREET ON
2 THE EAST, AND FLEET STREET ON THE SOUTH.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 1-102(a)(22)(ii) and (i)3 and 4.

5 In subsection (c) of this section, the former reference to food "as used in the
6 definition of 'restaurant', whether the definition is established by State law or
7 by regulations adopted by the Board of License Commissioners" is deleted as
8 surplusage.

9 Defined terms: "Alcoholic beverage" § 1-101
10 "Board" § 12-101
11 "Restaurant" §§ 1-101, 12-101
12 "Total daily receipts" § 12-101

13 **12-105. COPY OF LEGISLATION.**

14 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
15 **BY THE MAYOR AND CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE**
16 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
17 **MARYLAND 21401.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 18-103.

20 The reference to the "Mayor and City Council" is substituted for the former
21 reference to the "local governing body" for clarity.

22 The reference to this "title" is substituted for the former reference to this
23 "subtitle" to conform to the organization of this revised article. Under the
24 former law, each local governing body derived its authority to enact alcoholic
25 beverages legislation from a common subtitle. Under this revised article, each
26 local governing body derives its authority from the title dedicated to the
27 jurisdiction of the local governing body.

28 Defined terms: "Alcoholic beverage" § 1-101
29 "City" § 12-101

30 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

31 **12-201. ESTABLISHED.**

32 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE CITY.**

1 REVISOR'S NOTE: This section is new language added to state expressly what was
2 only implicit in the former law, that an entity known as the Board of License
3 Commissioners for Baltimore City exists.

4 The name "Board of License Commissioners for Baltimore City" is used
5 instead of the commonly used name "Baltimore City Board of Liquor License
6 Commissioners" for clarity and to conform with the terminology used
7 throughout this article to refer to local licensing boards.

8 Former Art. 2B, § 10-204(d)(1), which provided that "[i]n this subsection,
9 'Board' means the Board of Liquor License Commissioners of Baltimore City",
10 is deleted as unnecessary in light of the defined term "Board" in § 12-101 of
11 this title.

12 Former Art. 2B, § 10-204(d)(2), which provided that former Art. 2B, §
13 10-204(d) applied only in Baltimore City, is deleted as unnecessary in light of
14 the organization of this revised article.

15 **12-202. MEMBERSHIP.**

16 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

17 **(1) THE GOVERNOR SHALL APPOINT THREE REGULAR MEMBERS AND**
18 **ONE SUBSTITUTE MEMBER TO THE BOARD.**

19 **(2) THE APPOINTMENTS SHALL BE MADE:**

20 **(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND**
21 **CONSENT OF THE SENATE; OR**

22 **(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR**
23 **ALONE.**

24 **(B) QUALIFICATIONS.**

25 **(1) EACH MEMBER OF THE BOARD SHALL BE:**

26 **(I) A RESIDENT AND VOTER OF THE CITY; AND**

27 **(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND**
28 **OF RECOGNIZED BUSINESS CAPACITY.**

29 **(2) AT LEAST ONE MEMBER OF THE BOARD SHALL BE A MEMBER OF**
30 **THE BAR OF THE COURT OF APPEALS OF MARYLAND.**

1 **(C) SUBSTITUTE MEMBER.**

2 **THE SUBSTITUTE MEMBER MAY SERVE ON THE BOARD IF A REGULAR MEMBER**
3 **IS ABSENT OR RECUSED.**

4 **(D) TENURE.**

5 **(1) THE TERM OF A MEMBER IS 2 YEARS AND BEGINS ON JULY 1.**

6 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
7 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

8 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
9 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

10 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
11 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
12 **QUALIFIES.**

13 **(E) VACANCIES.**

14 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
15 **FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL**
16 **ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

17 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
18 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
19 **QUALIFIES.**

20 **(F) REMOVAL.**

21 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
22 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

23 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
24 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
25 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

26 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
27 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
28 **MEMBER AND THE GOVERNOR'S FINDINGS MADE ON THE CHARGES.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, §§ 15-101(a)(4) and (d)(2) and (3) and 15-110(a).

1 In subsections (a)(1) and (c) of this section, the references to a “substitute”
2 member are substituted for the former references to an “alternate” member to
3 conform to the terminology used throughout this subtitle. Similarly, in the
4 introductory language of subsection (b)(1) and in subsection (b)(2) of this
5 section, the references to a “member of the Board” are substituted for the
6 former references to an “appointee”, and in subsection (c) of this section, the
7 reference to a “regular” member is substituted for the former reference to a
8 “permanent” member.

9 In subsection (a)(1) of this section, the former reference to the “Board of Liquor
10 License Commissioners consist[ing] of” specified members is deleted as
11 unnecessary in light of the requirement that the Governor “appoint” the
12 specified members “to the Board”. Similarly, the former requirement that the
13 Governor appoint “all of the members” is deleted.

14 In subsection (d) of this section, the references to a successor who is appointed
15 “and qualifies” are added for clarity.

16 Subsection (e) of this section is standard language substituted for the former
17 reference to the duty of the Governor, if a vacancy occurs on the Board when
18 the General Assembly is not in session, to appoint an eligible individual to fill
19 the vacancy for the remainder of the term. The standard language is intended
20 to correct a gap in the former law, which was silent as to the procedure to be
21 followed if a vacancy occurs when the General Assembly is in session.

22 In subsection (f)(1) of this section, the former reference to a member “of any
23 board of license commissioners appointed by him under the provisions of this
24 article” is deleted as surplusage.

25 In subsection (f)(2) of this section, the former phrase “in his own defense” is
26 deleted as surplusage.

27 Former Art. 2B, § 15–101(d)(1), which provided that “[t]his subsection applies
28 in Baltimore City”, is deleted as unnecessary in light of the organization of
29 this revised article.

30 Former Art. 2B, § 15–101(d)(1), which provided that former Art. 2B, §
31 15–101(d) applied only in Baltimore City, is deleted as unnecessary in light of
32 the organization of this revised article.

33 Defined terms: “Board” § 12–101

34 “City” § 12–101

35 **12–203. CHAIR.**

1 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
2 **FROM AMONG THE REGULAR MEMBERS OF THE BOARD.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 15–101(a)(2).

5 The reference to a “chair” is substituted for the former reference to a
6 “chairman” because SG § 2–1238 requires the use of words that are neutral as
7 to gender to the extent practicable.

8 The defined term “Board” is substituted for the former reference to “Baltimore
9 City and each of the counties” because this section applies only to the Board
10 of License Commissioners for Baltimore City. Correspondingly, the former
11 phrase “of the respective boards” is deleted.

12 The reference to “regular members” is substituted for the former reference to
13 “appointees” for clarity and to conform to the terminology used throughout
14 this subtitle.

15 Defined term: “Board” § 12–101

16 **12–204. DUTIES OF BOARD OR BOARD'S DESIGNEE.**

17 **(A) GOVERNANCE, ADMINISTRATION, AND ENFORCEMENT OF ARTICLE.**

18 **THE BOARD OR THE BOARD'S DESIGNEE GOVERNS, ADMINISTERS, AND**
19 **ENFORCES THIS ARTICLE IN THE CITY, INCLUDING:**

20 **(1) SUPERVISING THE ACTIVITIES AND INVESTIGATIONS OF THE**
21 **INSPECTORS AND OTHER EMPLOYEES OF THE BOARD;**

22 **(2) EXAMINING THE LOCATION AND GENERAL CHARACTER OF**
23 **LICENSE HOLDERS IN THE CITY;**

24 **(3) REVIEWING THE ZONING OF APPLICANTS AND LICENSE HOLDERS**
25 **DURING THE LICENSE APPLICATION, LICENSE TRANSFER, AND LICENSE RENEWAL**
26 **PROCESSES; AND**

27 **(4) SUBJECT TO § 12–210 OF THIS SUBTITLE, ADOPTING**
28 **REGULATIONS CONCERNING ZONING OF LICENSE HOLDERS AND METHODS OF**
29 **ENFORCEMENT TO CARRY OUT THE PURPOSES AND ENFORCEMENT OF THIS**
30 **ARTICLE.**

31 **(B) ESTIMATE OF APPROPRIATIONS.**

1 **(1) IN ACCORDANCE WITH ARTICLE VI, § 4 OF THE BALTIMORE CITY**
2 **CHARTER, THE BOARD SHALL PROVIDE TO THE DIRECTOR OF FINANCE OF THE**
3 **CITY THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE**
4 **APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE**
5 **MISSION AND GOALS OF THE BOARD.**

6 **(2) THE BOARD SHALL:**

7 **(I) SUBMIT A BUDGET REQUEST TO THE CITY ANNUALLY IN THE**
8 **FORM THAT THE DIRECTOR OF FINANCE OF THE CITY REQUIRES; AND**

9 **(II) PROVIDE ADDITIONAL BUDGET JUSTIFICATION MATERIAL**
10 **THAT THE DIRECTOR OF FINANCE OF THE CITY REQUESTS.**

11 **(C) ESTABLISHMENT OF PERFORMANCE MEASURES.**

12 **(1) THE BOARD SHALL ESTABLISH ANNUAL PERFORMANCE**
13 **MEASURES USING THE CITISTAT PROGRAM OF THE CITY FOR ACTIVITIES SUCH AS:**

14 **(I) FINANCIAL MANAGEMENT;**

15 **(II) ISSUANCE OF LICENSES; AND**

16 **(III) ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.**

17 **(2) THE BOARD SHALL MAKE THE PERFORMANCE MEASURES**
18 **AVAILABLE TO THE PUBLIC ON THE OPEN BALTIMORE WEB SITE.**

19 **(3) ON REQUEST, THE BOARD SHALL SUBMIT TO THE OFFICE OF**
20 **LEGISLATIVE AUDITS PERFORMANCE ACCOUNTABILITY REPORTS TO ENSURE THAT**
21 **THE BOARD IS ON TRACK TO MEET ITS ANNUAL PERFORMANCE MEASURES.**

22 **(D) INFORMATION TO BE POSTED ON WEB SITE.**

23 **THE BOARD SHALL:**

24 **(1) (I) DIGITIZE AND POST ONLINE ALL RECORDS FOR PUBLIC**
25 **REVIEW; AND**

26 **(II) ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH;**
27 **AND**

1 **(2) PROMINENTLY LIST ON THE WEB SITE OF THE BOARD EACH FEE**
 2 **OR FINE THAT THE BOARD IMPOSES AND COLLECTS.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, §§ 10–202(a)(4)(viii), 10–204(d)(4), (5), (7), and
 5 (8), and 15–112(d)(8) and (14)(i).

6 In the introductory language of subsection (a) of this section, the former
 7 phrase “performing such tasks as” is deleted as surplusage.

8 In subsection (a)(1) of this section, the former reference to the “several”
 9 inspectors is deleted as surplusage.

10 In subsection (a)(3) of this section, the reference to “applicants and” license
 11 holders is added for accuracy because subsection (a)(3) of this section requires
 12 the review of zoning during the license application process, at which time an
 13 individual is not a license holder, as well as during the license transfer and
 14 renewal processes.

15 Also in subsection (a)(3) of this section, the reference to the zoning of “license
 16 holders” is substituted for the former reference to the zoning of “licenses” for
 17 accuracy and consistency with subsection (a)(4) of this section.

18 In subsection (a)(4) of this section, the introductory language “subject to §
 19 12–210 of this subtitle” is added to reflect that conditions to the adoption of
 20 regulations are stated in § 12–210 of this subtitle.

21 In subsection (b) of this section, the references to the Director of Finance “of
 22 the City” are added for clarity.

23 In subsection (d) of this section, the former reference to “[s]tarting on July 1,
 24 2015,” is deleted as obsolete.

25 Defined terms: “Alcoholic beverage” § 1–101

26 “Board” § 12–101

27 “City” § 12–101

28 “License” § 1–101

29 “License holder” § 1–101

30 **12–205. REVENUE FROM FEES PAYABLE TO DIRECTOR OF FINANCE.**

31 **THE REVENUE FROM LICENSE FEES, PERMIT FEES, FINES, AND ADVERTISING**
 32 **FEES SHALL BE PAYABLE TO THE DIRECTOR OF FINANCE OF THE CITY.**

33 REVISOR'S NOTE: This section is new language derived without substantive
 34 change from former Art. 2B, § 10–204(d)(3).

1 The reference to the Director of Finance “of the City” is added for clarity.

2 Defined terms: “City” § 12–101
3 “License” § 1–101

4 **12–206. COMPENSATION; STAFF.**

5 **(A) COMPENSATION OF BOARD MEMBERS.**

6 **(1) (I) THE CHAIR AND EACH OTHER REGULAR MEMBER OF THE**
7 **BOARD SHALL RECEIVE AN ANNUAL SALARY THAT:**

8 **1. IS NOT LESS THAN \$28,500;**

9 **2. IS SET IN THE ORDINANCE OF ESTIMATES; AND**

10 **3. INCLUDES ANY COST OF LIVING INCREASE AVAILABLE**
11 **TO MEMBERS OF THE CITY COUNCIL.**

12 **(II) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE**
13 **AN ANNUAL SALARY OF \$16,000.**

14 **(2) THE CHAIR AND EACH OTHER REGULAR MEMBER OF THE BOARD**
15 **ARE ELIGIBLE TO RECEIVE THE SAME HEALTH BENEFITS THAT FULL–TIME**
16 **EMPLOYEES OF THE BOARD RECEIVE.**

17 **(B) STAFF — IN GENERAL.**

18 **SUBJECT TO SUBSECTIONS (C) THROUGH (E) OF THIS SECTION AND § 12–207**
19 **OF THIS SUBTITLE, THE BOARD SHALL:**

20 **(1) EMPLOY:**

21 **(I) A QUALIFIED ATTORNEY TO SERVE AS COUNSEL FOR THE**
22 **BOARD IN ACTIONS SEEKING JUDICIAL REVIEW OF DECISIONS OF THE BOARD;**

23 **(II) AN EXECUTIVE SECRETARY AND A DEPUTY EXECUTIVE**
24 **SECRETARY; AND**

25 **(III) INSPECTORS, CLERICAL STAFF, AND OTHER ASSISTANTS AS**
26 **ARE NECESSARY TO FULFILL THE MISSION OF THE BOARD AND ENFORCE THE**
27 **ALCOHOLIC BEVERAGES LAWS OF THE STATE;**

1 **(2) SET THE SALARIES OF THE EMPLOYEES; AND**

2 **(3) USE AS NEEDED THE ADVICE OF THE BALTIMORE CITY LAW**
3 **DEPARTMENT.**

4 **(C) STAFF SALARIES.**

5 **(1) THE SALARY FOR THE POSITION OF ATTORNEY SPECIFIED IN**
6 **SUBSECTION (B)(1)(I) OF THIS SECTION SHALL BE AT LEAST THE SALARY ASSIGNED**
7 **TO THAT POSITION ON MAY 30, 2014.**

8 **(2) FOR CIVIL SERVICE EMPLOYEES, SALARY LEVELS AND**
9 **ADJUSTMENTS SHALL CONFORM TO THE POLICIES OF THE CITY'S BOARD OF**
10 **ESTIMATES, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF HUMAN**
11 **RESOURCES, INCLUDING THE CITY UNION OF BALTIMORE SALARY SCALES.**

12 **(3) IN DETERMINING THE APPROPRIATE SALARY LEVEL FOR AN**
13 **EMPLOYEE, THE BOARD MAY CONSIDER THE EMPLOYEE'S LENGTH OF SERVICE,**
14 **PERFORMANCE, AND EXPERIENCE.**

15 **(D) QUALIFICATIONS OF EMPLOYEES.**

16 **(1) THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE**
17 **SECRETARY SHALL BE:**

18 **(I) RESIDENTS OF THE CITY;**

19 **(II) OF HIGH CHARACTER AND INTEGRITY; AND**

20 **(III) EMPLOYED ON THE BASIS OF THEIR EXECUTIVE SKILL AND**
21 **EXPERIENCE.**

22 **(2) TO THE EXTENT PRACTICABLE, ALL OTHER EMPLOYEES OF THE**
23 **BOARD SHALL BE RESIDENTS OF THE CITY.**

24 **(E) STATUS OF EMPLOYEES.**

25 **(1) EXCEPT FOR THE EXECUTIVE SECRETARY AND THE DEPUTY**
26 **EXECUTIVE SECRETARY, ALL EMPLOYEES OF THE BOARD:**

27 **(I) ARE IN THE CLASSIFIED CIVIL SERVICE OF THE CITY; AND**

1 **(II) MAY BE HIRED AND REMOVED ONLY IN ACCORDANCE WITH**
2 **THE LAW THAT GOVERNS CLASSIFIED CIVIL SERVICE EMPLOYEES OF THE CITY.**

3 **(2) THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SHALL**
4 **SERVE AT THE PLEASURE OF THE BOARD.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, §§ 15–109(d) and 15–112(d)(10) through (13) and
7 (14)(ii), (iii), and (iv).

8 In the introductory language of subsection (a)(1)(i) and in subsection (a)(2) of
9 this section, the references to the “chair” are substituted for the former
10 references to the “chairman” because SG § 2–1238 requires the use of words
11 that are neutral as to gender to the extent practicable.

12 In subsection (a)(1)(ii) of this section, the reference to the “substitute” member
13 is substituted for the former reference to the “alternate” member to conform
14 to the terminology used throughout this subtitle.

15 In subsection (a)(2) of this section, the reference to the chair and each other
16 “regular” member of the Board being eligible to receive specified benefits is
17 added for clarity. Correspondingly, the former phrase “except the alternate
18 member” is deleted as unnecessary.

19 In the introductory language of subsection (b) of this section, the requirement
20 that the Board perform the duties specified in subsection (b) of this section
21 “[s]ubject to subsections (c) through (e) of this section and § 12–207 of this
22 subtitle” is substituted for the former phrases “[s]ubject to paragraph (13) of
23 this subsection” and “[s]ubject to subparagraphs (iii) and (iv) of this
24 paragraph”, which modified a requirement to employ an attorney and
25 determine the salaries of Board employees, respectively, for clarity and
26 accuracy.

27 In subsection (b)(1) of this section, the reference to employing an attorney to
28 serve as “counsel for the Board in actions seeking judicial review of decisions
29 of the Board” is substituted for the former reference to employing an attorney
30 to serve as “appellate counsel for the Board in actions of appeal” for accuracy.

31 In subsection (c)(3) of this section, the reference to the appropriate salary level
32 “for an employee” is added for clarity.

33 In subsection (d)(2) of this section, the reference to all “other” employees is
34 added for clarity.

1 Former Art. 2B, § 15–112(d)(1), which provided that former Art. 2B, §
2 15–112(d) applied only in Baltimore City, is deleted as unnecessary in light of
3 the organization of this revised article.

4 Former Art. 2B, § 15–112(d)(17), which provided that a person who violates
5 former Art. 2B, § 15–112(d) is subject to the penalties specified in former Art.
6 2B, § 16–503, is deleted as unnecessary. Former Art. 2B, § 16–503, which is
7 revised in § 6–402 of this article, contains general penalties for a violation of
8 any provision of this article for which no other penalty, other than the
9 suspension or revocation of a license or permit, is provided.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that in subsection (a)(1)(i)3 of this section, which
12 awards the chair and each other regular member of the Board a cost of living
13 increase available to members of the City Council, may violate Article III, §
14 35 of the Maryland Constitution. Section 35 prohibits the salary or
15 compensation of any public officer whose term of office is not more than 4 years
16 from being increased or decreased during the officer’s term of office.

17 Defined terms: “Alcoholic beverage” § 1–101

18 “Board” § 12–101

19 “City” § 12–101

20 “State” § 1–101

21 **12–207. MEMBERS AND EMPLOYEES — RESTRICTIONS AND REQUIREMENTS.**

22 **(A) IN GENERAL.**

23 **(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS**
24 **AN INTEREST THAT IS:**

25 **(I) PROPRIETARY;**

26 **(II) OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY**
27 **OTHER MANNER; OR**

28 **(III) BENEFICIALLY OWNED THROUGH AN INVESTMENT**
29 **VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE BENEFICIARY DOES**
30 **NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR PARTICIPATE IN THE**
31 **INTERMEDIARY’S INVESTMENT DECISIONS.**

32 **(2) A MEMBER OR AN EMPLOYEE OF THE BOARD MAY NOT:**

1 **(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A**
2 **PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED, DISTRIBUTED, OR**
3 **SOLD;**

4 **(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS**
5 **WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE, DISTRIBUTION, OR SALE OF**
6 **ALCOHOLIC BEVERAGES;**

7 **(III) OWN STOCK IN A CORPORATION THAT HAS A DIRECT OR**
8 **INDIRECT INTEREST IN:**

9 **1. A PREMISES WHERE ALCOHOLIC BEVERAGES ARE**
10 **MANUFACTURED, DISTRIBUTED, OR SOLD; OR**

11 **2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE**
12 **MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;**

13 **(IV) RECEIVE A SALARY OR OTHER COMPENSATION OR ANY**
14 **OTHER THING OF VALUE FROM A BUSINESS ENGAGED IN THE MANUFACTURE,**
15 **DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;**

16 **(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY OR ON**
17 **BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL CONTRIBUTION,**
18 **REMUNERATION, OR GIFT FROM A PERSON ENGAGED IN THE MANUFACTURE,**
19 **DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF**
20 **THE PERSON; OR**

21 **(VI) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A**
22 **COMMISSION, REMUNERATION, OR GIFT FROM:**

23 **1. A PERSON ENGAGED IN THE MANUFACTURE,**
24 **DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF**
25 **THE PERSON; OR**

26 **2. A LICENSE HOLDER.**

27 **(B) OTHER PUBLIC EMPLOYMENT BY MEMBERS AND EMPLOYEES.**

28 **(1) UNLESS THE PUBLIC OFFICE OR EMPLOYMENT POSES A CONFLICT**
29 **OF INTEREST, A MEMBER OR AN EMPLOYEE OF THE BOARD MAY HOLD ANY OTHER**
30 **FEDERAL, STATE, OR LOCAL PUBLIC OFFICE OR EMPLOYMENT.**

31 **(2) A MEMBER OF THE BOARD WHO APPLIES FOR GOVERNMENT**
32 **EMPLOYMENT THAT POSES A CONFLICT OF INTEREST AS DETERMINED BY THE**

1 **BALTIMORE CITY BOARD OF ETHICS SHALL RESIGN FROM THE BOARD BY A LETTER**
2 **ADDRESSED TO THE GOVERNOR.**

3 **(3) (I) IF AN INDIVIDUAL WHO IS A MEMBER OR AN EMPLOYEE OF**
4 **THE BOARD SEEKS ELECTION TO AN OFFICE THAT WOULD POSE A CONFLICT OF**
5 **INTEREST, ON FILING A CERTIFICATE OF CANDIDACY FOR ELECTION OR WITHIN 30**
6 **DAYS BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION FOR THE OFFICE**
7 **SOUGHT, WHICHEVER OCCURS LATER, THE INDIVIDUAL SHALL CERTIFY TO THE**
8 **CITY BOARD OF ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A**
9 **MEMBER OR AN EMPLOYEE OF THE BOARD.**

10 **(II) THE CERTIFICATION SHALL BE ACCOMPANIED BY A LETTER**
11 **ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF THE MEMBER**
12 **FROM THE BOARD.**

13 **(C) REQUIREMENTS AND RESTRICTIONS FOR EMPLOYEES.**

14 **(1) AN EMPLOYEE OF THE BOARD SHALL DEVOTE THE EMPLOYEE'S**
15 **WHOLE TIME AND ATTENTION TO THE BUSINESS OF THE BOARD DURING THE HOURS**
16 **DESIGNATED BY THE BOARD FOR THE PERFORMANCE OF OFFICIAL DUTIES.**

17 **(2) AN EMPLOYEE OF THE BOARD MAY NOT:**

18 **(I) ENGAGE IN AN OCCUPATION, A BUSINESS, OR A PROFESSION**
19 **THAT IN ANY WAY IS CONNECTED OR ASSOCIATED, DIRECTLY OR INDIRECTLY, WITH**
20 **THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES; OR**

21 **(II) TRANSACT ANY BUSINESS BEYOND THE OFFICIAL DUTIES OF**
22 **THE EMPLOYEE:**

23 **1. WITH A LICENSE HOLDER; OR**

24 **2. IN CONNECTION WITH THE OPERATION OF AN**
25 **ESTABLISHMENT LICENSED FOR THE MANUFACTURE, DISTRIBUTION, OR SALE OF**
26 **ALCOHOLIC BEVERAGES.**

27 **(3) SUBJECT TO § 12-206(E)(1) OF THIS SUBTITLE, AN EMPLOYEE OF**
28 **THE BOARD WHO VIOLATES THIS SUBSECTION SHALL BE REMOVED.**

29 **(D) COMPLIANCE WITH PUBLIC ETHICS LAWS FINANCIAL DISCLOSURE**
30 **PROVISIONS AND OPEN MEETING REQUIREMENTS.**

1 **(1) A MEMBER OR AN EMPLOYEE OF THE BOARD SHALL COMPLY WITH**
2 **THE PUBLIC ETHICS LAWS OF THE CITY AND THE FINANCIAL DISCLOSURE**
3 **PROVISIONS ENACTED BY THE MAYOR AND CITY COUNCIL.**

4 **(2) AN ACTION OF A MEMBER OR AN EMPLOYEE OF THE BOARD IS**
5 **SUBJECT TO STATE REQUIREMENTS FOR OPEN OR PUBLIC MEETINGS, INCLUDING**
6 **REQUIREMENTS FOR OPEN SESSIONS UNDER TITLE 3 OF THE GENERAL PROVISIONS**
7 **ARTICLE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 15–112(d)(2) through (6), (16), and (7)(i).

10 In the introductory language of subsection (a)(2)(vi) of this section, the former
11 phrase “[a]s to any entity licensed under the provisions of this article” is
12 deleted for accuracy.

13 Also in the introductory language of subsection (a)(2)(vi) of this section, the
14 former reference to any gift “whatsoever” is deleted as surplusage.

15 In subsections (a)(2)(vi)1 and (c)(2)(i) and (ii)2 of this section, the references to
16 the “distribution” of alcoholic beverages are added for consistency within this
17 section.

18 In subsection (a)(2)(vi)1 of this section, the former references to a “corporation”
19 are deleted as included in the defined term “person”.

20 Also in subsection (a)(2)(vi)1 of this section, the former reference to “beer or
21 other” alcoholic beverages is deleted as included in the defined term “alcoholic
22 beverage”.

23 In subsection (a)(2)(vi)2 of this section, the defined term “license holder” is
24 substituted for the former reference to a “[l]icensee licensed under the
25 provisions of this article” to conform to the terminology used throughout this
26 article.

27 In subsection (b)(3)(i) of this section, the introductory phrase “[i]f an individual
28 who is a member or an employee of the Board seeks election to an office that
29 would pose a conflict of interest,” is added for clarity.

30 In the introductory language of subsection (c)(2)(ii) of this section, the former
31 reference to business “of any kind whatsoever” is deleted as surplusage.

32 The Alcoholic Beverages Article Review Committee notes, for consideration by
33 the General Assembly, that subsection (b)(1) of this section provides that a
34 member or an employee of the Board may hold any other federal, State, or
35 local public office or employment, unless the public office or employment poses

1 a conflict of interest. However, Article 35 of the Maryland Declaration of
 2 Rights prohibits a person from holding “at the same time, more than one office
 3 of profit, created by the Constitution or Laws of this State”. The General
 4 Assembly may wish to consider amending subsection (b)(1) of this section to
 5 eliminate any potential conflict between that provision and Article 35.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Board” § 12–101

8 “License holder” § 1–101

9 “Person” § 1–101

10 “State” § 1–101

11 **12–208. POWERS OF INSPECTORS.**

12 **(A) EXAMINATION OF PROOF OF IDENTIFICATION.**

13 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
 14 **INSPECTOR MAY EXAMINE ANY IDENTIFICATION USED AS PROOF OF AGE BY AN**
 15 **INDIVIDUAL TO PURCHASE ALCOHOLIC BEVERAGES.**

16 **(2) THE EXAMINATION SHALL BE MADE ON THE PREMISES OF THE**
 17 **LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.**

18 **(B) SERVICE OF SUMMONSES.**

19 **AN INSPECTOR MAY SERVE A SUMMONS UNDER § 12–2603 OF THIS TITLE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, §§ 15–112(d)(15) and 16–410(b)(2)(i)3.

22 In subsection (a)(1) of this section, the reference to an “individual” is
 23 substituted for the former reference to a “person” because only a human being
 24 and not the other entities included in the definition of “person” can show proof
 25 of age to purchase alcoholic beverages.

26 Also in subsection (a)(1) of this section, the former reference to an inspector
 27 “employed by the Board” having authority to examine specified identification
 28 is deleted as unnecessary because all inspectors in Baltimore City are
 29 employed by the Board. Similarly, in subsection (b) of this section, the former
 30 reference to an inspector “employed by the Board of Liquor License
 31 Commissioners for Baltimore City” having authority to serve a summons is
 32 deleted.

33 Also in subsection (a)(1) of this section, the former reference to purchasing
 34 alcoholic beverages “in the City” is deleted as surplusage.

1 In subsection (b) of this section, the reference to serving a summons “under §
2 12–2603 of this title” is added for clarity.

3 **12–209. PAYMENT OF SALARIES AND EXPENSES OF BOARD AND EMPLOYEES.**

4 **THE MAYOR AND CITY COUNCIL SHALL:**

5 **(1) PAY FROM THE GENERAL FUND OF THE CITY THAT INCLUDES**
6 **REVENUE FROM THE BOARD THE SALARIES AND EXPENSES OF THE BOARD AND ITS**
7 **EMPLOYEES; AND**

8 **(2) DEVOTE THE BALANCE OF THE REVENUE FROM THE BOARD TO**
9 **THE GENERAL PURPOSES OF THE CITY.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10–204(d)(6).

12 Defined terms: “Board” § 12–101
13 “City” § 12–101

14 **12–210. REGULATIONS.**

15 **(A) AUTHORIZED.**

16 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

17 **(B) PUBLIC COMMENT PERIOD AND REVIEW BY CITY SOLICITOR.**

18 **BEFORE THE BOARD MAY ADOPT A REGULATION:**

19 **(1) THE BOARD SHALL PROVIDE A PERIOD OF AT LEAST 30 DAYS FOR**
20 **PUBLIC COMMENT; AND**

21 **(2) THE CITY SOLICITOR SHALL REVIEW THE REGULATION TO**
22 **ENSURE THAT THE REGULATION COMPLIES WITH THE AUTHORITY GRANTED TO THE**
23 **BOARD BY THE STATE.**

24 **(C) REGULATIONS TO BE PUBLISHED, POSTED, AND DISTRIBUTED.**

25 **(1) THE BOARD SHALL PUBLISH AND POST ONLINE REGULATIONS**
26 **THAT THE BOARD ADOPTS AND DISTRIBUTE THEM TO THE LICENSE HOLDERS WHOM**
27 **THE REGULATIONS AFFECT.**

1 **(2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO DISPLAY**
 2 **PROMINENTLY IN THE LICENSE HOLDER’S PLACE OF BUSINESS ANY REGULATION OF**
 3 **THE BOARD OR EXCERPT FROM THIS ARTICLE.**

4 **(D) REVIEW BY BOARD.**

5 **AT LEAST ONCE EVERY 5 YEARS AFTER OCTOBER 31, 2015, THE BOARD SHALL**
 6 **REVIEW ITS REGULATIONS TO ENSURE THAT THE REGULATIONS COMPLY WITH:**

7 **(1) THE CURRENT POLICIES AND PRACTICES OF THE BOARD; AND**

8 **(2) FEDERAL, STATE, AND LOCAL LAW.**

9 REVISOR’S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, §§ 15–112(d)(9) and 16–301(a), as it related to the
 11 authority of the Board to adopt regulations.

12 In subsection (a) of this section, the defined term “Board” is substituted for
 13 the former reference to “the board of license commissioners from any county
 14 or Baltimore City, respectively,” because this section applies only to the Board
 15 of License Commissioners for Baltimore City.

16 Also in subsection (a) of this section, the former phrase “[i]n addition to the
 17 powers otherwise provided by this article,” is deleted as surplusage.

18 Also in subsection (a) of this section, the reference to the Board “adopt[ing]
 19 regulations to carry out” this article is substituted for the former reference to
 20 the Board “hav[ing] full power and authority to adopt such reasonable rules
 21 and regulations as they may deem necessary to enable them effectively to
 22 discharge the duties imposed upon them by” this article for brevity.

23 In subsection (c)(2) of this section, the former reference to a “statement” is
 24 deleted as included in the reference to an “excerpt”.

25 Defined terms: “Board” § 12–101

26 “License” § 1–101

27 “License holder” § 1–101

28 “State” § 1–101

29 **SUBTITLE 3. LIQUOR CONTROL.**

30 **12–301. LIQUOR CONTROL — NOT APPLICABLE.**

31 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
 32 **IN THE CITY.**

1 REVISOR'S NOTE: This section is new language added to clarify that there is no
2 liquor control board or department of liquor control in the City.

3 Defined term: "City" § 12-101

4 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

5 **12-401. APPLICATION OF GENERAL PROVISIONS.**

6 **(A) WITHOUT EXCEPTION OR VARIATION.**

7 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
8 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
9 **EXCEPTION OR VARIATION:**

10 **(1) § 2-201 ("ISSUANCE BY COMPTROLLER");**

11 **(2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**

12 **(3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**

13 **(4) § 2-205 ("CLASS 3 WINERY LICENSE");**

14 **(5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**

15 **(6) § 2-207 ("CLASS 5 BREWERY LICENSE");**

16 **(7) § 2-208 ("CLASS 6 PUB-BREWERY LICENSE");**

17 **(8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**

18 **(9) § 2-211 ("RESIDENCY REQUIREMENT");**

19 **(10) § 2-212 ("ADDITIONAL LICENSES");**

20 **(11) § 2-213 ("ADDITIONAL FEES");**

21 **(12) § 2-214 ("SALE OR DELIVERY RESTRICTED");**

22 **(13) § 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER**
23 **PROHIBITED");**

1 (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
2 PROHIBITED PRACTICES”); AND

3 (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
4 RETAILERS — PROHIBITED”).

5 **(B) EXCEPTION.**

6 **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**
7 **THIS ARTICLE DOES NOT APPLY IN THE CITY.**

8 **(C) VARIATIONS.**

9 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
10 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

11 **(1) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §**
12 **12-403 OF THIS SUBTITLE; AND**

13 **(2) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES**
14 **AND RETAILERS”), SUBJECT TO § 12-404 OF THIS SUBTITLE.**

15 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
16 incorporate by reference general provisions relating to the issuance of
17 manufacturer’s licenses.

18 Subsection (b) of this section is new language derived without substantive
19 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
20 implicit in the former law, that a limited distillery license may not be issued
21 in the City.

22 Defined terms: “City” § 12-101
23 “Manufacturer’s license” § 1-101

24 **12-402. HOURS AND DAYS OF SALE OR DELIVERY.**

25 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
26 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
27 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 11-101(a).

30 The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted
31 as unnecessary.

1 Defined terms: "Alcoholic beverage" § 1-101
2 "Manufacturer's license" § 1-101

3 **12-403. CLASS 7 MICRO-BREWERY LICENSE.**

4 **(A) APPLICATION OF SECTION.**

5 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE CITY.**

6 **(B) AUTHORIZED HOLDER.**

7 **THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

8 **(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
9 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE CITY; OR**

10 **(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR**
11 **USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE 40TH**
12 **ALCOHOLIC BEVERAGES DISTRICT OF THE CITY.**

13 **(C) BREWING IN TWO LOCATIONS.**

14 **(1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION,**
15 **THE HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY:**

16 **(I) BREW IN TWO LOCATIONS USING THE SAME CLASS 7**
17 **MICRO-BREWERY LICENSE; AND**

18 **(II) OBTAIN A CLASS 2 RECTIFYING LICENSE FOR THE**
19 **PREMISES AT THE TWO LOCATIONS AUTHORIZED UNDER ITEM (I) OF THIS**
20 **PARAGRAPH.**

21 **(2) THE HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY BREW**
22 **IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO-BREWERY LICENSE IF THE**
23 **LICENSE HOLDER:**

24 **(I) REQUESTS PERMISSION BY SUBMITTING A WRITTEN**
25 **APPLICATION TO THE COMPTROLLER; AND**

26 **(II) OBTAINS WRITTEN APPROVAL FROM THE COMPTROLLER.**

1 **(3) BEFORE AUTHORIZING A HOLDER OF A CLASS 7 MICRO-BREWERY**
 2 **LICENSE TO BREW IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO-BREWERY**
 3 **LICENSE, THE COMPTROLLER SHALL:**

4 **(I) MAKE A DETERMINATION THAT A SECOND LOCATION TO**
 5 **BREW ADDITIONAL CAPACITY IS NECESSARY DUE TO INSUFFICIENT SPACE AT THE**
 6 **EXISTING CLASS 7 LICENSE LOCATION; AND**

7 **(II) CONSIDER ANY OTHER FACTOR RELEVANT TO APPROVAL OF**
 8 **THE APPLICATION.**

9 **(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A**
 10 **HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY NOT SERVE OR SELL BEER**
 11 **FOR ON- OR OFF-PREMISES CONSUMPTION AT THE SECOND BREWING LOCATION**
 12 **AUTHORIZED UNDER THIS SUBSECTION.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 2-208(a), (b)(2)(ii) and (3)(i) and (iii)4, and (c)(5).

15 In subsection (c) of this section, the references to "the same Class 7
 16 micro-brewery license" are substituted for the former references to "the same
 17 license" for clarity.

18 Also in subsection (c) of this section, the reference to the second brewing
 19 location "authorized under this subsection" is added for clarity.

20 Defined terms: "Beer" § 1-101

21 "City" § 12-101

22 "Comptroller" § 1-101

23 "License" § 1-101

24 **12-404. OWNERSHIP INTERESTS AND ADVERTISEMENT RESTRICTIONS — CLASS A2**
 25 **LIGHT WINE LICENSES.**

26 **SECTION 2-216(B) AND (D) OF THIS ARTICLE DOES NOT APPLY TO A HOLDER**
 27 **OF A CLASS 3 WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE WHO IS**
 28 **ISSUED A CLASS A2 LIGHT WINE ON-SALE AND OFF-SALE LICENSE WITH RESPECT**
 29 **TO THE WINE MANUFACTURED OR BOTTLED ON THE WINERY PREMISES.**

30 REVISOR'S NOTE: This section is new language derived without substantive
 31 change from former Art. 2B, § 12-104(e)(1).

32 The reference to a "Class 3 winery license or Class 4 limited winery license" is
 33 substituted for the former reference to a "Class 3 or Class 4 winery
 34 manufacturer's license" for clarity.

1 Defined terms: “Off-sale” § 1-101

2 “On-sale” § 1-101

3 “Wine” § 1-101

4 **SUBTITLE 5. WHOLESALER’S LICENSES.**

5 **12-501. APPLICATION OF GENERAL PROVISIONS.**

6 **TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS**
7 **ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 general provisions relating to the issuance of wholesaler’s licenses.

10 Defined terms: “City” § 12-101

11 “Wholesaler’s license” § 1-101

12 **12-502. HOURS AND DAYS OF SALE OR DELIVERY.**

13 **EXCEPT AS PROVIDED IN § 12-503 OF THIS SUBTITLE, A HOLDER OF A**
14 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
15 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
16 **SUNDAY.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 11-102(a).

19 Defined terms: “Alcoholic beverage” § 1-101

20 “Wholesaler’s license” § 1-101

21 **12-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDERS.**

22 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

23 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
24 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
25 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
26 **RETURNS ON THE SAME DAY.**

27 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

28 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
29 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
30 **REQUIRED TO DISPENSE DRAFT BEER.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11–102(b).

3 In subsection (a) of this section, the reference to a “per diem” license is
4 substituted for the former reference to a “special 1–day” license to conform to
5 the terminology used throughout this article.

6 Also in subsection (a) of this section, the reference to a per diem license issued
7 “under Subtitle 13 of this title” is substituted for the former reference to a
8 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
9 of material relating to per diem licenses in titles for each applicable
10 jurisdiction in this revision.

11 Also in subsection (a) of this section, the reference to delivery of beer on the
12 “effective date of the per diem license” is substituted for the former reference
13 to delivery on the “effective day of the license” for clarity.

14 Also in subsection (a) of this section, the former reference to accepting returns
15 on the same day “of delivery” is deleted as surplusage.

16 In subsection (b) of this section, the language that the “agreement entered into
17 under subsection (a) of this section shall include [the type of equipment to
18 dispense draft beer]” is substituted for the former language that the “parties
19 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

20 Defined terms: “Beer” § 1–101
21 “Wholesaler’s license” § 1–101

22 **SUBTITLE 6. BEER LICENSES.**

23 **12–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

24 **A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 3–101(d).

27 Defined terms: “Beer” § 1–101
28 “City” § 12–101

29 **12–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

30 **A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 3-201(d).

3 Defined terms: "Beer" § 1-101
4 "City" § 12-101

5 **12-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

6 **A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 3-301(d).

9 Defined terms: "Beer" § 1-101
10 "City" § 12-101

11 **12-604. CLASS D BEER LICENSE — NOT APPLICABLE.**

12 **A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 3-401(d).

15 Defined terms: "Beer" § 1-101
16 "City" § 12-101

17 **SUBTITLE 7. LIGHT WINE LICENSES.**

18 **12-701. CLASS A LIGHT WINE LICENSE — NOT APPLICABLE.**

19 **A CLASS A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE CITY.**

20 REVISOR'S NOTE: This section is new language added to clarify that a Class A light
21 wine license may not be issued in the City of Baltimore.

22 Defined terms: "City" § 12-101
23 "Light wine" § 12-101

24 **12-702. CLASS A2 LIGHT WINE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS A2 LIGHT WINE LICENSE IN THE CITY.**

27 **(B) AUTHORIZED HOLDER.**

1 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR**
2 **A CLASS 4 LIMITED WINERY LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL LIGHT**
5 **WINE PRODUCED OR BOTTLED ON THE WINERY PREMISES:**

6 **(1) FOR OFF-PREMISES CONSUMPTION; OR**

7 **(2) FOR ON-PREMISES CONSUMPTION BY THE DRINK IN A**
8 **RESTAURANT THAT IS:**

9 **(I) OWNED AND OPERATED BY THE HOLDER OF THE CLASS 4**
10 **LIMITED WINERY LICENSE; AND**

11 **(II) LOCATED IMMEDIATELY ADJACENT TO THE WINERY**
12 **PREMISES.**

13 **(D) HOURS AND DAYS OF SALE.**

14 **THE BOARD SHALL ESTABLISH THE HOURS AND DAYS OF SALE UNDER THE**
15 **LICENSE.**

16 **(E) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$250.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 4-202(b) through (e) and (g).

20 Subsection (a) of this section is revised in standard language used throughout
21 this article to establish a license.

22 Subsection (b) of this section is revised to authorize a license to be issued to
23 certain persons, rather than state qualifications that an applicant for a license
24 must meet, for consistency with similar provisions of this article.

25 In subsection (b) of this section, the reference to a "Class 3 winery license" is
26 substituted for the former reference to a "Class 3 winery manufacturer's
27 license ... [w]ho makes and bottles wine made from Maryland agriculture
28 products" for brevity and to conform to the terminology used throughout this
29 article. Similarly, the reference to a "Class 4 limited winery license" is

1 substituted for the former reference to a “Class 4 limited winery
2 manufacturer’s license”.

3 In the introductory language of subsection (c) of this section, the reference to
4 “light” wine is added for clarity.

5 In subsection (c)(2)(i) of this section, the reference to a “Class 4 limited” winery
6 license is added for accuracy.

7 Former Art. 2B, § 4–202(a), which stated that the provisions of former § 4–202
8 applied to Baltimore City, is deleted as unnecessary in light of the
9 organization of this revised article.

10 Former Art. 2B, § 4–202(f), which stated that wine taxes shall be imposed as
11 provided under Title 5 of the Tax – General Article, is repealed as
12 unnecessary, as the tax on alcoholic beverages, including wine, imposed under
13 Title 5 of the Tax – General Article is generally applicable, including in
14 Baltimore City.

15 Defined terms: “Board” § 12–101

16 “City” § 12–101

17 “Light wine” § 12–101

18 “Restaurant” § 12–101

19 **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

20 **12–801. CLASS A BEER AND LIGHT WINE LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
25 **AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

26 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN**
27 **A SEALED PACKAGE OR CONTAINER.**

28 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
29 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT**
30 **WINE IS SOLD.**

31 **(C) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$110.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 5–101(d) and (a)(1).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (a) of this section and throughout this subtitle, the former
7 references to the license being “issued by the license issuing authority of the
8 county in which the place of business is located” are deleted as surplusage.

9 In subsection (b)(1) of this section and throughout this subtitle, the former
10 references to “keep[ing] for sale” are deleted as implicit in the references to
11 “sell[ing]”.

12 In subsection (b)(2) of this section, the word “sell” is substituted for the former
13 word “deliver” to conform to the terminology used throughout this article.

14 Defined terms: “Beer” § 1–101
15 “Light wine” § 12–101

16 **12–802. CLASS B BEER AND LIGHT WINE LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
21 **WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE**
22 **LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

23 **(C) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$165.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 5–201(d) and (a)(1).

27 Subsection (a) of this section is revised in standard language used throughout
28 this article to establish a license.

1 In subsection (b) of this section, the reference to “on- and off-premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 Defined terms: “Beer” § 1-101
5 “Hotel” § 1-101
6 “Light wine” § 12-101
7 “Restaurant” § 1-101

8 **12-803. CLASS C BEER AND LIGHT WINE LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
13 **WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE**
14 **PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

15 **(C) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$82.50.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 5-301(d) and (a)(1).

19 Subsection (a) of this section is revised in standard language used throughout
20 this article to establish a license.

21 In subsection (b) of this section, the former reference to consumption “only” on
22 the premises is deleted as surplusage.

23 Also in subsection (b) of this section, the former reference to a “bona fide”
24 member is deleted as surplusage.

25 Defined terms: “Beer” § 1-101
26 “Club” § 1-101
27 “Light wine” § 12-101

28 **12-804. CLASS D BEER AND LIGHT WINE LICENSE.**

29 **(A) ESTABLISHED.**

1 **THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
4 **WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
5 **OFF-PREMISES CONSUMPTION.**

6 **(C) DRUGSTORE PROHIBITION.**

7 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

8 **(D) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$165.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 5-401(d) and (a)(1).

12 Subsection (a) of this section is revised in standard language used throughout
13 this article to establish a license.

14 In subsection (b) of this section, the reference to "on- and off-premises
15 consumption" is substituted for the former reference to "consumption on the
16 premises or elsewhere" for clarity.

17 Defined terms: "Beer" § 1-101
18 "Light wine" § 12-101

19 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

20 **12-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
25 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

26 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
27 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
28 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

1 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

2 **A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

3 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
 4 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
 5 **THE LICENSE;**

6 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
 7 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
 8 **APPLIED FOR; OR**

9 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
 10 **LEAST 3 YEARS.**

11 **(D) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$858.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 6–101(d) and (a)(1) and (3).

15 Subsection (a) of this section is revised in standard language used throughout
 16 this title to establish a license.

17 In subsection (b)(1) of this section, the former phrase “to keep for sale” is
 18 deleted as implicit in the phrase “to sell”.

19 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
 20 of the application for the license” is substituted for the former phrase “that
 21 length of time” for clarity.

22 In subsection (c)(3) of this section, the former reference to “actually” engaged
 23 is deleted as surplusage.

24 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
 25 deleted as surplusage.

26 Defined terms: “Beer” § 1–101

27 “Wine” § 1–101

28 **12–902. CLASS A–2 BEER, WINE, AND LIQUOR LICENSE.**

29 **(A) ESTABLISHED.**

1 **THERE IS A CLASS A-2 BEER, WINE, AND LIQUOR (PACKAGE GOODS) LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
4 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

5 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
6 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
7 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

8 **(C) CONVERSION OR SUBSTITUTION OF LICENSE PROHIBITED.**

9 **(1) A CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE MAY NOT BE**
10 **REISSUED AS A CLASS A-2 LICENSE.**

11 **(2) A CLASS A-2 LICENSE MAY NOT BE CONVERTED OR SUBSTITUTED**
12 **FOR ANY OTHER CLASS OF LICENSE, INCLUDING A CLASS B-D-7 BEER, WINE, AND**
13 **LIQUOR LICENSE.**

14 **(D) HOURS AND DAYS OF SALE.**

15 **THE HOURS AND DAYS OF SALE FOR THE LICENSE ARE FROM 9 A.M. TO**
16 **MIDNIGHT, MONDAY THROUGH SATURDAY.**

17 **(E) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$858.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 6-102(c) through (e) and (g).

21 Subsection (b) of this section is revised in standard language for clarity and
22 consistency within this article.

23 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
24 as included in the reference to "sell".

25 In subsection (b)(2) of this section, the reference to "beer, wine, or liquor" is
26 substituted for the former reference to "alcoholic beverages" for clarity.

27 Also in subsection (b)(2) of this section, the reference to "licensed premises" is
28 substituted for the former reference to "premises where it is sold" for brevity.

1 In subsection (c) of this section, the former reference to “a reversion to” a Class
2 B–D–7 license is deleted as surplusage.

3 In subsection (d) of this section, the reference to the “hours and days of sale
4 for the license” is substituted for the former reference to the “hours during
5 which the privileges conferred by this 6–day license may be exercised” for
6 brevity.

7 Former Art. 2B, § 6–102(a), which stated that former Art. 2B, § 6–102 applied
8 only in Baltimore City, is deleted as unnecessary in light of the organization
9 of this revised article.

10 Former Art. 2B, § 6–102(b), which stated that the Board may renew a Class
11 B–D–7 beer, wine, and liquor license that is expiring and reissue it as a Class
12 A–2 beer, wine, and liquor license is deleted as obsolete. Under former Art.
13 2B, § 8–203(d)(9), the holder of an expiring B–D–7 beer, wine, and liquor
14 license seeking to renew the expiring license as a Class A–2 beer, wine, and
15 liquor off–sale package goods license was required to file with the Board a
16 declaration of intent on or before April 22, 1996.

17 Former Art. 2B, § 6–102(f), which stated that a substitute license may not be
18 granted after May 1, 1996, is deleted as obsolete.

19 Defined terms: “Beer” § 1–101
20 “Wine” § 1–101

21 **12–903. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

24 **(B) SCOPE OF AUTHORIZATION.**

25 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
26 **LIQUOR AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE,**
27 **FOR ON– OR OFF–PREMISES CONSUMPTION.**

28 **(C) 46TH ALCOHOLIC BEVERAGES DISTRICT.**

29 **(1) IN THIS SUBSECTION, “46TH ALCOHOLIC BEVERAGES DISTRICT”**
30 **MEANS AN AREA THAT HAS THE SAME BOUNDARIES AS THE 46TH LEGISLATIVE**
31 **DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE**
32 **MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

1 **(2) IN ADDITION TO MEETING ALL OTHER REQUIREMENTS OF THIS**
2 **SECTION, A RESTAURANT FOR WHICH THE LICENSE IS ISSUED IN THE 46TH**
3 **ALCOHOLIC BEVERAGES DISTRICT SHALL HAVE:**

4 **(I) CAPITAL INVESTMENT OF AT LEAST \$500,000 FOR**
5 **RESTAURANT FACILITIES, NOT INCLUDING THE COST OF:**

6 1. **THE LAND;**

7 2. **THE BUILDING; OR**

8 3. **IMPROVEMENTS OTHER THAN TO THE INTERIOR OF A**
9 **BUILDING ON THE LICENSED PREMISES; AND**

10 **(II) EXCEPT AS PROVIDED IN § 12-1604(C) OF THIS TITLE:**

11 1. **AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD**
12 **THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**

13 2. **SEATING FOR 75 BUT NOT MORE THAN 150**
14 **INDIVIDUALS.**

15 **(D) 47TH ALCOHOLIC BEVERAGES DISTRICT.**

16 **(1) IN THIS SUBSECTION, “47TH ALCOHOLIC BEVERAGES DISTRICT”**
17 **MEANS AN AREA WITH THE SAME BOUNDARIES AS THE 47TH ALCOHOLIC**
18 **BEVERAGES DISTRICT AS THAT DISTRICT EXISTED BEFORE THE LEGISLATIVE**
19 **DISTRICTING PLAN ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21,**
20 **2002.**

21 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
22 **THE LICENSE ISSUED FOR USE BY A RESTAURANT IN THE 47TH ALCOHOLIC**
23 **BEVERAGES DISTRICT MAY NOT INCLUDE AN OFF-SALE PRIVILEGE.**

24 **(3) A LICENSE ISSUED BEFORE JULY 1, 1991, WITH ON- AND**
25 **OFF-SALE PRIVILEGES MAY CONTINUE TO BE RENEWED OR TRANSFERRED IN THE**
26 **47TH ALCOHOLIC BEVERAGES DISTRICT WITH BOTH PRIVILEGES.**

27 **(4) THE LICENSE MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES**
28 **OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER PERMIT ISSUED IN**
29 **ACCORDANCE WITH § 12-1102 OF THIS TITLE.**

1 **(E) FEES.**

2 **(1) THE ANNUAL LICENSE FEES ARE:**

3 **(I) \$1,320 FOR A LICENSED PREMISES WITH A SEATING**
4 **CAPACITY OF NOT MORE THAN 200 INDIVIDUALS; AND**

5 **(II) \$1,800 FOR A LICENSED PREMISES WITH A SEATING**
6 **CAPACITY OF MORE THAN 200 INDIVIDUALS.**

7 **(2) IN ADDITION, THE LICENSE HOLDER ANNUALLY SHALL PAY:**

8 **(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE**
9 **ENTERTAINMENT; AND**

10 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
11 **SERVICE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 6-201(a)(1) and (d)(1)(ii), (iii), and (v) through
14 (vii) and (6).

15 Subsection (a) of this section is standard language used throughout this article
16 to establish a license.

17 In subsection (b) of this section, the phrase "for on- or off-premises
18 consumption" is substituted for the former phrase "for consumption on the
19 premises or elsewhere, or as provided in this section" for brevity.

20 Also in subsection (b) of this section, the former phrase "at retail" is deleted as
21 surplusage.

22 In subsection (c)(2)(i)3 of this section, the phrase "improvements other than to
23 the interior of a building" is substituted for the former phrase "improvements
24 that are not to the interior of a building" for clarity, by avoiding a double
25 negative when coupled with the introductory phrase "not including the cost
26 of".

27 In subsection (c)(2)(ii)2 of this section, the former reference to seating
28 "capacity" is deleted as surplusage.

29 Subsection (d)(1) of this section is revised as a definition of "47th Alcoholic
30 Beverages District" for clarity.

1 Also in subsection (d)(1) of this section, the phrase “with the same boundaries
2 as” is substituted for the former reference to “at all times shall be coterminous
3 with” for clarity.

4 In subsection (d)(2) of this section, the former phrase “after July 1, 1991” is
5 deleted as unnecessary.

6 Also in subsection (d)(2) of this section, the former reference to an off-sale
7 “alcoholic beverages” privilege is deleted as surplusage.

8 Also in subsection (d)(2) of this section, the former prohibition against a
9 change or alteration to include an off-sale privilege of a license issued “[b]efore
10 July 1, 1991 with an on-sale alcoholic privilege only” is deleted as included in
11 the general prohibition against a license including an off-sale privilege.

12 Former Art. 2B, § 6–201(d)(1)(i), which stated that former Art. 2B, § 6–201(d)
13 applied only in Baltimore City, is deleted as unnecessary in light of the
14 organization of this revised article.

15 Former Art. 2B, § 6–201(d)(1)(iv), which stated that except for the 46th
16 Alcoholic Beverages District, the Class B license shall be issued in accordance
17 with the provisions of subsection (a) of this section, is deleted as surplusage.

18 Former Art. 2B, § 6–201(d)(1)(x), which authorized the Board to issue a Class
19 B beer, wine, and liquor license for use in a restaurant under certain
20 conditions, is deleted as obsolete. Under the introductory language to former
21 Art. 2B, § 6–201(d)(1)(x), the Board was authorized to issue the license “[u]ntil
22 July 1, 2005”. No substantive change is made by this deletion. In accordance
23 with the general rule noted in Section 11 of this Act, a holder of a license, such
24 as this Class B license, is considered for all purposes to be licensed for the
25 duration of the term for which the license was issued and may renew that
26 authorization in accordance with the appropriate renewal provisions of this
27 article.

28 Defined terms: “Alcoholic beverage” § 1–101

29 “Beer” § 1–101

30 “Board” § 12–101

31 “Off-sale” § 1–101

32 “On-sale” § 1–101

33 “Restaurant” §§ 1–101, 12–101

34 “Wine” § 1–101

35 **12–904. CLASS B–BWL (H–M) LICENSE.**

36 **(A) SCOPE OF SECTION.**

1 **THIS SECTION DOES NOT APPLY TO:**

2 **(1) A RESTAURANT NOT LOCATED IN A HOTEL OR MOTEL; OR**

3 **(2) A CATERING ESTABLISHMENT.**

4 **(B) ESTABLISHED.**

5 **THERE IS A CLASS B–BWL (H–M) LICENSE.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR MOTEL THAT**
8 **HAS:**

9 **(1) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING**
10 **REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING;**

11 **(2) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC;**
12 **AND**

13 **(3) A CAPITAL INVESTMENT OF NOT LESS THAN \$500,000.**

14 **(D) FEES.**

15 **(1) THE ANNUAL LICENSE FEE IS \$6,500.**

16 **(2) IN ADDITION, THE LICENSE HOLDER ANNUALLY SHALL PAY:**

17 **(I) \$1,000, IF THE LICENSED PREMISES HAS FEWER THAN 100**
18 **ROOMS;**

19 **(II) \$500, IF THE LICENSE HOLDER PROVIDES LIVE**
20 **ENTERTAINMENT; AND**

21 **(III) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
22 **SERVICE.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 6–201(d)(2), (5), and (6).

25 In the introductory language of subsection (c) of this section, the reference to
26 “the Board” is added for clarity.

1 Also in the introductory language of subsection (c) of this section, the former
2 references to “the minimum criteria of subparagraph (iv) of this paragraph”
3 and “[t]he minimum criteria for the issuance of a Class B–BWL (H–M) license
4 are as follows” are deleted as surplusage.

5 In subsection (c)(1) of this section, the reference to “individuals” is substituted
6 for the former reference to “persons” because this subsection refers only to
7 human beings.

8 In subsection (d)(2)(iii) of this section, the former reference to “cafe” service is
9 deleted as included in the reference to “outdoor” service.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that whether the license authorizes the holder to sell
12 alcoholic beverages for on–premises consumption, off–premises consumption,
13 or on– and off–premises consumption is not stated in statutory law. In
14 addition, the hours and days of sale for the license are not stated.

15 Defined terms: “Board” § 1–101
16 “Hotel” § 1–101
17 “Restaurant” §§ 1–101, 12–101

18 **12–905. CLASS B–D–7 LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) CONDITIONS FOR ISSUANCE.**

22 **(1) THE BOARD MAY ISSUE A CLASS B–D–7 LICENSE IF THE BOARD**
23 **DETERMINES THAT THE LICENSE IS REASONABLY NECESSARY FOR THE**
24 **CONVENIENCE OF THE PUBLIC.**

25 **(2) IN MAKING THE DETERMINATION, THE BOARD SHALL CONSIDER**
26 **THE NUMBER OF BEER, WINE, AND LIQUOR OUTLETS IN A GIVEN AREA AND THE**
27 **NUMBER OF DAYS THE OUTLETS ARE OPEN, RATHER THAN THE NATURE OF THE**
28 **OUTLETS.**

29 **(C) SCOPE OF AUTHORIZATION.**

30 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
31 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND**
32 **OFF–PREMISES CONSUMPTION.**

1 **(D) HOURS AND DAYS OF SALE.**

2 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
3 **HOURS AND DAYS SET OUT UNDER § 12-2004(C) OF THIS TITLE.**

4 **(E) REGULATIONS.**

5 **THE BOARD SHALL ADOPT REGULATIONS TO DETERMINE THE MANNER OF**
6 **OPERATION OF A LICENSED PREMISES.**

7 **(F) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$1,320.**

9 REVISOR'S NOTE: Subsections (a) through (c), (e), and (f) of this section are new
10 language derived without substantive change from former Art. 2B, §
11 8-203(d)(1), (2), (8), the second and third sentences of (5), the second sentence
12 of (7), and, as it related to the scope of authorization, (3)(i).

13 Subsection (d) of this section is new language added for clarity.

14 Throughout this section, references to "Class B-D-7" have been added to
15 distinguish between the Class B-D-7 license and other licenses that are
16 referenced in the section.

17 In subsection (b)(1) of this section, the reference to "Class B-D-7 license" is
18 substituted for the former reference to "additional beer, wine and liquor
19 license" for clarity, because the Class B-D-7 license is the additional beer,
20 wine, and liquor license the board may issue under the section.

21 In subsection (c) of this section, the reference to "[t]he license authorizes the
22 license holder" is substituted for the former reference to "licensees may sell"
23 to conform to the style used throughout this revised article.

24 Also in subsection (c) of this section, the reference to "beer, wine, and liquor"
25 is substituted for the former reference to "all alcoholic beverages" for clarity.

26 In subsection (e) of this section, the reference to "a licensed premises" is
27 substituted for the former reference to "an establishment that is operated
28 under a Class B-D-7 beer, wine and liquor license" for brevity.

29 Former Art. 2B, § 8-203(a), which stated that former Art. 2B, § 8-203 applied
30 only in Baltimore City, is deleted as unnecessary in light of the organization
31 of this revised article.

1 Former Art. 2B, § 8–203(b), which defined the term “Board”, is deleted as
2 unnecessary in light of the defined term “Board” in § 12–101 of this title.

3 Former Art. 2B, § 8–203(d)(4), which specified that certain licenses could be
4 exchanged for a Class B–D–7 license, is deleted as obsolete because the
5 Baltimore City Board of Liquor License Commissioners no longer exchanges
6 any licenses for a Class B–D–7 license.

7 The first sentence of former Art. 2B, § 8–203(d)(5), which provided that the
8 Board prescribe the procedure for issuing certain Class B–D–7 licenses on
9 June 1, 1967, is deleted as obsolete.

10 Former Art. 2B, § 8–203(d)(6), which stated that licenses issued under former
11 Art. 2B, § 8–203 are subject to all the provisions of this article relating to
12 licenses in Baltimore City to the extent that those provisions are not
13 inconsistent with this section, is deleted as unnecessary in light of the
14 organization of this revised article.

15 The first sentence of former Art. 2B, § 8–203(d)(7), which stated that all Class
16 B–D–7 licenses shall be issued by the Board of Liquor License Commissioners
17 upon certification of the Board, is deleted as an unnecessary statement of
18 common practice.

19 Former Art. 2B, § 8–203(d)(9), which required a holder of an expiring Class
20 B–D–7 beer, wine, and liquor license to file a certain declaration of intent on
21 or before April 22, 1996, is deleted as obsolete.

22 Defined term: “Board” § 12–101

23 **12–906. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
28 **LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES**
29 **CONSUMPTION.**

30 **(C) FEE.**

31 **THE ANNUAL LICENSE FEE IS \$550.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6-301(d) and (a)(1).

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (b) of this section, the reference to "beer, wine, and liquor" is
6 substituted for the former reference to "all alcoholic beverages" for clarity.

7 Also in subsection (b) of this section, the former reference to "keep[ing] for
8 sale" is deleted as implicit in the reference to "sell[ing]".

9 Also in subsection (b) of this section, the former reference to selling "at retail"
10 is deleted as unnecessary in light of the phrase "for on-premises
11 consumption".

12 Also in subsection (b) of this section, the former reference to consumption
13 "only" on the licensed premises is deleted as surplusage.

14 Defined terms: "Beer" § 1-101

15 "Club" § 1-101

16 "Wine" § 1-101

17 **12-907. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

20 **(B) SCOPE OF AUTHORIZATION.**

21 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
22 **LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES**
23 **CONSUMPTION.**

24 **(C) DRUGSTORE PROHIBITION.**

25 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

26 **(D) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$825.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 6-401(d) and (a)(1).

1 Subsection (a) of this section is revised to explicitly establish the Class D beer,
2 wine, and liquor license and conform with standard language used throughout
3 this article to establish a license.

4 In subsection (d) of this section, the former reference to “[i]n Baltimore City,”
5 is deleted as unnecessary in light of the organization of this revised article.

6 Also in subsection (d) of this section, the former phrase “[s]ubject to §
7 11–503(b)(2) of this article” is deleted as unnecessary. The former phrase
8 referred to the Sunday permit, which is revised in § 12–908 of this subtitle.

9 Former Art. 2B, § 6–401(d)(2), which stated that “[i]n Baltimore City, the
10 hours and days for sale for the license are as provided under [former Art. 2B]
11 § 11–503”, is deleted as unnecessary in light of the organization of this revised
12 article.

13 Defined terms: “Beer” § 1–101

14 “Wine” § 1–101

15 GENERAL REVISOR’S NOTE TO SUBTITLE

16 Former Art. 2B, § 6–201(d)(1)(xi), which allowed a not–for–profit arts center in the
17 Highlandtown arts and entertainment district to apply to the Board to convert its
18 Class C license to a Class B beer, wine, and liquor license, is deleted as obsolete. The
19 conversion has already occurred.

20 SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

21 12–1001. ARENA LICENSE.

22 (A) “ARENA” DEFINED.

23 IN THIS SECTION, “ARENA” MEANS:

24 (1) AN ATHLETIC FACILITY;

25 (2) AN AUDITORIUM;

26 (3) A BANQUET HALL;

27 (4) A CATERING HALL;

28 (5) A CONCERT FACILITY;

1 **(6) A THEATER; OR**

2 **(7) A STADIUM.**

3 **(B) ESTABLISHED.**

4 **THERE IS AN ARENA LICENSE.**

5 **(C) AUTHORIZED HOLDER.**

6 **(1) THE BOARD MAY ISSUE THE LICENSE ONLY TO:**

7 **(I) THE PERSON, FIRM, OR CORPORATION THAT OWNS OR**
8 **LEASES THE ARENA; OR**

9 **(II) A CONCESSIONAIRE DESIGNATED BY THE PERSON, FIRM, OR**
10 **CORPORATION THAT OWNS OR LEASES THE ARENA.**

11 **(2) AT LEAST ONE OF THE INDIVIDUALS WHO APPLY FOR AND ARE**
12 **ISSUED THE LICENSE ON BEHALF OF THE PERSON THAT OWNS OR LEASES THE**
13 **ARENA IS REQUIRED TO BE A RESIDENT OF THE STATE.**

14 **(3) A CONCESSIONAIRE TO WHOM A LICENSE IS ISSUED NEED NOT BE**
15 **A RESIDENT OF THE STATE.**

16 **(D) SCOPE OF AUTHORIZATION.**

17 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
18 **HOLDER IS AUTHORIZED TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY**
19 **THE BOTTLE WITHIN THE ARENA, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES**
20 **CONSUMPTION.**

21 **(2) (I) THE LICENSE MAY NOT BE ISSUED IN THE SECOND OR**
22 **THIRD WARD AFTER OCTOBER 1, 1994.**

23 **(II) A LICENSE ISSUED BEFORE OCTOBER 1, 1994, IS VALID AND**
24 **MAY BE TREATED LIKE ANY OTHER LICENSE.**

25 **(E) ARENA REQUIREMENTS.**

26 **THE ARENA SHALL HAVE:**

1 **(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING ANY REAL**
2 **PROPERTY, OF \$1,000,000; AND**

3 **(2) A MINIMUM CAPACITY OF 1,000 PEOPLE, AS DETERMINED BY THE**
4 **CITY FIRE DEPARTMENT.**

5 **(F) FEE.**

6 **(1) THE ANNUAL LICENSE FEE IS \$12,000.**

7 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
8 **SHALL PAY ANNUALLY:**

9 **(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE**
10 **ENTERTAINMENT; AND**

11 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
12 **OR CAFE SERVICE.**

13 **(G) REGULATIONS.**

14 **THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF**
15 **DISPENSING ALCOHOLIC BEVERAGES, THE NUMBER OF OUTLETS AUTHORIZED TO**
16 **DISPENSE ALCOHOLIC BEVERAGES, AND THE HOURS AND DAYS OF SALE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 6-201(d)(3)(i)1 and 2, (ii) through (vi), and (viii)
19 and, as it related to an arena license, (6).

20 Former Art. 2B, § 6-201(d)(3)(i)3, which defined the term "Board" to mean the
21 Board of License Commissioners, is deleted in light of the defined term
22 "Board" in § 9-101 of this title.

23 Former Art. 2B, § 6-201(d)(3)(i)4, which defined "person" to mean a natural
24 person, an association, a firm, a partnership, a corporation, or the Mayor and
25 City Council of Baltimore, is deleted in light of the defined term "person" in §
26 1-101 of this article.

27 Former Art. 2B, § 6-201(d)(3)(vii), which stated that "[t]he licensee is subject
28 to all of the provisions of this article and to the regulations of the Board of
29 License Commissioners", is deleted as an unnecessary statement of common
30 practice.

31 The Alcoholic Beverages Article Review Committee notes, for consideration by
32 the General Assembly, that the residency requirement in subsection (c)(2) of

1 this section may violate the equal protection guarantees of the Fourteenth
2 Amendment to the United States Constitution and Article 24 of the Maryland
3 Declaration of Rights. Maryland courts look unfavorably on legislation that
4 classifies persons by geography, which may be accomplished by residency or
5 registration requirements, if the primary purpose of the legislation is
6 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994). Additionally, the
7 requirement contradicts the requirement in § 4-103(b) of this article, which
8 states that all partners of a partnership must be residents of the city or county
9 in which the place of business is located.

10 Defined terms: “Beer” § 1-101

11 “Board” § 12-101

12 “City” § 12-101

13 “License holder” § 1-101

14 “Person” § 1-101

15 “Wine” § 1-101

16 **12-1002. MUNICIPAL GOLF COURSE LICENSE.**

17 **(A) SCOPE OF SECTION.**

18 **THIS SECTION APPLIES ONLY TO A MUNICIPAL GOLF COURSE THAT IS:**

19 **(1) ON LAND THAT IS OWNED BY THE CITY; AND**

20 **(2) OPERATED BY A CITY GOLF COURSE MANAGER OR A GOLF COURSE**
21 **MANAGER UNDER A MANAGEMENT AGREEMENT WITH THE CITY.**

22 **(B) ESTABLISHED.**

23 **THERE IS A CLASS M-G BEER, WINE, AND LIQUOR LICENSE FOR USE AT A**
24 **MUNICIPAL GOLF COURSE.**

25 **(C) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO A MANAGER OF A MUNICIPAL GOLF**
27 **COURSE.**

28 **(D) SCOPE OF AUTHORIZATION.**

29 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
30 **LIQUOR FOR ON-PREMISES CONSUMPTION ON THE LAND AND IN THE FACILITIES**
31 **USED FOR GOLFING PURPOSES.**

32 **(E) AGENT.**

1 **(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER,**
2 **WINE, AND LIQUOR AT THE MUNICIPAL GOLF COURSE.**

3 **(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR PURPOSES**
4 **OF COLLECTING AND REMITTING THE SALES AND USE TAX.**

5 **(F) TRANSFER.**

6 **ON REQUEST OF THE CITY AND SUBJECT TO § 12-1703 OF THIS TITLE, THE**
7 **BOARD MAY TRANSFER THE LICENSE TO A DIFFERENT GOLF COURSE MANAGER.**

8 **(G) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$600.**

10 **(H) REGULATIONS.**

11 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 8-508.

14 Subsection (b) of this section is revised in standard language used throughout
15 this title to establish a license.

16 In subsection (e)(1) of this section, the reference to a "municipal" golf course
17 is added to conform to the terminology used throughout this section.

18 The Alcoholic Beverage Article Review Committee notes, for consideration by
19 the General Assembly, that the hours and days of sale for the license are not
20 stated in statutory law.

21 Defined terms: "Beer" § 1-101

22 "Board" § 12-101

23 "City" § 12-101

24 "Wine" § 1-101

25 **12-1003. RACETRACK LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A RACETRACK LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A**
 2 **REGULARLY LICENSED RACING ESTABLISHMENT OR THE CONCESSIONAIRE OR**
 3 **CATERING ORGANIZATION AT THE ESTABLISHMENT.**

4 **(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A**
 5 **LICENSE APPLICANT.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR**
 8 **AT ONE OR MORE LOCATIONS IN THE CONFINES OF THE RACING PARK.**

9 **(D) FEES.**

10 **(1) THE LICENSE FEE IS \$55 FOR EACH DAY THAT THE RACING PARK**
 11 **IS OPEN AND OPERATING.**

12 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE**
 13 **HOLDER SHALL PAY ANNUALLY:**

14 **(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE**
 15 **ENTERTAINMENT; OR**

16 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
 17 **OR CAFE SERVICE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 6–201(d)(4)(i) through (iii) and, as it related to
 20 a racetrack license, (6).

21 In subsection (b)(1) of this section, the reference to the owner “or owners” of a
 22 regularly licensed racing establishment is deleted as unnecessary because
 23 under § 1–202 of the General Provisions Article, the singular always includes
 24 the plural, except where such construction would be unreasonable.

25 Also in subsection (b)(1) of this section, the former reference to an owner or
 26 concessionaire “whether an individual, association or corporation” is deleted
 27 as surplusage.

28 In subsection (b)(2) of this section, the former reference to “locative”
 29 qualifications is deleted as redundant of the reference to “residential”.

1 In subsection (d)(1) of this section, the reference to each day “that the racing
2 park is open and operating” is added for clarity and to conform to current
3 practice.

4 In subsection (d)(2) of this section, the former reference to a license holder
5 “issued a license under this subsection” is deleted as unnecessary.

6 Former Art. 2B, § 6–201(d)(4)(iv), which stated that the licenses and license
7 holders “are subject to all laws and regulations applicable in Baltimore City
8 to the sale of alcoholic beverages that are not inconsistent with the provisions
9 of subsection”, is deleted as an unnecessary statement of law.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that the hours and days of sale for the license are not
12 stated in statutory form.

13 Defined terms: “Beer” § 1–101
14 “Board” § 12–101
15 “Wine” § 1–101

16 **12–1004. VIDEO LOTTERY CONCESSIONAIRE LICENSE.**

17 **(A) DEFINITIONS.**

18 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY**
21 **OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

22 **(I) ENGAGES IN THE SALE OF BEER, WINE, AND LIQUOR BY THE**
23 **DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A**
24 **VIDEO LOTTERY FACILITY; AND**

25 **(II) IS OPERATED AS A CONCESSION INDEPENDENT OF A**
26 **HOLDER OF A CLASS BWL–VLF LICENSE.**

27 **(3) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A**
28 **LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

29 **(B) ESTABLISHED.**

30 **THERE IS A CLASS BWL–VLC (VIDEO LOTTERY CONCESSIONAIRE) BEER,**
31 **WINE, AND LIQUOR LICENSE.**

1 **(C) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE TO ONE OR MORE**
3 **CONCESSIONAIRES OPERATING IN A VIDEO LOTTERY FACILITY.**

4 **(D) SCOPE OF AUTHORIZATION.**

5 **(1) THE LICENSE AUTHORIZES:**

6 **(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR**
7 **ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION:**

8 **1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**

9 **2. ON GROUNDS CONTROLLED BY THE CLASS**
10 **BWL-VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL-VLF LICENSE;**

11 **(II) THE PLAYING OF MUSIC AND DANCING; AND**

12 **(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR**
13 **THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE**
14 **CLASS BWL-VLF LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE**
15 **VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

16 **(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE CLASS**
17 **BWL-VLC LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR**
18 **ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSE HOLDER, AS**
19 **DEFINED IN THE CLASS BWL-VLF LICENSE.**

20 **(E) FEE.**

21 **(1) THE ANNUAL LICENSE FEE IS \$5,000.**

22 **(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.**

23 **(F) PENALTY.**

24 **A PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A**
25 **REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A HOLDER OF A CLASS**
26 **BWL-VLC LICENSE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD**
27 **DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6-201(d-1)(1), (3), (4)(ii) and (iii), (8), and, as
3 they related to this section, (5)(ii) and (6).

4 In subsection (e)(2) of this section, the reference to on "or before" May 1 is
5 added for clarity.

6 The part of former Art. 2B, § 6-201(d-1)(5)(i) that stated that an off-sale
7 privilege is not conferred by a Class BWL-VLC license is deleted as
8 surplusage.

9 Former Art. 2B, § 6-201(d-1)(7), which stated that "Class BWL-VLF and
10 Class BWL-VLC licenses and licensees are subject to all laws and regulations
11 applicable to the sale of alcoholic beverages not inconsistent with this
12 subsection", is deleted as an unnecessary statement of common practice.

13 Defined terms: "Beer" § 1-101

14 "Board" § 12-101

15 "Wine" § 1-101

16 **12-1005. VIDEO LOTTERY FACILITY LICENSE.**

17 **(A) "VIDEO LOTTERY FACILITY" DEFINED.**

18 **IN THIS SECTION, "VIDEO LOTTERY FACILITY" MEANS A FACILITY THAT HOLDS**
19 **A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

20 **(B) ESTABLISHED.**

21 **THERE IS A CLASS BWL-VLF (VIDEO LOTTERY FACILITY) BEER, WINE, AND**
22 **LIQUOR LICENSE.**

23 **(C) AUTHORIZED HOLDER.**

24 **(1) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE TO AN**
25 **INDIVIDUAL OR ENTITY THAT:**

26 **(I) OWNS A VIDEO LOTTERY FACILITY THAT CONTAINS AT**
27 **LEAST ONE FOOD SERVICE FACILITY, BAR, OR LOUNGE; AND**

28 **(II) HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE**
29 **STATE GOVERNMENT ARTICLE.**

30 **(2) AN APPLICANT FOR A CLASS BWL-VLF LICENSE NEED NOT**
31 **MEET ANY VOTING OR RESIDENCY REQUIREMENT.**

1 **(D) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES:**

3 **(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY**
 4 **THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY**
 5 **FACILITY FOR CONSUMPTION:**

6 **1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**

7 **2. ON GROUNDS CONTROLLED BY THE LICENSE HOLDER,**
 8 **AS DEFINED IN THE LICENSE;**

9 **(II) THE PLAYING OF MUSIC AND DANCING; AND**

10 **(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR**
 11 **THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE**
 12 **LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY**
 13 **FACILITY IS OPEN FOR BUSINESS.**

14 **(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY**
 15 **BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED**
 16 **BY THE LICENSE HOLDER, AS DEFINED IN THE CLASS BWL-VLF LICENSE.**

17 **(E) FEE.**

18 **(1) THE ANNUAL LICENSE FEE IS \$15,000.**

19 **(2) THE ANNUAL LICENSE FEE SHALL BE PAID TO THE BOARD ON OR**
 20 **BEFORE MAY 1.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 6-201(d-1)(2) and (1)(i) and (iii) and (4)(i) and
 23 (iii) and, as they related to Class BWL-VLF licenses, (5)(ii) and (6).

24 In subsection (c)(2) of this section, the former reference to any "location"
 25 requirement is deleted as redundant.

26 In subsection (e)(2) of this section, the reference to on "or before" May 1 is
 27 added for clarity.

1 The part of former Art. 2B, § 6-201(d-1)(5)(i) that stated that an off-sale
2 privilege is not conferred by a Class BWL-VLF license is deleted as
3 surplusage.

4 Defined terms: "Beer" § 1-101

5 "Board" § 12-101

6 "Wine" § 1-101

7 **12-1006. ZOO LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A CLASS BWL-MZ LICENSE FOR USE AT A ZOO IN DRUID HILL**
10 **PARK.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **(1) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE,**
13 **AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE FACILITIES USED**
14 **BY THE ZOO.**

15 **(2) ON APPROVAL BY THE BOARD, BEER, WINE, AND LIQUOR MAY BE**
16 **SOLD AT THE ZOO IN MULTIPLE LOCATIONS.**

17 **(C) AGENT OF LICENSE HOLDER.**

18 **(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER,**
19 **WINE, AND LIQUOR AT THE ZOO.**

20 **(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR**
21 **COLLECTING AND REMITTING THE SALES AND USE TAX.**

22 **(D) HOURS AND DAYS OF SALE.**

23 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY**
24 **THROUGH SUNDAY, FROM NOON TO 11 P.M.**

25 **(E) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$500.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 9-204.1(h)(1) and (2) and (4) through (7).

1 In subsection (a) of this section, the reference “[t]here is a Class BWL–MZ
2 license” is substituted for the former reference “[t]he Board may issue a
3 special Class BWL–MZ license” to conform to the terminology used
4 throughout this article.

5 Former Art. 2B, § 9–204.1(h)(3), which required an applicant with a license
6 previously issued by the Board to exchange that license for a Class
7 BWL–MZ license, is deleted as obsolete.

8 Defined terms: “Beer” § 1–101

9 “Board” § 12–101

10 “License” § 1–101

11 “Wine” § 1–101

12 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

13 **12–1101. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
16 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
17 **EXCEPTION OR VARIATION:**

18 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
19 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

20 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
21 **FROM LICENSED PREMISES”).**

22 **(B) EXCEPTION.**

23 **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
24 **I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

25 **(C) VARIATION.**

26 **SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
27 **DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12–1102 OF THIS**
28 **SUBTITLE.**

29 REVISOR’S NOTE: This section is new language added to incorporate by reference
30 general provisions relating to additional privileges of license holders.

31 Defined terms: “Beer” § 1–101

1 “City” § 12-101
2 “License” § 1-101
3 “License holder” § 1-101
4 “Wine” § 1-101

5 **12-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

6 **(A) AUTHORIZED HOLDER.**

7 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
8 **TO A HOLDER OF ANY CLASS OF LICENSE EXCEPT A CLASS C LICENSE OR A CLASS**
9 **M-G LICENSE.**

10 **(B) APPLICATION FORM.**

11 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
12 **BOARD PROVIDES.**

13 **(C) HOURS OF SALE.**

14 **THE HOURS OF SALE FOR THE PERMIT:**

15 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
16 **LICENSE; AND**

17 **(2) END AT MIDNIGHT.**

18 **(D) CALCULATION OF AVERAGE DAILY RECEIPTS.**

19 **RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE**
20 **CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
21 **BEVERAGES UNDER § 12-104 OF THIS TITLE.**

22 **(E) REGULATIONS.**

23 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

24 **(F) FEES.**

25 **THE ANNUAL PERMIT FEES ARE:**

26 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
27 **PRIVILEGE; AND**

1 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
 2 **OFF-SALE PRIVILEGE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 8-203(e)(2), (7), (8), (10), and (5)(i).

5 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

6 Also in subsection (a) of this section, the former reference to any class of
 7 license "issued by the Board" is deleted as surplusage.

8 In subsection (c)(1) of this section, the reference to the "underlying license" is
 9 substituted for the former reference to the "license already held by the person
 10 to whom the refillable container permit is issued" for brevity.

11 Former Art. 2B, § 8-203(e)(1), (3), (4), (5)(ii), (6), and (9) are deleted as
 12 unnecessary because they merely repeated provisions concerning refillable
 13 container permits that appear in § 4-1104 of this article.

14 Defined terms: "Alcoholic beverage" § 1-101

15 "Board" § 12-101

16 "License" § 1-101

17 "Off-sale" § 1-101

18 **12-1103. SPECIAL AMUSEMENT PERMIT.**

19 **(A) ESTABLISHED.**

20 **THERE IS A SPECIAL AMUSEMENT PERMIT.**

21 **(B) AUTHORIZED HOLDER.**

22 **THE BOARD MAY GRANT THE PERMIT TO A HOLDER OF A CLASS D BEER, WINE,**
 23 **AND LIQUOR LICENSE WHO REGULARLY SPECIALIZES IN THE ENTERTAINMENT OF**
 24 **CUSTOMERS BY PROVIDING APPROVED TYPES OF AMUSEMENT, SUCH AS:**

25 **(1) SINGING;**

26 **(2) DANCING;**

27 **(3) MUSIC THAT IS OTHER THAN RECORDED MUSIC OR RADIO**
 28 **PROGRAMS;**

29 **(4) FLOOR SHOWS;**

1 **(5) ACROBATIC ACTS;**

2 **(6) THEATRICALS; AND**

3 **(7) MOVIES.**

4 **(C) HOURS OF SALE.**

5 **THE PERMIT HOLDER MAY SELL BEER, WINE, AND LIQUOR AT THE HOURS**
6 **THAT THE BOARD SPECIFIES.**

7 **(D) PERMIT GRANTED ONLY FOR RESTAURANTS.**

8 **THE BOARD MAY NOT ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE**
9 **FOR AN ESTABLISHMENT THAT PROVIDES ENTERTAINMENT UNDER SUBSECTION (B)**
10 **OF THIS SECTION UNLESS THE BOARD FINDS THAT THE ESTABLISHMENT IS A**
11 **RESTAURANT.**

12 **(E) FEE.**

13 **IN ADDITION TO THE ANNUAL FEE FOR A CLASS D BEER, WINE, AND LIQUOR**
14 **LICENSE, THE ANNUAL PERMIT FEE IS \$750.**

15 **(F) REGULATIONS.**

16 **THE BOARD SHALL ADOPT REGULATIONS FOR ISSUING THE PERMIT TO CARRY**
17 **OUT THIS SECTION.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 8–203(c)(3), (6), (1)(i) through (iii), and the first
20 sentence of (2).

21 Throughout this section, the references to a “permit” are substituted for the
22 former references to a “license” to conform to the rule followed in this article
23 that a permit is a secondary type of authorization that may be granted to a
24 person who already has a license.

25 In subsection (b) of this section, the reference to “customers” is substituted for
26 the former reference to “patrons” to conform to the terminology used
27 throughout this article.

28 In subsection (c) of this section, the reference to the hours “that the Board
29 specifies” is substituted for the former reference to hours “provided” for clarity.

1 Also in subsection (c) of this section, the reference to “beer, wine, and liquor”
2 is substituted for the former reference to “all alcoholic beverages” for clarity.

3 Former Art. 2B, § 8–203(c)(1)(iv), which provided an exemption for
4 amusement licenses from former Art. 2B, § 12–302, is deleted as obsolete.
5 Former Art. 2B, § 12–302(b)(2)(iii), now revised as § 12–1904(2)(ii) of this title,
6 prohibits a license holder from employing or allowing a person under the age
7 of 18 years to provide entertainment on the licensed premises, was enacted
8 after former Art. 2B, § 8–203(c)(1)(iv) and thus supersedes it.

9 Former Art. 2B, § 8–203(c)(1)(v), which stated that a person under the age of
10 18 years may not be employed in establishments to sell alcoholic beverages, is
11 deleted as redundant of § 12–903 of this title.

12 The second sentence of former Art. 2B, § 8–203(c)(2), which required the Board
13 to determine if a license that is applied for is reasonably necessary for the
14 convenience of the public, is deleted as redundant of § 4–210(a)(1) and (b)(1)(i)
15 of this article.

16 Former Art. 2B, § 8–203(c)(4), which stated that licenses issued are subject to
17 all of the provisions of this article related to licenses in Baltimore City to the
18 extent that the provisions are not inconsistent with this section, is deleted as
19 an unnecessary statement of common practice.

20 Former Art. 2B, § 8–203(c)(5), which stated that all licenses shall be issued by
21 the Clerk of the Circuit Court for Baltimore City on certification by the Board,
22 is deleted as obsolete. The Clerk no longer issues licenses.

23 Defined terms: “Beer” § 1–101
24 “Board” § 12–101
25 “License” § 1–101
26 “Restaurant” § 1–101
27 “Wine” § 1–101

28 **12–1104. BELVEDERE SQUARE — AREAS FOR CONSUMPTION OF ALCOHOLIC**
29 **BEVERAGES.**

30 **IN THE PLANNED UNIT DEVELOPMENT FOR BELVEDERE SQUARE AS**
31 **APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE**
32 **84–187, ALCOHOLIC BEVERAGES PURCHASED FROM A LICENSED ESTABLISHMENT**
33 **LOCATED AT 511 THROUGH 529 EAST BELVEDERE AVENUE MAY BE CONSUMED:**

34 **(1) WITHIN ANY INDOOR OR OUTDOOR SEATING AREA LOCATED AT**
35 **511 THROUGH 529 EAST BELVEDERE AVENUE; AND**

1 **(2) WHILE CROSSING FROM THE SOUTH SIDE OF EAST BELVEDERE**
2 **AVENUE TO THE NORTH SIDE OF EAST BELVEDERE AVENUE DURING A PERMITTED**
3 **SPECIAL EVENT THAT RESULTS IN THE CLOSURE OF EAST BELVEDERE AVENUE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 9–204.1(i)(2).

6 In the introductory language of this section, the former reference to Ordinance
7 84–187 “, as amended” is deleted as unnecessary in light of GP § 1–209.

8 Defined term: “Alcoholic beverage” § 1–101

9 **SUBTITLE 12. CATERER'S LICENSES.**

10 **12–1201. OFF–SALE CATERER PRIVILEGE.**

11 **(A) ESTABLISHED.**

12 **THERE IS AN OFF–SALE CATERER PRIVILEGE.**

13 **(B) AUTHORIZED HOLDER.**

14 **(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD**
15 **MAY GRANT THE PRIVILEGE TO A HOLDER OF AN ON–SALE:**

16 **(I) BEER AND WINE LICENSE OF ANY CLASS; OR**

17 **(II) BEER, WINE, AND LIQUOR LICENSE OF ANY CLASS.**

18 **(2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS**
19 **INCORPORATED IN THE HOLDER'S BEER AND WINE LICENSE OR BEER, WINE, AND**
20 **LIQUOR LICENSE.**

21 **(3) BEFORE THE BOARD GRANTS OR RENEWS THE PRIVILEGE, AN**
22 **APPLICANT OR A HOLDER OF THE PRIVILEGE SHALL:**

23 **(I) HAVE THE FACILITIES TO PREPARE AND DELIVER FOOD TO**
24 **THE SITE OF A CATERED EVENT; AND**

25 **(II) OBTAIN A CATERER'S LICENSE FROM THE CITY HEALTH**
26 **DEPARTMENT AFTER THE DEPARTMENT APPROVES THE FACILITIES.**

27 **(C) SCOPE OF AUTHORIZATION.**

1 **THE PRIVILEGE AUTHORIZES A HOLDER TO:**

2 **(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE CATERED**
3 **EVENT HELD OFF THE PREMISES OF THE HOLDER TO PROVIDE FOOD AND**
4 **ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE EVENT; AND**

5 **(2) EXERCISE THE PRIVILEGE ONLY DURING THE HOURS AND ON THE**
6 **DAYS AUTHORIZED FOR THE HOLDER'S LICENSE.**

7 **(D) RENEWAL.**

8 **THE PRIVILEGE MAY BE RENEWED.**

9 **(E) FEE.**

10 **THE ANNUAL FEE FOR THE PRIVILEGE IS \$500 IN ADDITION TO THE ANNUAL**
11 **FEE FOR THE LICENSE TO WHICH THE PRIVILEGE IS INCORPORATED.**

12 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
13 expressly what was only implied in the former law, that a special off-sale
14 caterer privilege exists in Baltimore City.

15 Subsections (b) through (e) of this section are new language derived without
16 substantive change from former Art. 2B, § 6-701.1(b) through (i).

17 Subsection (b)(1) of this section is revised as a statement specifying the eligible
18 recipients of a special caterer privilege, rather than as part of the former
19 definition of "caterer", for clarity and to conform to the format used in licensing
20 provisions throughout this article.

21 In subsection (b)(1) of this section, the references to a license of "any class" are
22 added for clarity.

23 Also in subsection (b)(1) of this section, the former phrase "for the sole purpose
24 of authorizing a licensee to be a caterer" is deleted as surplusage.

25 In subsection (b)(2) of this section, the reference to a "beer and wine license"
26 is added for clarity and consistency.

27 Also in subsection (b)(2) of this section, the former clause "if it is granted" is
28 deleted as surplusage.

29 Also in subsection (b)(2) of this section, the former reference to the "existing"
30 license is deleted as surplusage.

1 In subsection (c)(1) of this section, the reference to the “premises of the holder”
2 is substituted for the former reference to the “licensed premises” for clarity.

3 In subsection (c)(2) of this section, the reference to the hours and days
4 “authorized for the holder’s” license is substituted for the former reference to
5 the hours and days “that are permitted under this article for the existing”
6 license for brevity.

7 In subsection (e) of this section, the reference to the “license to which the
8 privilege is incorporated” is substituted for the former reference to the
9 “existing beer and wine or beer, wine and liquor license” for brevity.

10 Former Art. 2B, § 6–701.1(a), which stated that former Art. 2B, § 6–701.1
11 applied only in Baltimore City, is deleted as unnecessary in light of the
12 organization of this revised article.

13 Defined terms: “Alcoholic beverage” § 1–101

14 “Beer” § 1–101

15 “Board” § 12–101

16 “City” § 12–101

17 “License” § 1–101

18 “Off–sale” § 1–101

19 “On–sale” § 1–101

20 “Wine” § 1–101

21 SUBTITLE 13. TEMPORARY LICENSES.

22 PART I. IN GENERAL.

23 12–1301. APPLICATION OF GENERAL PROVISIONS.

24 (A) WITHOUT EXCEPTION OR VARIATION.

25 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
26 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT
27 EXCEPTION OR VARIATION:

28 (1) § 4–1202 (“PER DIEM LICENSES”);

29 (2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
30 AND WINE LICENSES”);

31 (3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

32 (4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

1 **(5) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

2 **(6) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

3 **(B) EXCEPTION.**

4 **SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT**
5 **APPLY IN THE CITY AND IS SUPERSEDED BY § 12–1311 OF THIS SUBTITLE.**

6 **(C) VARIATION.**

7 **SECTION 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”)**
8 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12–1312 OF**
9 **THIS SUBTITLE.**

10 REVISOR’S NOTE: This section is new language added to incorporate by reference
11 the general provisions relating to local temporary licenses.

12 Defined term: “City” § 12–101

13 **12–1302. RESERVED.**

14 **12–1303. RESERVED.**

15 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

16 **12–1304. BEER FESTIVAL LICENSE.**

17 **(A) ESTABLISHED.**

18 **(1) THERE IS A BEER FESTIVAL LICENSE.**

19 **(2) THE BOARD MAY DESIGNATE NOT MORE THAN TWO TIMES EACH**
20 **CALENDAR YEAR FOR WHICH A BEER FESTIVAL LICENSE MAY BE ISSUED.**

21 **(B) AUTHORIZED HOLDER.**

22 **(1) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 5**
23 **BREWERY LICENSE, CLASS 6 PUB–BREWERY LICENSE, CLASS 7 MICRO–BREWERY**
24 **LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

25 **(2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER**
26 **FESTIVAL SHALL OBTAIN A BEER FESTIVAL LICENSE.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **(1) IF THE BEER FESTIVAL IS HELD ON A CLASS B LICENSED**
3 **PREMISES, THE PRODUCTS DISPLAYED AND SOLD SHALL BE:**

4 **(I) OWNED, PRODUCED, AND PROVIDED BY THE BEER FESTIVAL**
5 **LICENSE HOLDER; OR**

6 **(II) PROVIDED BY THE HOLDER OF THE CLASS B LICENSE.**

7 **(2) IF THE BEER FESTIVAL IS HELD ON A LOCATION THAT IS NOT**
8 **ALREADY LICENSED, THE PRODUCTS DISPLAYED AND SOLD SHALL BE:**

9 **(I) OWNED, PRODUCED, AND PROVIDED BY THE BEER FESTIVAL**
10 **LICENSE HOLDER; OR**

11 **(II) DIRECTLY OBTAINED FROM A LICENSED WHOLESALER.**

12 **(D) TIME AND LOCATION OF FESTIVAL.**

13 **EACH FESTIVAL SHALL BE HELD:**

14 **(1) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED;**
15 **OR**

16 **(2) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

17 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

18 **THE LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

19 **(1) AT RETAIL FOR ON-PREMISES CONSUMPTION; AND**

20 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

21 **(F) DURATION OF LICENSE.**

22 **THE LICENSE FOR EACH FESTIVAL MAY BE IN EFFECT FOR A PERIOD OF NOT**
23 **MORE THAN 3 DAYS.**

24 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

1 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
2 **OR NATURE.**

3 **(H) FEE.**

4 **THE LICENSE FEE IS \$50 PER DAY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8–801(c) through (j).

7 Throughout this section, the former references to a “special” festival license
8 are deleted as surplusage.

9 Subsection (a)(1) of this section is revised in standard language used
10 throughout this article to establish a license.

11 In subsection (a) of this section, the reference to a “beer festival license” is
12 substituted for the former reference to a “special festival license for
13 participation in a beer festival” for brevity.

14 In subsection (b)(1) of this section, the former reference to an “existing” license
15 “issued under this article” is deleted as surplusage.

16 Also in subsection (b)(1) of this section, the former phrase “[n]otwithstanding
17 any other provisions of this article,” is deleted as unnecessary in light of the
18 organization of this revised article.

19 In subsection (c) of this section, the references to “beer” are substituted for the
20 former references to “products” for clarity.

21 In the introductory language of subsection (c)(1) and (2) of this section, the
22 former reference to the products displayed and sold “by a special festival
23 licensee” is deleted as surplusage.

24 In the introductory language of subsection (c)(1) of this section, the reference
25 to the “beer festival” is substituted for the former reference to the “event” for
26 clarity and consistency within this section.

27 In subsections (c)(1)(ii) and (c)(2)(ii) of this section, the former references to
28 products “not owned and produced by the licensee” are deleted as surplusage.

29 In subsection (c)(1)(ii) of this section, the reference to the “holder of the Class
30 B license” is substituted for the former reference to the “retail licensee” for
31 clarity.

1 In the introductory language of subsection (c)(2) and subsection (d)(2) of this
2 section, the references to a “location that is not already licensed” are
3 substituted for the former references to “nonlicensed premises” for consistency
4 with terminology used throughout this article.

5 In the introductory language of subsection (d) of this section, the former
6 reference to a “locat[ion] in Baltimore City” is deleted as surplusage.

7 In subsection (g) of this section, the reference to a license holder who “may
8 hold” another license is substituted for the former statement that “[t]his
9 section does not prohibit the holder ... from holding” another license for
10 clarity.

11 Former Art. 2B, § 8–801(a), which defined “Board” to mean the Board of
12 License Commissioners of Baltimore City, is deleted as redundant in light of
13 the defined term “Board” in § 12–101 of this title.

14 Former Art. 2B, § 8–801(b), which stated that former Art. 2B, § 8–801 applied
15 only in Baltimore City, is deleted as unnecessary in light of the organization
16 of this revised article.

17 Former Art. 2B, § 8–801(k), which authorized the Board to adopt regulations
18 to implement this section, is deleted as unnecessary because the Board has
19 power to adopt regulations under § 12–210 of this article.

20 Defined terms: “Beer” § 1–101

21 “Board” § 12–101

22 “License” § 1–101

23 “License holder” § 1–101

24 “Wholesaler” § 1–101

25 **12–1305. WINE FESTIVAL LICENSE.**

26 **(A) ESTABLISHED.**

27 **(1) THERE IS A BALTIMORE WINE FESTIVAL (WF) LICENSE.**

28 **(2) THE BOARD MAY ISSUE NOT MORE THAN FOUR LICENSES EACH**
29 **YEAR.**

30 **(B) AUTHORIZED HOLDER.**

31 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
32 **CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.**

33 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.**

2 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

3 **THE LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

4 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

5 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR A WINE**
6 **FESTIVAL.**

7 **(E) TIME AND LOCATION OF FESTIVAL.**

8 **THE BOARD:**

9 **(1) MAY SELECT FOUR 4-DAY PERIODS ANNUALLY FOR THE WINE**
10 **FESTIVAL;**

11 **(2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION, SHALL**
12 **CHOOSE A LOCATION FOR A FESTIVAL FOR WHICH A LICENSE HAS NOT BEEN ISSUED;**
13 **AND**

14 **(3) MAY NOT ISSUE A LICENSE FOR USE IN ELECTION DISTRICT 46,**
15 **EXCEPT FOR THE 1ST PRECINCT OF THE 22ND WARD.**

16 **(F) ADDITIONAL LICENSE ALLOWED.**

17 **THE LICENSE HOLDER MAY HOLD ANOTHER ALCOHOLIC BEVERAGES LICENSE**
18 **OF A DIFFERENT CLASS OR NATURE.**

19 **(G) FEE.**

20 **THE LICENSE FEE IS \$50 PER DAY.**

21 **(H) REGULATIONS.**

22 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 8-303.

25 Throughout this section, the former references to a "special" festival license
26 are deleted as surplusage.

1 Subsection (a)(1) of this section is standard language added to establish a
2 license.

3 In subsection (a)(2) of this section, the reference to a limit of four licenses “each
4 year” is added for clarity.

5 In subsection (b) of this section, the reference to a “retail” license is substituted
6 for the former reference to an “existing State retail alcoholic beverages” license
7 for brevity.

8 Also in subsection (b) of this section, the former phrase “[n]otwithstanding any
9 other provision of law,” is deleted as unnecessary in light of the organization
10 of this revised article.

11 In subsection (d)(2) and (e)(2) of this section, the former references to a festival
12 or location “in Baltimore City” are deleted as surplusage.

13 In subsection (f) of this section, the reference to a license holder who “may
14 hold” another license is substituted for the former statement that “[t]he
15 provisions of this section may not prohibit the licensee from holding” another
16 license for clarity.

17 The Alcoholic Beverages Article Review Committee notes, for consideration by
18 the General Assembly, that in subsection (e)(3) of this section, the reference
19 to “election district 46, except for the 1st precinct of the 22nd ward” may no
20 longer describe the same area as intended when enacted because election
21 districts are redrawn every 10 years.

22 Defined terms: “Board” § 12–101

23 “License” § 1–101

24 “License holder” § 1–101

25 “Wine” § 1–101

26 **12–1306. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

27 **(A) ESTABLISHED.**

28 **THERE IS A WINE SAMPLING (WS) LICENSE.**

29 **(B) AUTHORIZED HOLDER.**

30 **THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

31 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE TRANSPORTATION AND CONSUMPTION OF**
2 **WINE FOR SAMPLING:**

3 **(1) ON PREMISES FOR WHICH A CLASS B OR CLASS B-D-7 LICENSE**
4 **HAS BEEN ISSUED, WITH THE AUTHORIZATION OF THE HOLDER OF THE LICENSE FOR**
5 **THE PREMISES; OR**

6 **(2) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

7 **(D) LICENSE APPLICATION.**

8 **THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15**
9 **DAYS BEFORE THE LICENSE IS ISSUED.**

10 **(E) LIMIT ON NUMBER OF LICENSES.**

11 **THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO**
12 **A SINGLE NONPROFIT ORGANIZATION.**

13 **(F) LIMIT ON SERVINGS.**

14 **A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES OF**
15 **WINE FROM AN OFFERING TO AN INDIVIDUAL.**

16 **(G) FEE.**

17 **THE LICENSE FEE IS \$15 PER DAY.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 8-403.

20 Subsection (a) of this section is revised in standard language used throughout
21 this title to establish a license.

22 In subsections (b) and (e) of this section, the former references to a "bona fide"
23 nonprofit organization are deleted as surplusage.

24 In subsection (c)(1) of this section, the reference to the "holder of the license
25 for the premises" is substituted for the former reference to the "respective
26 holder" to clarify which license holder may give the authorization.

27 In subsection (c)(2) of this section, the reference to a "location that is not
28 already licensed" is substituted for the former reference to a "premises that is
29 not permanently licensed under this article" for consistency with terminology
30 used throughout this article.

1 In subsection (f) of this section, the reference to “an offering” is substituted for
2 the former reference to “a given brand” for clarity.

3 Also in subsection (f) of this section, the reference to “an individual” is
4 substituted for the former, overly broad reference to “any one person” for
5 clarity.

6 Defined terms: “Board” § 12-101

7 “License” § 1-101

8 “License holder” § 1-101

9 “Wine” § 1-101

10 **12-1307. BEER AND WINE TASTING LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A 1-DAY CLASS BWT BEER AND WINE TASTING LICENSE.**

13 **(B) AUTHORIZED HOLDER.**

14 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND**
15 **LIGHT WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW ON-PREMISES**
18 **CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.**

19 **(D) LIMIT ON NUMBER OF LICENSES.**

20 **THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES PER YEAR TO EACH**
21 **LICENSE HOLDER.**

22 **(E) HOURS AND DAYS OF OPERATION.**

23 **A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE**
24 **ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER’S**
25 **CLASS A LICENSE.**

26 **(F) LIMIT ON SERVINGS.**

27 **A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

1 **(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM**
2 **AN OFFERING; AND**

3 **(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES FROM AN**
4 **OFFERING.**

5 **(G) DISPOSAL OF REMAINING BEER OR WINE.**

6 **AT THE END OF THE DAY FOR WHICH A LICENSE IS VALID, THE LICENSE**
7 **HOLDER SHALL DISPOSE OF ANY BEER OR WINE THAT REMAINS IN A CONTAINER**
8 **OPENED FOR TASTING.**

9 **(H) FEE.**

10 **(1) THE BOARD SHALL SET THE LICENSE FEE.**

11 **(2) THE LICENSE FEE IS IN ADDITION TO THE CLASS A ANNUAL**
12 **LICENSE FEE.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 8-403.1(a) through (f) and (h).

15 Subsection (a) of this section is revised in standard language used throughout
16 this article to establish a license.

17 In subsections (c) and (h) of this section, the former references to "sampling"
18 are deleted as redundant of the references to "tasting".

19 In subsection (e) of this section, the reference to the "license holder's" Class A
20 license is substituted for the former reference to the "respective" Class A
21 license for clarity.

22 In the introductory language of subsection (f) of this section, the reference to
23 "an individual" is substituted for the former, overly broad reference to "any
24 one person" for clarity.

25 In subsection (f) of this section, the references to "an offering" are substituted
26 for the former references to "a given brand" for clarity.

27 In subsection (h) of this section, the reference to "any beer and wine that
28 remains" in a container is substituted for the former reference to "unconsumed
29 alcoholic beverages remaining" for clarity.

1 Former Art. 2B, § 8–403.1(g), which stated that this section is not restricted
2 by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light
3 of § 1–202 of this article.

4 The Alcoholic Beverages Article Review Committee notes, for consideration by
5 the General Assembly, that the limit on the number of licenses that the Board
6 may issue under former Art. 2B, § 8–403.1(b) was ambiguous as to whether it
7 applied to the total number of Class BWT licenses that the Board may issue
8 each year or the number of Class BWT licenses that the Board may issue to
9 each license holder. Subsection (d) of this section has been revised to clarify
10 that the limit applies to the number of licenses that may be issued to each
11 license holder, and the Alcoholic Beverages Article Review Committee calls
12 this addition to the attention of the General Assembly.

13 Defined terms: “Beer” § 1–101

14 “Board” § 12–101

15 “License” § 1–101

16 “License holder” § 1–101

17 “Wine” § 1–101

18 **12–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

19 **(A) SCOPE OF SECTION.**

20 **THIS SECTION APPLIES IN:**

21 **(1) WARD 27, PRECINCTS 42 AND 44 OF THE 41ST LEGISLATIVE**
22 **DISTRICT OF THE CITY;**

23 **(2) WARD 27, PRECINCTS 41 AND 48 OF THE 43RD LEGISLATIVE**
24 **DISTRICT OF THE CITY;**

25 **(3) WARD 11, PRECINCT 5 OF THE 44TH LEGISLATIVE DISTRICT OF**
26 **THE CITY; AND**

27 **(4) THE 3000 BLOCK OF FREDERICK AVENUE IN WARD 20, PRECINCT**
28 **9 OF THE 44A LEGISLATIVE DISTRICT OF BALTIMORE CITY, BASED ON THE**
29 **LEGISLATIVE DISTRICTING PLAN OF 2012.**

30 **(B) ESTABLISHED.**

31 **THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR (ON PREMISES) TASTING**
32 **LICENSE.**

33 **(C) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
2 **AND LIQUOR LICENSE.**

3 **(D) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON-PREMISES**
5 **CONSUMPTION OF BEER, LIGHT WINE, AND LIQUOR FOR TASTING.**

6 **(E) TYPES OF LICENSE.**

7 **THE LICENSE MAY BE ISSUED AS:**

8 **(1) A DAILY TASTING LICENSE, THAT MAY BE ISSUED NOT MORE THAN**
9 **12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR;**

10 **(2) A 26-DAY OR 52-DAY TASTING LICENSE, EACH OF WHICH MAY BE**
11 **USED CONSECUTIVELY OR NONCONSECUTIVELY; AND**

12 **(3) A TASTING LICENSE THAT MAY BE USED DAILY THROUGHOUT THE**
13 **YEAR.**

14 **(F) LICENSE APPLICATION.**

15 **(1) AN APPLICANT SHALL APPLY FOR THE LICENSE ON A FORM THAT**
16 **THE BOARD PROVIDES.**

17 **(2) THE FORM SHALL SPECIFY THE DATE OR DATES ON WHICH THE**
18 **TASTING IS REQUESTED TO OCCUR.**

19 **(3) THE APPLICATION AND PAYMENT FOR THE DAILY LICENSE SHALL**
20 **BE SUBMITTED AT LEAST 7 DAYS BEFORE THE TASTING EVENT.**

21 **(4) THE APPLICATION AND PAYMENT FOR THE 26-DAY TASTING**
22 **LICENSE AND THE 52-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS**
23 **BEFORE THE FIRST PROPOSED TASTING EVENT.**

24 **(5) THE HOLDER OF A 26-DAY TASTING LICENSE AND THE HOLDER OF**
25 **A 52-DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM THAT THE**
26 **BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE**
27 **LICENSES.**

28 **(G) HOURS AND DAYS OF OPERATION.**

1 **THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE**
2 **DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER'S**
3 **CLASS A LICENSE.**

4 **(H) LIMIT ON SERVINGS.**

5 **AN INDIVIDUAL MAY CONSUME BEER, LIGHT WINE, OR LIQUOR COVERED BY**
6 **THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

7 **(1) 1 OUNCE OF LIGHT WINE FROM AN OFFERING IN A DAY;**

8 **(2) 3 OUNCES OF BEER FROM AN OFFERING IN A DAY; AND**

9 **(3) ONE-HALF OUNCE OF LIQUOR FROM AN OFFERING IN A DAY.**

10 **(I) DISPOSAL OF REMAINING ALCOHOLIC BEVERAGES.**

11 **AT THE END OF EACH DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE**
12 **HOLDER SHALL DISPOSE OF ANY ALCOHOLIC BEVERAGE THAT REMAINS IN A**
13 **CONTAINER OPENED FOR TASTING.**

14 **(J) FEE.**

15 **IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE LICENSE FEE IS:**

16 **(1) \$20 FOR A DAILY TASTING LICENSE;**

17 **(2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;**

18 **(3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND**

19 **(4) \$750 ANNUALLY FOR A TASTING LICENSE THAT MAY BE USED**
20 **DAILY THROUGHOUT THE YEAR.**

21 **REVISOR'S NOTE:** This section is new language derived without substantive
22 change from former Art. 2B, § 8-403.2(a) through (f) and (h).

23 Subsection (b) of this section is revised in standard language used throughout
24 this article to establish a license.

25 In subsections (d) and (j) of this section, the former references to "sampling"
26 are deleted as redundant of the references to "tasting".

1 In subsection (e)(1) of this section, the reference to “a single license holder” is
2 added for clarity.

3 In subsection (f)(1) of this section, the reference to the “applicant” is
4 substituted for the former reference to “[e]ach Class A license holder that
5 seeks issuance of a Class BWLT license for which the holder is eligible” for
6 brevity.

7 In subsection (f)(2) of this section, the former reference to the forms “provided
8 by the Board of Liquor License Commissioners for Baltimore City under
9 paragraph (1) of this subsection for licenses issued under subsection (c)(1)(i)
10 through (iii) of this section” is deleted as surplusage.

11 In subsection (f)(3) of this section, the former reference to the requirement
12 that the application be submitted “7 days in advance of the first day of
13 consecutive day tasting events” is deleted as unnecessary in light of the
14 reference to the requirement that the application be submitted “7 days before
15 the tasting event”.

16 In the introductory language of subsection (h) of this section, the reference to
17 an “individual” is substituted for the former, overly broad reference to a
18 “person” for clarity.

19 In subsection (h) of this section, the references to “an offering” are substituted
20 for the former references to “a given brand” for clarity.

21 In subsection (i) of this section, the former reference to any “unconsumed”
22 alcoholic beverage is deleted as redundant in light of the reference to any
23 alcoholic beverage “that remains” in a container opened for tasting.

24 Former Art. 2B, § 8–403.2(g), which stated that this section is not restricted
25 by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light
26 of § 1–202 of this article.

27 Defined terms: “Alcoholic beverage” § 1–101

28 “Beer” § 1–101

29 “Board” § 12–101

30 “License” § 1–101

31 “License holder” § 1–101

32 “Wine” § 1–101

33 **12–1309. RESERVED.**

34 **12–1310. RESERVED.**

35 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

1 **12-1311. FEES.**

2 (A) **CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
3 **LICENSES.**

4 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM**
5 **BEER AND WINE LICENSE IS \$25 PER DAY.**

6 (B) **CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

7 (1) **THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR**
8 **LICENSE IS \$50 PER DAY.**

9 (2) **THE BOARD MAY COLLECT FROM THE LICENSE HOLDER**
10 **REIMBURSEMENT FOR COSTS INCURRED WHILE MONITORING THE EVENT FOR**
11 **WHICH THE LICENSE IS ISSUED.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 7-101(b)(3) and (d)(3)(ii).

14 Defined terms: "Board" § 12-101
15 "License holder" § 1-101

16 **12-1312. PURCHASING OPTION FOR HOLDER OF CLASS C PER DIEM BEER, WINE,**
17 **AND LIQUOR LICENSE.**

18 **A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY**
19 **PURCHASE BEER AND LIGHT WINE FROM A WHOLESALER.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 7-101(d)(3)(i).

22 Defined terms: "Beer" § 1-101
23 "Light wine" § 12-101
24 "Wholesaler" § 1-101
25 "Wine" § 1-101

26 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

27 **12-1401. APPLICATION OF GENERAL PROVISIONS.**

28 (A) **WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
2 **LOCAL LICENSES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT
3 **EXCEPTION OR VARIATION:**

4 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
5 **BOARD”);**

6 **(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

7 **(3) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**

8 **(4) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

9 **(5) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

10 **(6) § 4–111 (“PAYMENT OF LICENSE FEES”);**

11 **(7) § 4–112 (“DISPOSITION OF LICENSE FEES”);**

12 **(8) § 4–113 (“REFUND OF LICENSE FEES”); AND**

13 **(9) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

14 **(B) EXCEPTION.**

15 **SECTION 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF**
16 **SUPPORT”)** OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS
17 **SUPERSEDED BY § 12–1405 OF THIS SUBTITLE.**

18 **(C) VARIATIONS.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
20 **LOCAL LICENSES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:

21 **(1) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
22 **COMPANY”), SUBJECT TO § 12–1402 OF THIS SUBTITLE;**

23 **(2) § 4–107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §**
24 **12–1403 OF THIS SUBTITLE; AND**

25 **(3) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN**
26 **GENERAL”), SUBJECT TO § 12–1404 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to applications for local licenses.

3 Defined terms: "City" § 12-101
4 "License" § 1-101
5 "Local licensing board" § 1-101

6 **12-1402. EXCEPTION TO VOTER REQUIREMENT.**

7 **AN AUTHORIZED PERSON OF A LIMITED LIABILITY COMPANY WHO HOLDS A**
8 **LICENSE FOR THE USE OF THE LIMITED LIABILITY COMPANY THAT WAS GRANTED ON**
9 **OR BEFORE JUNE 1, 2012, NEED NOT BE A REGISTERED VOTER IN THE CITY.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 9-101(c)(1)(ii).

12 Defined terms: "City" § 12-101
13 "License" § 1-101

14 **12-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

15 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
16 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10-103(b)(13)(xiv)1A.

19 The reference to "criminal history record information" is substituted for the
20 former reference to "criminal records" to conform to the terminology used in
21 CP § 10-201.

22 Defined terms: "Board" § 12-101
23 "Central Repository" § 1-101
24 "License" § 1-101

25 **12-1404. APPLICANT AS LESSEE OF CERTAIN PREMISES.**

26 **THE STATEMENT AND ACKNOWLEDGMENT REQUIRED UNDER § 4-109(B) OF**
27 **THIS ARTICLE AUTHORIZING INSPECTION AND SEARCH WITHOUT WARRANT OF THE**
28 **PREMISES IS NOT REQUIRED WHEN AN APPLICANT APPLIES FOR A LICENSE UNDER**
29 **§ 12-1603(C) OF THIS TITLE IF THE APPLICANT:**

30 **(1) FILES AN AFFIDAVIT THAT THE APPLICANT IS THE LESSEE OF THE**
31 **PREMISES; AND**

1 **(2) PROVIDES A COPY OF THE EXECUTED LEASE WITH THE AFFIDAVIT.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 10-103(b)(17)(iii).

4 Defined term: "License" § 1-101

5 **12-1405. PETITION OF SUPPORT.**

6 **THE APPLICATION SHALL INCLUDE A PETITION SIGNED BY AT LEAST THREE**
7 **RESIDENTS WHO ARE OWNERS OF REAL PROPERTY AND REGISTERED VOTERS IN THE**
8 **CITY STATING THAT:**

9 **(1) THE APPLICANT:**

10 **(I) IS PERSONALLY KNOWN TO THE SIGNERS OF THE PETITION;**

11 **AND**

12 **(II) HAS BEEN A RESIDENT OR TAXPAYER OF THE CITY FOR 2**
13 **YEARS AND A RESIDENT OF THE STATE FOR 2 YEARS PRECEDING THE**
14 **PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION;**

15 **(2) IF THE APPLICANT IS A CORPORATION, AT LEAST ONE OF THE**
16 **APPLICANTS:**

17 **(I) IS PERSONALLY KNOWN TO THE SIGNERS OF THE PETITION;**

18 **(II) HAS BEEN A RESIDENT OR TAXPAYER OF THE CITY FOR 2**
19 **YEARS AND A RESIDENT OF THE STATE FOR 2 YEARS PRECEDING THE**
20 **PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION; AND**

21 **(III) IS A REGISTERED VOTER IN THE STATE; AND**

22 **(3) IF THE APPLICANT IS A PARTNERSHIP, ALL MEMBERS OF THE**
23 **PARTNERSHIP HAVE BEEN RESIDENTS OR TAXPAYERS OF THE CITY FOR 2 YEARS**
24 **AND RESIDENTS OF THE STATE FOR 2 YEARS PRECEDING THE PRESENTATION OF**
25 **THE APPLICATION TO THE SIGNERS OF THE PETITION.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10-104(d)(1).

28 In this section, the references to the "signers of the petition" are substituted
29 for the former references to "them" for clarity.

1 In the introductory language of this section, the reference to “residents” is
2 substituted for the former reference to “citizens ... of the City” because the
3 meaning of the word “citizens” in this context is unclear.

4 In item (2)(iii) of this section, the reference to a registered voter “in the State”
5 is added for clarity.

6 The Alcoholic Beverages Article Review Committee notes, for consideration by
7 the General Assembly, that the requirements in item (3) of this section that
8 all members of a partnership be residents or taxpayers of the City for 2 years
9 and residents of the State for 2 years preceding the presentation of the
10 application to the signers of the petition may violate the equal protection
11 guarantees of the Fourteenth Amendment to the United States Constitution
12 and Article 24 of the Maryland Declaration of Rights. Maryland courts look
13 unfavorably on legislation that classify persons by geography, which may be
14 accomplished by residency or registration requirements, if the primary
15 purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md.
16 411 (1994)

17 Defined terms: “City” § 12–101
18 “State” § 1–101

19 **12–1406. CONDITIONS OF ISSUANCE OR RENEWAL.**

20 **(A) “COMMUNITY ASSOCIATION” DEFINED.**

21 **IN THIS SECTION, “COMMUNITY ASSOCIATION” MEANS:**

22 **(1) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER**
23 **ORGANIZATION THAT IS:**

24 **(I) COMPOSED OF RESIDENTS OF A COMMUNITY WITHIN WHICH**
25 **A NUISANCE IS LOCATED;**

26 **(II) OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL**
27 **WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT; AND**

28 **(III) EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE**
29 **INTERNAL REVENUE CODE; OR**

30 **(2) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER**
31 **ORGANIZATION THAT IS:**

1 **(I) COMPOSED OF RESIDENTS OF A CONTIGUOUS COMMUNITY**
 2 **THAT IS DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES, WITHIN WHICH A**
 3 **NUISANCE IS LOCATED;**

4 **(II) OPERATED FOR THE PROMOTION OF THE WELFARE,**
 5 **IMPROVEMENT, AND ENHANCEMENT OF THAT COMMUNITY; AND**

6 **(III) IN GOOD STANDING WITH THE STATE DEPARTMENT OF**
 7 **ASSESSMENTS AND TAXATION.**

8 **(B) IN GENERAL.**

9 **IF A COMMUNITY ASSOCIATION AND AN APPLICANT FOR THE ISSUANCE OR**
 10 **RENEWAL OF A CLASS B OR D ALCOHOLIC BEVERAGES LICENSE HAVE ENTERED**
 11 **INTO A MEMORANDUM OF UNDERSTANDING THAT EXPRESSLY ACKNOWLEDGES THE**
 12 **AUTHORITY OF THE BOARD UNDER THIS ARTICLE, THE BOARD MAY MAKE THE**
 13 **ISSUANCE OR RENEWAL OF THE LICENSE CONDITIONAL ON THE SUBSTANTIAL**
 14 **COMPLIANCE OF THE APPLICANT WITH THE MEMORANDUM OF UNDERSTANDING.**

15 **(C) MEMORANDUM OF UNDERSTANDING.**

16 **THE EXISTENCE OF A MEMORANDUM OF UNDERSTANDING DOES NOT AFFECT**
 17 **ANY REQUIREMENT OF ANY INDIVIDUALS TO FILE A PROTEST UNDER § 4-406 OF**
 18 **THIS ARTICLE OR A COMPLAINT UNDER § 4-603 OF THIS ARTICLE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 10-104(d)(2).

21 In subsection (b) of this section, the former reference to "[i]n Baltimore City"
 22 is deleted as unnecessary in light of the organization of this revised article.

23 In subsection (c) of this section, the reference to "a complaint" is added for
 24 clarity.

25 Defined terms: "Board" § 12-101

26 "License" § 1-101

27 **12-1407. APPLICATIONS EXAMINATION AND HEARING.**

28 **(A) DETERMINATION OF WHETHER APPLICATION IS COMPLETE.**

29 **(1) THE BOARD OR THE BOARD'S DESIGNEE SHALL EXAMINE EACH**
 30 **APPLICATION FOR THE ISSUANCE OR TRANSFER OF A LICENSE WITHIN 45 DAYS OF**

1 RECEIPT OF THE APPLICATION TO DETERMINE WHETHER THE APPLICATION IS
2 COMPLETE.

3 (2) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR RENEWAL IS
4 NOT COMPLETE UNLESS THE APPLICANT HAS:

5 (I) OBTAINED ZONING APPROVAL OR VERIFICATION OF ZONING
6 IF THE APPLICATION IS FOR RENEWAL;

7 (II) SUBMITTED ALL DOCUMENTS REQUIRED IN THE
8 APPLICATION; AND

9 (III) PAID ALL FINES AND FEES THAT ARE DUE.

10 (B) HEARING TO BE SCHEDULED AFTER APPLICATION IS COMPLETE.

11 (1) A LICENSE HEARING MAY NOT BE SCHEDULED UNLESS THE
12 BOARD DETERMINES THAT THE APPLICATION IS COMPLETE.

13 (2) A COMPLETE APPLICATION WITH ALL SUBMITTED DOCUMENTS
14 SHALL BE POSTED ONLINE AT LEAST 14 DAYS BEFORE THE HEARING DATE.

15 (3) THE POSTPONEMENT OF A HEARING SHALL BE POSTED ONLINE
16 NOT LESS THAN 72 HOURS BEFORE THE HEARING DATE.

17 (C) CHANGES IN APPLICATION.

18 (1) TO INCORPORATE A CHANGE IN THE APPLICATION DOCUMENT
19 AFTER THE BOARD OR THE BOARD'S DESIGNEE HAS DETERMINED THE
20 APPLICATION TO BE COMPLETE, THE APPLICANT SHALL SUBMIT THE CHANGE TO
21 THE BOARD NOT LATER THAN 15 DAYS BEFORE THE SCHEDULED HEARING.

22 (2) AFTER THE HEARING ON THE APPLICATION, AN APPLICANT MAY
23 CHANGE THE APPLICATION ONLY AT A NEW HEARING.

24 (D) FINE.

25 THE BOARD SHALL IMPOSE A FINE THAT IT DETERMINES FOR FAILURE TO
26 COMPLY WITH THE REQUIREMENTS UNDER THIS SECTION.

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10-202(a)(4)(iii) through (vii) and (ix).

1 Former Art. 2B, § 10–202(a)(4)(i), which stated that former Art. 2B, §
 2 10–202(a)(4) applied only in Baltimore City, is deleted as unnecessary in light
 3 of the organization of this revised article.

4 Former Art. 2B, § 10–202(a)(4)(ii), which defined the term “Board” to mean
 5 the Board of Liquor License Commissioners, is deleted as redundant of the
 6 term defined in § 12–101 of this title.

7 Defined terms: “Board” § 12–101
 8 “License” § 1–101

9 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

10 **12–1501. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
 13 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
 14 **EXCEPTION OR VARIATION:**

- 15 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
 16 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
 17 **(3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
 18 **(4) § 4–209 (“HEARING”);**
 19 **(5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
 20 **(6) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
 21 **(7) § 4–212 (“LICENSE NOT PROPERTY”); AND**
 22 **(8) § 4–213 (“REPLACEMENT LICENSES”).**

23 **(B) EXCEPTION.**

24 **SECTION 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
 25 **APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND**
 26 **IS SUPERSEDED BY § 12–1507 OF THIS SUBTITLE.**

27 **(C) VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
2 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

3 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
4 **TO §§ 12–1502 AND 12–1503 OF THIS SUBTITLE;**

5 **(2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
6 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 12–1504 AND 12–1505 OF**
7 **THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS**
8 **TITLE;**

9 **(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
10 **FOR SAME PREMISES”), SUBJECT TO § 12–1505 OF THIS SUBTITLE AND SUBTITLE**
11 **13, PART III OF THIS TITLE; AND**

12 **(4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
13 **SUBJECT TO § 12–1506 OF THIS SUBTITLE.**

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to the issuance of local licenses.

16 Defined terms: “City” § 12–101

17 “License” § 1–101

18 “Local licensing board” § 1–101

19 **12–1502. EVIDENCE OF PAID TAXES REQUIRED FOR ISSUANCE OF LICENSE.**

20 **(A) CERTIFICATE OF APPROVAL TO DIRECTOR OF FINANCE.**

21 **ON APPROVING A LICENSE APPLICATION, THE BOARD SHALL PRESENT A**
22 **CERTIFICATE OF APPROVAL FOR LICENSURE TO THE DIRECTOR OF FINANCE.**

23 **(B) PAYMENTS OF TAXES.**

24 **THE BOARD MAY NOT ISSUE A LICENSE UNTIL IT RECEIVES CLEARANCE FROM**
25 **THE DIRECTOR OF FINANCE THAT ALL PERSONAL PROPERTY TAXES DUE TO THE**
26 **CITY OR THE STATE ARE PAID.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10–202(a)(3)(i).

1 In subsection (a) of this section, the reference to “present[ing] a certificate of
2 approval for licensure” is substituted for the former reference to “issu[ing] a
3 certificate of approval for presentation” for clarity.

4 In subsection (b) of this section, the prohibition against the Board issuing a
5 license “until it receives clearance from the Director of Finance that all
6 personal property taxes due to the City or the State are paid” is substituted
7 for the former prohibition against the Director of Finance issuing a license
8 “unless and until there is presented to the Director also a certificate, issued
9 by the Bureau of Assessments, that shows there are no unpaid taxes due the
10 City or State on the merchandise, fixtures, and stock of the applicant” for
11 clarity and accuracy.

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
13 the General Assembly, that according to the Baltimore City Board, under
14 current procedures the Board issues alcoholic beverages licenses in the City
15 and may not issue a license until it receives clearance from the City
16 Department of Law (and the State) that all personal taxes due to the City and
17 the State by the applicant are paid. The Director of Finance does not issue
18 licenses. Subsection (b) of this section has been revised to reflect the current
19 practice.

20 Defined terms: “Board” § 12–101

21 “City” § 12–101

22 “License” § 1–101

23 **12–1503. HOLDERS OF OUT–OF–STATE LICENSES.**

24 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
25 **LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT**
26 **HOLDS AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 9–102(b–3)(3), except as it related to the
29 renewal of a license by a person that holds an out–of–state license.

30 The reference to “[t]he Board” is added for clarity.

31 The reference to an “out–of–state” license is substituted for the former
32 reference to a license “in any other state” for clarity.

33 The former reference to a “corporation, or limited liability company” is deleted
34 as included in the reference to a “person”.

35 Defined terms: “Alcoholic beverage” § 1–101

36 “Beer” § 1–101

1 "Board" § 12-101
 2 "Light wine" § 12-101
 3 "Person" § 1-101
 4 "State" § 1-101
 5 "Wine" § 1-101

6 **12-1504. INTEREST IN MULTIPLE LICENSES — PROHIBITED.**

7 **A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED**
 8 **BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR**
 9 **CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP,**
 10 **INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, FRANCHISE**
 11 **OPERATION, CHAIN STORE OPERATION, OR ANY OTHER DIRECT OR INDIRECT**
 12 **MANNER.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from the first sentence of former Art. 2B, § 9-301(5)(i).

15 The reference to interests in a license "regardless of whether that interest is"
 16 held or controlled in specified manners is added for clarity.

17 The former reference to a "franchisor, franchisee, chain store operation,
 18 partnership, firm or corporation" is deleted as included in the defined term
 19 "person".

20 The second sentence of former Art. 2B, § 9-301(5)(i), which expressed the
 21 intention of the subparagraph, is deleted as unnecessary. Similarly, former §
 22 9-301(5)(ii), which expressed the intention of the subparagraph, is deleted.

23 Defined terms: "Board" § 12-101
 24 "Person" § 1-101

25 **12-1505. BOWLING ESTABLISHMENTS.**

26 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 27 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 28 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

29 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**
 30 **WINE LICENSES; AND**

31 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 32 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9-102(b-1)(1)(i).

3 In item (1) of this section, the reference to "Class D beer or Class D beer and
4 light wine licenses" is substituted for the former reference to licenses issued
5 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

6 In item (2) of this section, the former reference to the premises "operated as"
7 a bowling establishment is deleted as surplusage.

8 Defined terms: "Beer" § 1-101

9 "License" § 1-101

10 "Light wine" § 12-101

11 **12-1506. NOTICE OF LICENSE APPLICATION.**

12 **(A) PUBLICATION IN NEWSPAPER.**

13 **THE NOTICE OF LICENSE APPLICATION REQUIRED UNDER § 4-208 OF THIS**
14 **ARTICLE SHALL BE PUBLISHED IN THREE NEWSPAPERS OF GENERAL CIRCULATION**
15 **IN THE CITY.**

16 **(B) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

17 **(1) THIS SUBSECTION APPLIES TO AN APPLICATION FOR A NEW**
18 **LICENSE, A CHANGE IN THE CLASS OF A LICENSE, A REQUEST FOR LIVE**
19 **ENTERTAINMENT ON THE LICENSED PREMISES, AND AN EXTENSION OF THE**
20 **LICENSED PREMISES.**

21 **(2) IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER §**
22 **4-208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A**
23 **CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT**
24 **LEAST 10 DAYS BEFORE HOLDING A HEARING ON THE APPLICATION.**

25 **(3) A NOTICE UNDER THIS SUBSECTION SHALL STATE THE CLASS OF**
26 **LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND PLACE SET**
27 **BY THE BOARD FOR AN APPLICATION HEARING.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 10-202(a)(1)(i)1, (b)(1)(i)3 and (ii) and, except
30 as it related to the transfer of a license, (e)(2).

31 In subsection (b)(2) of this section, the reference to the "location" is substituted
32 for the former reference to the "premises" for consistency with terminology
33 used throughout this article.

1 Also in subsection (b)(2) of this section, the reference to “post[ing] a suitable
2 notice ... for” at least 10 days is substituted for the former reference to
3 “caus[ing] a suitable sign or notice to be posted and to remain posted for a
4 period of” at least 10 days for brevity.

5 Also in subsection (b)(2) of this section, the reference to the “hearing on the
6 application” is substituted for the former reference to “action upon the
7 application” for consistency with subsection (b)(2) of this section.

8 In subsection (b)(3) of this section, the reference to the “date” for an application
9 hearing is added for clarity.

10 Defined terms: “Board” § 12–101

11 “City” § 12–101

12 “License” § 1–101

13 **12–1507. WAITING PERIOD AFTER DENIAL.**

14 **(A) SIX–MONTH WAITING PERIOD.**

15 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF AN**
16 **APPLICATION FOR A LICENSE IS DENIED, THE BOARD MAY NOT ISSUE THE SAME**
17 **CLASS OF LICENSE TO THE SAME APPLICANT OR FOR THE SAME LOCATION FOR 6**
18 **MONTHS AFTER THE DENIAL.**

19 **(B) EXCEPTION.**

20 **THE RESTRICTION AGAINST THE ISSUANCE OF A LICENSE FOR THE SAME**
21 **LOCATION DOES NOT APPLY IF THE BOARD DECIDES THAT THE DENIAL WAS**
22 **DIRECTED AGAINST THE APPLICANT AND NOT AGAINST THE LOCATION.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 10–208(c)(2) and (3).

25 In subsection (a) of this section, the phrase “[e]xcept as provided in subsection
26 (b) of this section” is added for clarity.

27 Also in subsection (a) of this section, the reference to “the Board” is added for
28 clarity.

29 Also in subsection (a) of this section, the phrase “if an application for a license
30 is denied” is substituted for the former reference to a class of “license for which
31 application was previously made” for clarity.

1 Also in subsection (a) of this section, the reference to “the same applicant” is
2 substituted for the former reference to “any person who has been refused the
3 issue of any such class of license” for brevity. Similarly, the reference to “the
4 same location” is substituted for the former reference to “any premises for
5 which a license has been so refused”.

6 Also in subsection (a) of this section, the former phrase “for the retail sale of
7 alcoholic beverages” is deleted as surplusage.

8 Also in subsection (a) of this section, the former phrase “a period of” 6 months
9 is deleted as surplusage.

10 Also in subsection (a) of this section, the former reference to the “Circuit
11 Court” is deleted as inaccurate because the circuit court does not issue
12 alcoholic beverages licenses.

13 Also in subsection (a) of this section, the former phrase “as the case may be”
14 is deleted as surplusage.

15 In subsection (b) of this section, the reference to the “same location” is
16 substituted for the former reference to “any premises” for clarity and
17 consistency with subsection (a) of this section.

18 Also in subsection (b) of this section, the reference to a restriction that “does
19 not apply” is substituted for the former reference to a restriction that “is not
20 effective” to conform to the terminology used throughout this article.

21 Also in subsection (b) of this section, the reference to the “applicant” is
22 substituted for the former reference to the “person or persons applying for the
23 prior license” for brevity.

24 Also in subsection (b) of this section, the reference to the “location” is
25 substituted for the former reference to the “premises in question” for clarity
26 and consistency with subsection (a) of this section.

27 Former Art. 2B, § 10–208(c)(1), which stated that former Art. 2B, §
28 10–208(c) applied only in Baltimore City, is deleted as unnecessary in light of
29 the organization of this revised article.

30 Defined terms: “Board” § 12–101
31 “License” § 1–101

32 **12–1508. DENIAL RESULTING FROM PROTEST OF OWNER OR OWNERS AND TENANTS.**

33 **(A) DEFINITIONS.**

1 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) (I) "OWNERS OF REAL OR LEASEHOLD PROPERTY" INCLUDES**
4 **HOLDERS OF LEASEHOLD IMPROVEMENTS SUBJECT TO A GROUND RENT, THE CITY,**
5 **AND THE STATE.**

6 **(II) "OWNERS OF REAL OR LEASEHOLD PROPERTY" DOES NOT**
7 **INCLUDE THE OWNER OF THE LOCATION DESCRIBED IN THE APPLICATION.**

8 **(3) "TENANT" MEANS AN INDIVIDUAL WHO RENTS A**
9 **SINGLE-FAMILY DWELLING AND IS RESIDING THERE FOR AT LEAST 1 YEAR**
10 **IMMEDIATELY BEFORE THE APPLICATION HEARING.**

11 **(B) GROUNDS FOR DENIAL.**

12 **A LICENSE APPLICATION SHALL BE DENIED IF:**

13 **(1) MORE THAN 50% OF THE OWNERS OF REAL OR LEASEHOLD**
14 **PROPERTY WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION**
15 **OPPOSE THE ISSUING OF THE LICENSE; OR**

16 **(2) MORE THAN 50% OF THOSE OWNERS AND TENANTS, IN**
17 **COMBINATION, OF REAL OR LEASEHOLD PROPERTY LOCATED WITHIN 200 FEET OF**
18 **THE LOCATION DESCRIBED IN THE APPLICATION OPPOSE THE ISSUING OF THE**
19 **LICENSE.**

20 **(C) VOTE COUNTING.**

21 **(1) IF AN OWNER OF A DWELLING PARTICIPATES AS A PROTESTANT**
22 **OR PROPONENT OF THE APPLICATION, THE OWNER AND THE TENANT OF THE**
23 **DWELLING SHALL EACH HAVE ONE-HALF VOTE.**

24 **(2) IF PROPERTY IS RENTED JOINTLY AND ONE TENANT APPEARS IN**
25 **PERSON AT THE HEARING AS A PROTESTANT, THE OTHER TENANTS' PROTEST MAY**
26 **BE RECORDED BY AFFIDAVIT.**

27 **(D) RIGHTS OF CITY AND STATE.**

28 **(1) IF THE CITY OR THE STATE OWNS MORE THAN ONE BUILDING**
29 **WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION, PROTEST**
30 **MAY BE MADE SOLELY FOR THE BUILDING THAT IS CLOSEST TO THE LOCATION**
31 **DESCRIBED IN THE APPLICATION.**

1 **(2) THE CITY OR THE STATE MAY PROTEST THROUGH AN**
 2 **AUTHORIZED REPRESENTATIVE OF THE MAYOR AND CITY COUNCIL.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from the first and fourth through ninth sentences of former Art. 2B, §
 5 10-202(e)(1).

6 In subsection (a)(2)(i) of this section, the reference to improvements “subject
 7 to” ground rent is substituted for the former reference to improvements “upon”
 8 ground rents for clarity.

9 In subsection (a)(2)(ii) of this section, the reference to the “location described
 10 in the application” is substituted for the former reference to the “subject
 11 premises” for consistency with terminology used throughout this article.
 12 Similarly, in subsection (b)(1) and (2) of this section, the references to the
 13 “location described in the application” are substituted for the former
 14 references to the “place of business for which application is made” and “the
 15 place of business for which an application for a license is made”. Also, in
 16 subsection (d)(1) of this section, the references to the “location described in the
 17 application” are substituted for the former references to the “place of business
 18 for which application is made”.

19 In the introductory language of subsection (b) of this section, the former
 20 reference to the prohibition against “approv[ing]” a license application is
 21 deleted as implied in the requirement to “deny[ing]” an application.

22 In subsection (b)(1) of this section, the former reference to 50% “in numbers”
 23 of the owners is deleted as surplusage.

24 In subsection (d)(1) of this section, the reference to the protest “be[ing] made
 25 solely” for certain buildings is substituted for the former reference to those
 26 buildings “be[ing] the basis for making protest under this subsection” for
 27 brevity.

28 In subsection (d)(2) of this section, the former reference to “[t]he City of
 29 Baltimore and the State of Maryland each shall be included as an owner of
 30 real or leasehold property when it owns title to a building” is deleted as
 31 unnecessary in light of the definition of “owners of real or leasehold property”.

32 Defined terms: “City” § 12-101

33 “License” § 1-101

34 “Person” § 1-101

35 “State” § 1-101

36 **12-1509. ABSTRACT OF TITLE NOT REQUIRED TO ACCOMPANY PROTEST.**

1 **(A) IN GENERAL.**

2 **THE BOARD:**

3 **(1) MAY NOT REQUIRE THAT PROTESTS AGAINST THE ISSUANCE OF A**
 4 **LICENSE BE ACCOMPANIED BY AN ABSTRACT OF TITLE FROM THE LAND RECORDS**
 5 **OF THE CITY SUBSTANTIATING THE PROTESTANTS' OWNERSHIP OF THE REAL OR**
 6 **LEASEHOLD PROPERTY; BUT**

7 **(2) MAY REQUIRE THAT A QUALIFIED PERSON FAMILIAR WITH THE**
 8 **LAND RECORDS OF THE CITY APPEAR AT THE HEARING AND TESTIFY AS TO WHO IS**
 9 **THE HOLDER OF FULL LEGAL TITLE AS SHOWN BY THE LAND RECORDS.**

10 **(B) PROPERTY OWNED JOINTLY.**

11 **IF AN OWNER OF PROPERTY THAT IS OWNED JOINTLY APPEARS IN PERSON AT**
 12 **THE HEARING AS A PROTESTANT, THE OTHER OWNERS' PROTEST MAY BE RECORDED**
 13 **BY AN AFFIDAVIT.**

14 **(C) BOARD TO PROVIDE AFFIDAVIT.**

15 **ON REQUEST, THE BOARD SHALL PROVIDE AN AFFIDAVIT FORM TO ANY**
 16 **PERSON WHO CLAIMS TO BE A PROTESTANT.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 16–301(b), except as it related to the transfer of
 19 a license.

20 In subsection (c) of this section, the reference to any person “who claims to be”
 21 a protestant is substituted for the former reference to any person
 22 “representing himself” to be a protestant to conform to the style of revised
 23 articles of using gender–neutral language.

24 Also in subsection (c) of this section, the former reference to an “acceptable”
 25 affidavit is deleted as surplusage.

26 Defined terms: “Board” § 12–101

27 “City” § 12–101

28 “License” § 1–101

29 “Person” § 1–101

30 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

31 **PART I. LICENSING CONDITIONS.**

1 **12-1601. NONCONFORMING USE RESTRICTION.**

2 **THE BOARD MAY NOT ISSUE A NEW LICENSE TO A LOCATION WITH A**
3 **NONCONFORMING USE IN AN AREA ZONED AS “RESIDENTIAL”.**

4 REVISOR’S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 9-204.2.

6 Defined terms: “Board” § 12-101
7 “License” § 1-101

8 **12-1602. ISSUANCE OF LICENSES IN SPECIFIED AREAS PROHIBITED.**

9 **(A) NEW LICENSES OR AMUSEMENT LICENSES.**

10 **IN THE AREA BOUNDED BY TWENTY-FIFTH (25TH) STREET ON THE NORTH,**
11 **CENTRE STREET ON THE SOUTH, HOWARD STREET ON THE WEST, AND GUILFORD**
12 **AVENUE ON THE EAST, THE BOARD MAY NOT ISSUE:**

13 **(1) A NEW LICENSE OTHER THAN A CLASS B LICENSE; OR**

14 **(2) AN AMUSEMENT LICENSE TO THE HOLDER OF A CLASS D BEER,**
15 **WINE, AND LIQUOR LICENSE.**

16 **(B) CLASS A OR CLASS D LICENSE.**

17 **THE BOARD MAY NOT ISSUE A CLASS A (OFF-SALE) OR A CLASS D (ON- AND**
18 **OFF-SALE) LICENSE IN THE AREA THAT IS BOUNDED:**

19 **(1) ON THE NORTH BY THIRTY-NINTH (39TH) STREET, THEN**
20 **FOLLOWING ELLERSLIE AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE;**

21 **(2) ON THE EAST BY LOCH RAVEN BOULEVARD, THEN FOLLOWING**
22 **WALPERT AVENUE, THEN FOLLOWING HOMEWOOD AVENUE;**

23 **(3) ON THE SOUTH BY NORTH AVENUE; AND**

24 **(4) ON THE WEST BY HOWARD STREET, THEN FOLLOWING ART**
25 **MUSEUM DRIVE, THEN FOLLOWING NORTH CHARLES STREET.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, §§ 9-204(b) and, except as they related to the
28 transfer of a license, (a) and 9-204.1(g).

1 In the introductory language of subsection (a) of this section, the former
2 reference to a license “for the sale of alcoholic beverages” is deleted as included
3 in the defined term “license”.

4 In the introductory language of subsection (b) of this section, the reference to
5 the “Board” is added to state expressly what was only implicit in the former
6 law, that the Board is the governmental unit that issues licenses.

7 Former Art. 2B, § 9–204(c), (d), and (e), which authorized the issuance of three
8 new licenses in specified areas of Baltimore City, are deleted as obsolete. The
9 licenses have been issued.

10 Defined terms: “Board” § 12–101
11 “License” § 1–101

12 **12–1603. NEW LICENSES PROHIBITED IN THE 40TH, 41ST, 43RD, 44TH, AND 45TH**
13 **ALCOHOLIC BEVERAGES DISTRICTS.**

14 **(A) ALCOHOLIC BEVERAGES DISTRICTS COTERMINOUS WITH LEGISLATIVE**
15 **DISTRICTS.**

16 **THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION AT ALL**
17 **TIMES ARE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS IN THE LEGISLATIVE**
18 **DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS**
19 **ON JUNE 21, 2002.**

20 **(B) ISSUANCE OF LICENSES PROHIBITED.**

21 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY**
22 **NOT ISSUE A NEW LICENSE IN:**

23 **(1) THE 40TH ALCOHOLIC BEVERAGES DISTRICT;**

24 **(2) THE 41ST ALCOHOLIC BEVERAGES DISTRICT;**

25 **(3) THE 43RD ALCOHOLIC BEVERAGES DISTRICT;**

26 **(4) THE 44TH ALCOHOLIC BEVERAGES DISTRICT; AND**

27 **(5) THE 45TH ALCOHOLIC BEVERAGES DISTRICT.**

28 **(C) LICENSES ALLOWED.**

1 **THE BOARD MAY ISSUE:**

2 **(1) IN THE ALCOHOLIC BEVERAGES DISTRICTS SPECIFIED IN**
 3 **SUBSECTION (B) OF THIS SECTION:**

4 **(I) A 1-DAY LICENSE; OR**

5 **(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE TO A**
 6 **RESTAURANT THAT:**

7 **1. HAS A MINIMUM CAPITAL INVESTMENT, NOT**
 8 **INCLUDING THE COST OF LAND AND BUILDINGS, OF \$200,000 FOR RESTAURANT**
 9 **FACILITIES; AND**

10 **2. HAS A MINIMUM SEATING CAPACITY OF 75**
 11 **INDIVIDUALS;**

12 **(2) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 45TH**
 13 **ALCOHOLIC BEVERAGES DISTRICT; OR**

14 **(3) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN WARD 5,**
 15 **PRECINCT 1 OF THE 44TH ALCOHOLIC BEVERAGES DISTRICT.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 9-204.1(c) and (d)(1)(i) through (v) and, except
 18 as it related to the 46th alcoholic beverages district, (2).

19 In the introductory language of subsection (b) of this section, the reference to
 20 the "Board" is added to state expressly what was only implicit in the former
 21 law, that the Board is the governmental unit that issues licenses.

22 Also in the introductory language of subsection (b) of this section, the former
 23 reference to a license "for the sale of alcoholic beverages" is deleted as included
 24 in the defined term "license".

25 In the introductory language of subsection (c)(1)(ii) of this section, the former
 26 reference to a "bona fide" restaurant is deleted as included in the defined term
 27 "restaurant".

28 Defined terms: "Board" § 12-101

29 "License" § 1-101

30 "Restaurant" § 12-101

31 **12-1604. LICENSES IN 46TH ALCOHOLIC BEVERAGES DISTRICT.**

1 **(A) SCOPE OF SECTION.**

2 **THIS SECTION APPLIES ONLY TO THE 46TH ALCOHOLIC BEVERAGES DISTRICT,**
3 **WHICH AT ALL TIMES IS COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN**
4 **THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND**
5 **COURT OF APPEALS ON JUNE 21, 2002.**

6 **(B) GENERAL PROHIBITION AGAINST ISSUANCE OF LICENSES.**

7 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY**
8 **NOT ISSUE A NEW LICENSE IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.**

9 **(C) LICENSES ALLOWED.**

10 **(1) THE BOARD MAY ISSUE:**

11 **(I) A 1-DAY LICENSE; AND**

12 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, AND SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A**
14 **CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE BY A RESTAURANT IF THE**
15 **AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD ARE AT LEAST 51% OF THE**
16 **TOTAL DAILY RECEIPTS OF THE RESTAURANT.**

17 **(2) THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR**
18 **LICENSE:**

19 **(I) FOR A RESTAURANT IN WARD 26, PRECINCT 8, WARD 4,**
20 **PRECINCT 1, OR WARD 3, PRECINCT 3 THAT HAS:**

21 **1. SEATING FOR MORE THAN 150 INDIVIDUALS;**

22 **2. A MINIMUM CAPITAL INVESTMENT OF \$700,000; AND**

23 **3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
24 **AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF**
25 **THE TOTAL DAILY RECEIPTS OF THE RESTAURANT;**

26 **(II) FOR A RESTAURANT IN WARD 4, PRECINCT 1, OR WARD 22,**
27 **PRECINCT 1, IF THE RESTAURANT HAS:**

28 **1. SEATING FOR MORE THAN 75 INDIVIDUALS;**

1 2. A MINIMUM CAPITAL INVESTMENT OF \$700,000;

2 3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD
3 THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND

4 4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
5 SUBSECTION, NO SALES FOR OFF-PREMISES CONSUMPTION;

6 (III) FOR NOT MORE THAN THREE RESTAURANTS IN A
7 RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY THE
8 MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE
9 23, 2004, IF EACH RESTAURANT HAS:

10 1. A MINIMUM CAPITAL INVESTMENT OF \$700,000;

11 2. SEATING FOR MORE THAN 75 INDIVIDUALS;

12 3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD
13 THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND

14 4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
15 SUBSECTION, NO SALES FOR OFF-PREMISES CONSUMPTION; AND

16 (IV) FOR NOT MORE THAN THREE RESTAURANTS IN A BUSINESS
17 PLANNED UNIT DEVELOPMENT IN WARD 24, PRECINCT 5, IF EACH RESTAURANT:

18 1. HAS A MINIMUM CAPITAL INVESTMENT OF \$700,000;

19 2. HAS SEATING FOR MORE THAN 75 INDIVIDUALS, BUT
20 NOT MORE THAN 150 INDIVIDUALS;

21 3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF
22 FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE
23 RESTAURANT; AND

24 4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
25 SUBSECTION, MAY NOT SELL FOR OFF-PREMISES CONSUMPTION.

26 (3) WHEN A LICENSES IS RENEWED, THE LICENSE HOLDER SHALL
27 FILE WITH THE BOARD A STATEMENT OF AVERAGE DAILY RECEIPTS AND AN
28 AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC ACCOUNTANT THAT VERIFY THAT THE
29 LICENSE HOLDER HAS MET THE REQUIREMENT UNDER PARAGRAPH (1)(II) OR
30 (2)(I)3 OF THIS SUBSECTION.

1 **(4) (I) A LICENSE MAY NOT BE ISSUED UNDER PARAGRAPH (1)(II)**
2 **OF THIS SUBSECTION FOR USE IN AN ESTABLISHMENT THAT IS A FAST FOOD STYLE**
3 **RESTAURANT.**

4 **(II) A LICENSE ISSUED UNDER PARAGRAPH (1)(II) OF THIS**
5 **SUBSECTION MAY NOT BE TRANSFERRED FROM THE LOCATION OF ITS FIRST**
6 **ISSUANCE.**

7 **(5) A LICENSE SPECIFIED UNDER THIS SUBSECTION, INCLUDING A**
8 **LICENSE THAT DOES NOT ALLOW SALES FOR OFF-PREMISES CONSUMPTION, MAY**
9 **INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER**
10 **A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 12-1102 OF**
11 **THIS TITLE.**

12 **(D) PROHIBITED LICENSES.**

13 **NOTWITHSTANDING SUBSECTION (C)(1) AND (2) OF THIS SECTION, THE**
14 **BOARD MAY NOT ISSUE A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE**
15 **IN:**

16 **(1) THE AREA COVERED BY THE KEY HIGHWAY EAST INDUSTRIAL**
17 **AREA URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF**
18 **BALTIMORE CITY IN ORDINANCE 986 ON JUNE 29, 1987;**

19 **(2) THE AREA COVERED BY THE KEY HIGHWAY URBAN RENEWAL**
20 **PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN**
21 **ORDINANCE 622 ON MARCH 12, 1986;**

22 **(3) (I) WARD 1, PRECINCT 4 OR 5;**

23 **(II) WARD 23, PRECINCT 1; AND**

24 **(III) WARD 24, PRECINCT 5; AND**

25 **(4) THE AREA KNOWN AS PEN LUCY, WARD 9, PRECINCTS 1 AND 2.**

26 **(E) ISSUANCE OF LICENSE PROHIBITED FOR SPECIFIED WARDS AND**
27 **PRECINCTS.**

28 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
29 **THE BOARD MAY NOT ISSUE A LICENSE FOR:**

1 **(I) WARD 1, PRECINCTS 4 AND 5;**

2 **(II) WARD 23, PRECINCT 1; OR**

3 **(III) WARD 24, PRECINCT 5.**

4 **(2) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B BEER,**
 5 **WINE, AND LIQUOR LICENSES, SO THAT THE CUMULATIVE NUMBER OF LICENSES**
 6 **ISSUED OR TRANSFERRED IS TWO, INTO THE AREA OF 829 THROUGH 919 E. FORT**
 7 **AVENUE ONLY IF THE BOARD:**

8 **(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING**
 9 **BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND LOCUST POINT**
 10 **REGARDING THE NATURE OF THE ESTABLISHMENT; AND**

11 **(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING**
 12 **AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER THIS PARAGRAPH**
 13 **AND SEEKS TO RENEW OR TRANSFER THE LICENSE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, §§ 6–201(d)(1)(viii) and (ix) and 9–204.1(c),
 16 (d)(1)(iv), (2)(i) and (ii)³ and (3), (f)(1), (2), (5), and (8), and, except as they
 17 related to the transfer of a license, (3)(i) and (iii)¹ and 2.

18 In subsection (b) of this section, the reference to the “Board” is added to state
 19 expressly what was only implicit in the former law, that the Board is the
 20 governmental unit that issues licenses.

21 Also in subsection (b) of this section, the former reference to a license “for the
 22 sale of alcoholic beverages” is deleted as included in the defined term “license”.

23 In subsection (c) of this section, the former phrase “[n]otwithstanding §
 24 6–201(d)(1)(vii) of this article” is deleted as unnecessary in light of the
 25 organization of this revised article.

26 Defined terms: “Board” § 12–101

27 “License” § 1–101

28 “License holder” § 1–101

29 “Off–sale” § 1–101

30 “Restaurant” § 12–101

31 **12–1605. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

32 **(A) IN GENERAL.**

1 **(1) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A**
2 **NEW LICENSE MAY NOT BE ISSUED FOR AND AN EXISTING LICENSE MAY NOT BE**
3 **MOVED TO A BUILDING THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF THE**
4 **BUILDING OF A PLACE OF WORSHIP OR SCHOOL.**

5 **(II) IN THE 45TH LEGISLATIVE DISTRICT, A NEW CLASS A**
6 **LICENSE OF ANY TYPE MAY NOT BE ISSUED FOR A BUILDING THAT IS WITHIN 500**
7 **FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR**
8 **SCHOOL.**

9 **(2) PARAGRAPH (1)(I) OF THIS SUBSECTION DOES NOT APPLY TO:**

10 **(I) A CLASS B BEER AND WINE LICENSE OUTSIDE THE 46TH**
11 **LEGISLATIVE DISTRICT;**

12 **(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE OUTSIDE THE**
13 **46TH LEGISLATIVE DISTRICT;**

14 **(III) A CLASS C BEER AND WINE LICENSE; AND**

15 **(IV) A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

16 **(3) A LICENSE FOR USE IN A BUILDING THAT IS WITHIN 300 FEET OF**
17 **THE GROUNDS OF A PLACE OF WORSHIP OR SCHOOL MAY BE RENEWED OR**
18 **EXTENDED FOR THE SAME BUILDING.**

19 **(4) (I) THIS PARAGRAPH APPLIES ONLY TO AN AREA BOUNDED BY:**

20 **1. HIGH STREET ON THE WEST, FAWN STREET ON THE**
21 **NORTH, CENTRAL AVENUE ON THE EAST, AND EASTERN AVENUE ON THE SOUTH; OR**

22 **2. WEST CROSS STREET AND AMITY STREET ON THE**
23 **WEST, CLIFFORD STREET ON THE NORTH, SCOTT STREET ON THE EAST, AND**
24 **CARROLL STREET ON THE SOUTH.**

25 **(II) THE BOARD MAY WAIVE THE DISTANCE RESTRICTIONS IN**
26 **PARAGRAPH (1)(I) OF THIS SUBSECTION FOR AN APPLICATION FOR THE TRANSFER**
27 **OF A LICENSE INTO AN AREA SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH**
28 **IF:**

29 **1. THE APPLICATION IS APPROVED BY:**

1 A. EACH COMMUNITY ASSOCIATION REPRESENTING THE
2 AREA;

3 B. EACH BUSINESS ASSOCIATION IN THE AREA; AND

4 C. THE ORDAINED LEADER AND THE BOARD OR COUNCIL
5 FOR EACH PLACE OF WORSHIP THAT IS WITHIN 300 FEET OF THE PROPOSED
6 LOCATION OF THE ESTABLISHMENT FOR WHICH THE LICENSE TRANSFER IS SOUGHT;
7 AND

8 2. A MEMORANDUM OF UNDERSTANDING IS EXECUTED
9 BY THE APPLICANT FOR THE LICENSE TRANSFER AND EACH COMMUNITY
10 ASSOCIATION IN THE AREA.

11 (B) 46TH ALCOHOLIC BEVERAGES DISTRICT.

12 (1) THIS SUBSECTION:

13 (I) APPLIES ONLY IN THE 46TH ALCOHOLIC BEVERAGES
14 DISTRICT; AND

15 (II) DOES NOT APPLY TO A LICENSED RESTAURANT IN:

16 1. WARD 4, PRECINCT 1;

17 2. WARD 22, PRECINCT 1;

18 3. A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR
19 SILO POINT AS APPROVED BY THE MAYOR AND CITY COUNCIL IN ORDINANCE
20 04-697 ON JUNE 23, 2004; OR

21 4. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
22 THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF WEST
23 OSTEND STREET AND RACE STREET, NORTH ON RACE STREET TO SELDNER PLACE,
24 THEN EAST ON SELDNER PLACE TO CLARKSON STREET, THEN NORTH ON
25 CLARKSON STREET TO WEST CROSS STREET, THEN EAST ON WEST CROSS STREET
26 TO SOUTH HANOVER STREET, THEN NORTH ON SOUTH HANOVER STREET TO RACE
27 STREET (ALSO KNOWN AS WINTER STREET), THEN WEST/SOUTHWEST ON RACE
28 STREET TO WEST CROSS STREET, THEN WEST ON WEST CROSS STREET TO
29 LEADENHALL STREET, THEN SOUTH ON LEADENHALL STREET TO WEST OSTEND
30 STREET, THEN EAST ON WEST OSTEND STREET BACK TO THE INTERSECTION OF
31 WEST OSTEND STREET AND RACE STREET.

1 **(2) THE BOARD MAY NOT ISSUE OR APPROVE THE TRANSFER OF A**
2 **LICENSE IF THE LICENSED PREMISES WOULD BE:**

3 **(I) WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF**
4 **WORSHIP OR SCHOOL; OR**

5 **(II) CLOSER TO THE NEAREST POINT OF A PLACE OF WORSHIP**
6 **OR SCHOOL THAN THE LICENSED PREMISES WAS ON JUNE 1, 2004.**

7 **(3) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE**
8 **NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A**
9 **LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED**
10 **IN PARAGRAPH (1)(II)4 OF THIS SUBSECTION ONLY IF THE BOARD:**

11 **(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH**
12 **A COMMUNITY ASSOCIATION IN THE AREA SPECIFIED IN PARAGRAPH (1)(II)4 OF**
13 **THIS SUBSECTION REGARDING THE NATURE OF THE ESTABLISHMENT; AND**

14 **(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING**
15 **AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER PARAGRAPH**
16 **(1)(II)4 OF THIS SUBSECTION AND SEEKS TO RENEW OR TRANSFER THE LICENSE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 9–204.1(f)(1) and (6) and 9–204.3(a), (b), and
19 (d).

20 Throughout this section, the references to a “place of worship” are substituted
21 for the former narrower references to a “church” to conform to the terminology
22 used throughout this article.

23 In subsection (a)(1)(i) and (ii) of this section, the former references to a
24 building “located” within a certain number of feet of the nearest point of a
25 building of a place of worship or school are deleted as surplusage.

26 In subsection (a)(1)(i) of this section, the former reference to a license “to sell
27 alcoholic beverages” is deleted as included in the defined term “license”.
28 Similarly, in subsection (a)(1)(ii) of this section, the former reference to a
29 license “for the sale of alcoholic beverages” is deleted.

30 In the introductory language of subsection (a)(2) of this section, the former
31 reference to licenses specified in this subsection “which may be issued within
32 the 300 feet limitation” is deleted as surplusage.

1 In subsection (a)(2)(i) and (ii) of this section, the references to “outside” the
2 46th Legislative District are substituted for the former references to “[e]xcept
3 in” the 46th Legislative District for clarity.

4 In subsection (a)(4)(ii)1C of this section, the reference to the “ordained leader”
5 for each place of worship is substituted for the former narrower reference to
6 the “pastor” for each place of worship for accuracy.

7 Also in subsection (a)(4)(ii)1C of this section, the former reference to the board
8 “of directors” or “pastoral” council for each place of worship is deleted as
9 surplusage.

10 In the introductory language of subsection (b)(2) and (3) of this section, the
11 references to the Board “approving the” transfer “of” a license are added for
12 accuracy.

13 In the introductory language of subsection (b)(3) of this section, the former
14 reference to a “proposed” establishment is deleted as surplusage.

15 Former Art. 2B, § 9–204.3(c), which authorized the governing body of a church
16 to waive restrictions contained in this section for a certain cafe or restaurant,
17 is deleted as obsolete. The license for which the waiver was created has long
18 since been issued.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
20 the General Assembly, that the Attorney General, in the Bill Review Letter
21 dated April 28, 2014, for S.B. 846 (Ch. 346)/H.B. 831 (Ch. 314) of 2014, found
22 that former Art. 2B, § 9–204.3(d)(2)(i)3, revised as subsection (a)(4)(ii)1C of
23 this section, is unconstitutional under the Establishment Clause of the First
24 Amendment to the United States Constitution and cannot be given effect. The
25 provision, in conditioning the waiver of certain distance restrictions applicable
26 to the transfer of specified licenses on approval by places of worship, would
27 result in an unconstitutional entanglement of religious organizations with the
28 operations of State government. The General Assembly may wish to consider
29 amending subsection (a)(4)(ii)1 of this section to repeal this unconstitutional
30 provision.

31 Defined terms: “Board” § 12–101

32 “License” § 1–101

33 “License holder” § 1–101

34 “Restaurant” § 12–101

35 **12–1606. RESERVED.**

36 **12–1607. RESERVED.**

1 **PART II. MULTIPLE LICENSING PLANS.**

2 **12-1608. ADDITIONAL CLASS B LICENSES FOR APARTMENTS OR HOTELS.**

3 **A HOLDER OF A CLASS B (ON-SALE – HOTELS AND RESTAURANTS) BEER,**
4 **WINE, AND LIQUOR LICENSE MAY BE ISSUED:**

5 **(1) NOT MORE THAN THREE ADDITIONAL CLASS B (ON-SALE) HOTELS**
6 **AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES FOR AN APARTMENT HOUSE**
7 **WITH AT LEAST 150 APARTMENTS; OR**

8 **(2) NOT MORE THAN FIVE ADDITIONAL CLASS B (ON-SALE) HOTELS**
9 **AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES FOR A HOTEL WITH AT**
10 **LEAST 100 ROOMS.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 9-102(b-2)(1).

13 In the introductory language of this section, the former phrase
14 “[n]otwithstanding any other provisions of this section,” is deleted as
15 surplusage.

16 Also in the introductory language of this section, the former phrase “by
17 making application in the regular manner and paying the usual fee” is deleted
18 as an unnecessary statement of common practice.

19 In item (2) of this section, the former reference to “premises operated as a
20 public” hotel is deleted as surplusage.

21 Defined terms: “Beer” § 1-101

22 “Hotel” § 1-101

23 “Wine” § 1-101

24 **12-1609. ADDITIONAL CLASS B LICENSE FOR RESTAURANT.**

25 **(A) IN GENERAL.**

26 **THE BOARD MAY:**

27 **(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ISSUE AN**
28 **ADDITIONAL CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND**
29 **LIQUOR LICENSE FOR PREMISES USED AS A RESTAURANT THAT MEETS THE**
30 **REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO THE HOLDER OF A CLASS**
31 **B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE; AND**

1 **(2) DEFINE “RESTAURANT” BY REGULATION.**

2 **(B) RESTAURANT REQUIREMENTS.**

3 **(1) A RESTAURANT UNDER THIS SECTION IS REQUIRED TO HAVE:**

4 **(I) A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR**
5 **RESTAURANT FACILITIES; AND**

6 **(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.**

7 **(2) THE CAPITAL INVESTMENT DESCRIBED IN PARAGRAPH (1)(I) OF**
8 **THIS SUBSECTION MAY NOT INCLUDE THE COST OF LAND OR BUILDINGS.**

9 **(C) MAXIMUM NUMBER OF LICENSES PER PERSON.**

10 **THE BOARD MAY NOT ISSUE MORE THAN FIVE LICENSES UNDER THIS SECTION**
11 **TO OR FOR THE USE OF THE SAME PERSON.**

12 **(D) ON-PREMISES CONSUMPTION ONLY.**

13 **ADDITIONAL LICENSES SHALL BE LIMITED TO PROVIDING ALCOHOLIC**
14 **BEVERAGES FOR ON-PREMISES CONSUMPTION.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 9–102(b–3A)(3) and, as it related to Baltimore
17 City, (1) and (2).

18 In subsection (a) of this section, the phrase “[t]he Board may” issue an
19 additional license is added for clarity.

20 In subsection (a)(1) of this section, the phrase “subject to subsection (c) of this
21 section” is substituted for the former phrase “[n]otwithstanding any other
22 provisions of this section,” for accuracy.

23 Also in subsection (a)(1) of this section, the former references to a “bona fide”
24 restaurant are deleted as surplusage.

25 Also in subsection (a)(1) of this section, the former phrase “by making
26 application in the regular manner and paying the usual fee” is deleted as
27 surplusage.

28 In subsection (c) of this section, the defined term “person” is substituted for
29 the former reference to “partnership, corporation, unincorporated association,
30 or limited liability company” for brevity and consistency within the article.

1 Also in subsection (c) of this section, the phrase “[t]he Board may not issue” is
2 substituted for the former phrase “[n]othing contained herein shall permit” for
3 clarity.

4 In subsection (d) of this section, the former phrase “with no off-sale privileges
5 to be exercised therewith” is deleted as surplusage.

6 Also in subsection (d) of this section, the former reference to “restricted” is
7 deleted as included in the reference to “limited”.

8 Defined terms: “Alcoholic beverage” § 1-101

9 “Board” § 12-101

10 “License” § 1-101

11 “Person” § 1-101

12 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

13 **12-1701. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
16 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
17 **APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

18 **(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

19 **(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
20 **REQUIRED”); AND**

21 **(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

22 **(B) VARIATIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
24 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
25 **APPLY IN THE CITY:**

26 **(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
27 **LICENSE AND INVENTORY”), SUBJECT TO §§ 12-1702, 12-1703, 12-1705,**
28 **12-1706, 12-1707, AND 12-1708 OF THIS SUBTITLE; AND**

1 **(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO §**
 2 **12-1704 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
 4 general provisions relating to the transfer of licenses and the substitution of
 5 names of officers on licenses.

6 Defined terms: “City” § 12-101
 7 “License” § 1-101

8 **12-1702. NOTICE, PROTEST, AND HEARING PROCEDURES ON LICENSE TRANSFERS.**

9 **(A) NOTICE AND HEARING PROCEDURES.**

10 **THE BOARD SHALL PROVIDE NOTICE FOR A PUBLIC HEARING AS PROVIDED IN**
 11 **§ 12-1506 OF THIS TITLE ON AN APPLICATION FOR A LICENSE TRANSFER IF:**

12 **(1) THE TRANSFER INCLUDES A TRANSFER OF LOCATION;**

13 **(2) THE PREMISES HAVE BEEN CLOSED FOR MORE THAN 90 DAYS**
 14 **UNLESS:**

15 **(I) THE TRANSFER IS DUE TO AN ACTION OF A CREDITOR; OR**

16 **(II) THE CLOSING IS CAUSED BY FIRE, CASUALTY, OR ACT OF**
 17 **GOD; OR**

18 **(3) FOR AN ESTABLISHMENT IN OPERATION, THE HEARING IS**
 19 **REQUESTED BY AT LEAST 10 RESIDENTS IN THE IMMEDIATE AREA OF THE**
 20 **ESTABLISHMENT.**

21 **(B) PROTEST PROCEDURES.**

22 **(1) SECTION 12-1508 OF THIS TITLE DOES NOT APPLY TO AN**
 23 **APPLICATION FOR A LICENSE TRANSFER FOR THE SAME PREMISES UNLESS THE**
 24 **LICENSE TO BE TRANSFERRED IS OF A BROADER SCOPE OR MORE PERMISSIVE CLASS**
 25 **THAN THE LICENSE PRESENTLY ISSUED FOR THE SAME PREMISES.**

26 **(2) SECTION 12-1509 OF THIS TITLE APPLIES TO AN APPLICATION**
 27 **FOR A LICENSE TRANSFER.**

28 **(C) FACTORS IN DECIDING ON APPLICATION FOR TRANSFER.**

1 **THE BOARD SHALL USE THE FACTORS SPECIFIED IN § 4-210(A) AND (B) OF**
 2 **THIS ARTICLE IN DECIDING WHETHER TO APPROVE AN APPLICATION FOR A LICENSE**
 3 **TRANSFER.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 10-202(e)(3), (2)(iv) and (v), the second and
 6 third sentences of (1), and, as they related to license transfers, (2)(i) and §
 7 16-301(b).

8 In the introductory language of subsection (a) of this section, the reference to
 9 the requirement that the Board “provide notice for a public hearing as
 10 provided in § 12-1506 of this title on an application for a license transfer” is
 11 substituted for the former references to the requirements that “[o]n receipt of
 12 an application for ... a transfer of a license ...” the Board shall “advertise and
 13 post notice of the application or request in accordance with this paragraph”
 14 and the Board shall “hold a public hearing on the transfer of ownership of a
 15 license” for brevity and in light of the reorganization of this article. The
 16 remainder of Art. 2B, 10-202(e)(1) is revised in § 12-1506 of this title.

17 In subsection (b)(1) of this section, the reference to “[s]ection 12-1508 of this
 18 title” is substituted for the former references to “[t]his subsection” to reflect
 19 the revision of the remainder of former Art. 2B, § 10-202(e)(1) in § 12-1508 of
 20 this title. Similarly, in subsection (b)(2) of this section, a cross-reference to
 21 “[s]ection 12-1509 of this title” is substituted for former Art. 2B, § 16-301(b),
 22 as it related to license transfers, to reflect the revision of the remainder of §
 23 16-301(b), as it related to the issuance of licenses, in § 12-1509 of this title.

24 Defined terms: “Board” § 12-101
 25 “License” § 1-101

26 **12-1703. PAYMENT OF TAXES.**

27 **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE**
 28 **BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF**
 29 **FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE CITY OR THE**
 30 **STATE ARE PAID.**

31 REVISOR'S NOTE: This section is new language derived without substantive
 32 change from former Art. 2B, § 10-503(d)(2).

33 The phrase “[t]he Board may not allow the transfer of a license unless” is
 34 substituted for the former phrase “[a] transfer of any license may only be made
 35 as authorized in subsection (a) of this section if” for brevity and clarity.

36 The reference to a requirement to show that “all personal property taxes due
 37 the City or the State are paid” is substituted for the former requirement to

1 show that “there are no unpaid taxes on the merchandise, fixtures, or stock of
2 the transferor due to the City of Baltimore or the State of Maryland” for clarity
3 and consistency. *See, e.g.* § 12–1502 of this article.

4 Former Art. 2B, § 10–503(d)(1), which stated that former Art. 2B, §
5 10–503(d) applied only in Baltimore City, is deleted as unnecessary in light of
6 the organization of this revised article.

7 Defined terms: “Board” § 12–101

8 “City” § 12–101

9 “License” § 1–101

10 “State” § 1–101

11 **12–1704. FEE.**

12 **(A) IN GENERAL.**

13 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE FEE FOR A**
14 **TRANSFER OF A LICENSE IS \$200, IN ADDITION TO THE COSTS OF PUBLICATION AND**
15 **NOTICE AND ANY HEARING FEES REQUIRED.**

16 **(B) ONE ASSIGNMENT OR TRANSFER WITHOUT CHARGE.**

17 **A CLASS C LICENSE HOLDER MAY TRANSFER ONE LICENSE DURING A LICENSE**
18 **YEAR WITHOUT PAYING A FEE.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–503(d)(3).

21 In subsection (a) of this section, the former reference to an “assignment” is
22 deleted as included in the reference to a “transfer”. Similarly, in subsection (b)
23 of this section, the former reference to “assign[ing]” one license is deleted as
24 included in the reference to “transfer[ring]” one license.

25 Defined term: “License” § 1–101

26 **12–1705. TRANSFER TO BE COMPLETED IN 180 DAYS.**

27 **A TRANSFER OF A LICENSE SHALL BE COMPLETED ON OR BEFORE 180 DAYS**
28 **AFTER THE BOARD APPROVES THE TRANSFER.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 10–503(d)(4).

31 Defined terms: “Board” § 12–101

1 "License" § 1-101

2 **12-1706. TRANSFERS INTO SPECIFIED AREAS PROHIBITED.**

3 (A) **AREA BOUNDED BY 25TH STREET, CENTRE STREET, HOWARD STREET,**
4 **AND GUILFORD AVENUE.**

5 **THE BOARD MAY NOT TRANSFER A LICENSE INTO THE AREA BOUNDED BY**
6 **TWENTY-FIFTH (25TH) STREET ON THE NORTH, CENTRE STREET ON THE SOUTH,**
7 **HOWARD STREET ON THE WEST, AND GUILFORD AVENUE ON THE EAST.**

8 (B) **VARIOUS PRECINCTS IN WARDS 1, 23, AND 24.**

9 (1) **EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
10 **SUBSECTION, THE BOARD MAY NOT TRANSFER A LICENSE INTO:**

11 (I) **WARD 1, PRECINCTS 4 AND 5;**

12 (II) **WARD 23, PRECINCT 1; OR**

13 (III) **WARD 24, PRECINCT 5.**

14 (2) **THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS D**
15 **LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT**
16 **LOCATED IN WARD 24, PRECINCT 5 WHICH WAS ENACTED BY THE MAYOR AND CITY**
17 **COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23, 2004, IF THE**
18 **CLASS D LICENSE HOLDER OPERATES THE ESTABLISHMENT IN ACCORDANCE WITH**
19 **THE PROVISIONS OF ORDINANCE 04-697.**

20 (3) (I) **THE BOARD MAY ALLOW THE TRANSFER OF NOT MORE**
21 **THAN TWO CLASS B BEER, WINE, AND LIQUOR LICENSES, SO THAT THE CUMULATIVE**
22 **NUMBER OF LICENSES ISSUED OR TRANSFERRED IS TWO, INTO THE AREA OF 829**
23 **THROUGH 919 E. FORT AVENUE ONLY IF:**

24 1. **THE BOARD HAS EXECUTED A MEMORANDUM OF**
25 **UNDERSTANDING BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND**
26 **LOCUST POINT REGARDING THE NATURE OF THE PROPOSED ESTABLISHMENT; AND**

27 2. **THE BOARD ENFORCES THE MEMORANDUM OF**
28 **UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER**
29 **§ 12-1604 OF THIS TITLE AND SEEKS TO TRANSFER THE LICENSE.**

1 **(II) THE BOARD MAY NOT ALLOW A LICENSE TO BE**
2 **TRANSFERRED OUT OF THE AREA DESCRIBED IN SUBPARAGRAPH (I) OF THIS**
3 **PARAGRAPH AND INTO ANY OTHER AREA OF WARD 24, PRECINCT 5.**

4 **(C) 46TH ALCOHOLIC BEVERAGES DISTRICT.**

5 **THE BOARD MAY NOT AUTHORIZE:**

6 **(1) THE TRANSFER OF ANY LICENSE INTO THE 46TH ALCOHOLIC**
7 **BEVERAGES DISTRICT;**

8 **(2) THE TRANSFER OF A NEW CLASS B BEER, WINE, AND LIQUOR**
9 **LICENSE TO ANOTHER LOCATION WITHIN THE 46TH ALCOHOLIC BEVERAGES**
10 **DISTRICT; OR**

11 **(3) A CHANGE OF CLASSIFICATION OF A NEW CLASS B BEER, WINE,**
12 **AND LIQUOR LICENSE WITHIN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.**

13 **(D) OTHER PROHIBITED TRANSFERS; EXCEPTIONS.**

14 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
15 **LICENSE MAY NOT BE TRANSFERRED INTO OR WITHIN:**

16 **(I) WARD 1, PRECINCTS 2 AND 3;**

17 **(II) WARD 2 IN ITS ENTIRETY;**

18 **(III) WARD 3, PRECINCT 3; AND**

19 **(IV) WARD 26, PRECINCTS 3 AND 10.**

20 **(2) THIS SUBSECTION DOES NOT APPLY TO AN APPLICATION FOR A**
21 **NEW LICENSE OR A TRANSFER FROM WITHIN THE AREAS DESCRIBED IN PARAGRAPH**
22 **(1) OF THIS SUBSECTION IF THE NEW LICENSE OR TRANSFER IS FOR:**

23 **(I) A HOTEL;**

24 **(II) AN ESTABLISHMENT LOCATED IN A PLANNED UNIT**
25 **DEVELOPMENT IF THE APPLICATION FOR THE PLANNED UNIT DEVELOPMENT WAS**
26 **FILED OR APPROVED BEFORE DECEMBER 31, 1995;**

27 **(III) AN ESTABLISHMENT LOCATED IN AN AREA GOVERNED BY**
28 **THE INNER HARBOR EAST URBAN RENEWAL PLAN; OR**

(IV) AN ESTABLISHMENT THAT HAS:

1. A SEATING CAPACITY OF FEWER THAN 150 INDIVIDUALS; OR

2. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(d)(1)(vi) and (f)(4) and (7) and, as they related to the transfer of a license, §§ 9–204(a) and 9–204.1(f)(3).

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of law” is deleted as surplusage.

In the introductory language of subsection (d)(1) of this section, the former reference to a transfer “to a different location” within is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“Hotel” § 1–101

“License” § 1–101

“Wine” § 1–101

12–1707. TRANSFERS INTO THE 40TH, 41ST, 43RD, 44TH, AND 45TH ALCOHOLIC BEVERAGES DISTRICTS PROHIBITED.

(A) ALCOHOLIC BEVERAGES DISTRICTS COTERMINOUS WITH LEGISLATIVE DISTRICTS.

THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION AT ALL TIMES ARE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

(B) TRANSFER OF LICENSES PROHIBITED.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSE MAY NOT BE TRANSFERRED INTO:

(1) THE 40TH ALCOHOLIC BEVERAGES DISTRICT;

(2) THE 41ST ALCOHOLIC BEVERAGES DISTRICT;

1 **(3) THE 43RD ALCOHOLIC BEVERAGES DISTRICT;**

2 **(4) THE 44TH ALCOHOLIC BEVERAGES DISTRICT; AND**

3 **(5) THE 45TH ALCOHOLIC BEVERAGES DISTRICT.**

4 **(C) EXCEPTION.**

5 **(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
 6 **SUBSECTION, A LICENSE OF ANY CLASS MAY NOT BE TRANSFERRED INTO THE AREAS**
 7 **DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

8 **(2) A LICENSED DRUGSTORE MAY TRANSFER THE LICENSE INTO THE**
 9 **45TH ALCOHOLIC BEVERAGES DISTRICT.**

10 **(3) ONE CLASS B-D-7 LICENSE ISSUED FOR A PROPERTY**
 11 **SURROUNDED BY WEST PRESTON STREET ON THE NORTH, MORTON STREET ON**
 12 **THE EAST, WEST BIDDLE STREET ON THE SOUTH, AND MARYLAND AVENUE ON THE**
 13 **WEST MAY BE TRANSFERRED TO A PROPERTY SURROUNDED BY WEST EAGER**
 14 **STREET AND EAST EAGER STREET ON THE NORTH, LOVEGROVE STREET ON THE**
 15 **EAST, WEST READ STREET AND EAST READ STREET ON THE SOUTH, AND MORTON**
 16 **STREET ON THE WEST.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 9-204.1(c), (e), and (d)(1)(i) through (v).

19 Former Art. 2B, § 9-204.1(a), which defined "Board" for purposes of this
 20 section, is deleted as redundant of the defined term "Board" in § 12-101 of this
 21 title.

22 Former Art. 2B, § 9-204.1(b), which stated that former Art. 2B, § 9-204.1
 23 applied only in Baltimore City, is deleted as unnecessary in light of the
 24 organization of this revised article.

25 Former Art. 2B, § 9-204.1(h)(8), which stated that the Board may adopt
 26 regulations to carry out former Art. 2B, § 9-204.1, is deleted as redundant of
 27 § 9-210 of this article.

28 Defined terms: "Alcoholic beverage" § 1-101

29 "License" § 1-101

30 **12-1708. TRANSFER INTO SPECIFIED AREAS PROHIBITED.**

31 **(A) CLASS A OR CLASS D LICENSES.**

1 **A CLASS A (OFF-SALE) OR CLASS D (ON- AND OFF-SALE) LICENSE MAY NOT**
 2 **BE TRANSFERRED INTO THE AREA THAT IS BOUNDED:**

3 **(1) ON THE NORTH BY THIRTY-NINTH (39TH) STREET, THEN**
 4 **FOLLOWING ELLERSLIE AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE;**

5 **(2) ON THE EAST BY LOCH RAVEN BOULEVARD, THEN FOLLOWING**
 6 **WALPERT AVENUE, THEN FOLLOWING HOMEWOOD AVENUE;**

7 **(3) ON THE SOUTH BY NORTH AVENUE; AND**

8 **(4) ON THE WEST BY HOWARD STREET, THEN FOLLOWING ART**
 9 **MUSEUM DRIVE, THEN FOLLOWING NORTH CHARLES STREET.**

10 **(B) CLASS A LICENSES.**

11 **A CLASS A LICENSE MAY NOT BE TRANSFERRED TO AN ESTABLISHMENT:**

12 **(1) ON YORK ROAD IN THE AREA BOUNDED BY NORTHERN PARKWAY**
 13 **ON THE NORTH AND GREENMOUNT AVENUE ON THE SOUTH; OR**

14 **(2) LOCATED IN THE 400 BLOCK OF EAST BELVEDERE AVENUE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 9-204.1(i)(1) and, as it related to the transfer
 17 of a license, (g).

18 In the introductory language of subsection (b) of this section, the former
 19 phrase "[b]eginning July 1, 2015," is deleted as obsolete.

20 Also in the introductory language of subsection (b) of this section, the former
 21 reference to an "existing" Class A license is deleted as surplusage.

22 Defined terms: "License" § 1-101

23 "Off-sale" § 1-101

24 "On-sale" § 1-101

25 **12-1709. MULTIPLE LICENSES.**

26 **NOTWITHSTANDING § 12-1504 OF THIS TITLE, A PERSON THAT HAS AN**
 27 **INTEREST IN MORE THAN ONE CLASS A LICENSE MAY TRANSFER EACH LICENSE TO**
 28 **A SIMILAR TYPE OF BUSINESS ESTABLISHMENT.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from the third sentence of former Art. 2B, § 9–301(5)(i).

3 The phrase “[n]otwithstanding § 12–1504 of this title” is substituted for the
4 former phrase “[n]othing in this section applies to or affects” to reflect the
5 revision of the first sentence of former Art. 2B, § 9–301(5)(i) in §
6 12–1504 of this title.

7 The reference to a person who “may transfer” a license is substituted for the
8 former reference to the “possibility of such licensee having the license
9 transferred” for clarity.

10 Defined terms: “License” § 1–101

11 “Person” § 1–101

12 **12–1710. TRANSFER OF LICENSE FOR USE ON SAME LOCATION AS ANOTHER**
13 **LICENSE.**

14 **A PERSON MAY TRANSFER A LICENSE TO A HOLDER OF ANOTHER LICENSE**
15 **THAT ALREADY EXISTS FOR USE ON THE SAME LOCATION IF:**

16 **(1) NO PROVISION OF THIS ARTICLE PROHIBITS THE LICENSE FROM**
17 **BEING TRANSFERRED TO THE LOCATION;**

18 **(2) THE BOARD:**

19 **(I) DETERMINES THAT THE EXISTING LICENSE IS**
20 **INOPERATIVE; AND**

21 **(II) 1. REVOKES THE EXISTING LICENSE WITHIN 180 DAYS**
22 **AFTER THE EFFECTIVE DATE OF THE TRANSFER; OR**

23 **2. APPROVES THE TRANSFER OF THE EXISTING LICENSE**
24 **TO A NEW HOLDER AND LOCATION.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 9–102(b–2)(2) and (3).

27 In the introductory language of this section, the former phrase
28 “[n]otwithstanding any other provision of this section, and subject to the
29 provisions of paragraph (3) of this subsection” is deleted as unnecessary in
30 light of the organization of this revised article.

31 Also in the introductory language of this section, the former reference to a
32 license “of any class” is deleted as unnecessary.

1 In item (1) of this section, the former reference to the location “in which the
2 license is to be transferred” is deleted for brevity.

3 In item (2)(i) and (ii)1 of this section, former references to the existing license
4 “at the location” are deleted as unnecessary.

5 In item (2)(i) of this section, the phrase “is inoperative” is substituted for the
6 former phrase “is held in inoperative status” for brevity.

7 Defined terms: “Board” § 12–101

8 “License” § 1–101

9 “Person” § 1–101

10 **SUBTITLE 18. RENEWAL OF LICENSES.**

11 **12–1801. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
14 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
15 **EXCEPTION OR VARIATION:**

16 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

17 **(2) § 4–403 (“RENEWAL APPLICATION”);**

18 **(3) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**

19 **(4) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**

20 **(5) § 4–409 (“MULTIPLE LICENSES”); AND**

21 **(6) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

22 **(B) EXCEPTION.**

23 **SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION**
24 **I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–1802**
25 **OF THIS SUBTITLE.**

26 **(C) VARIATIONS.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
 2 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

3 **(1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO**
 4 **§§ 12-1803 AND 12-1804 OF THIS SUBTITLE; AND**

5 **(2) § 4-406 (“PROTESTS”), SUBJECT TO § 12-1805 OF THIS SUBTITLE.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
 7 general provisions relating to the renewal of local licenses.

8 Defined terms: “City” § 12-101
 9 “License” § 1-101

10 **12-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

11 **TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN**
 12 **APPLICATION WITH THE BOARD BETWEEN MARCH 1 AND MARCH 31, INCLUSIVE.**

13 REVISOR’S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 10-301(j)(2)(i).

15 Defined terms: “Board” § 12-101
 16 “License” § 1-101
 17 “License holder” § 1-101

18 **12-1803. CONTENTS OF RENEWAL APPLICATION — SPECIFIED TRANSFERRED**
 19 **LICENSES.**

20 **(A) SCOPE OF SECTION.**

21 **THIS SECTION APPLIES ONLY TO A LICENSE THAT IS ISSUED IN, TRANSFERRED**
 22 **INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN THE FOLLOWING AREAS**
 23 **OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT IF THE APPLICATION FOR THE**
 24 **ISSUANCE OR TRANSFER WAS RECEIVED BY THE BOARD AFTER DECEMBER 31, 1995:**

25 **(1) WARD 1, PRECINCTS 2, 3, 4, AND 5;**

26 **(2) WARD 2, IN ITS ENTIRETY;**

27 **(3) WARD 3, PRECINCT 3; AND**

28 **(4) WARD 26, PRECINCT 10.**

1 **(B) SEATING CAPACITY RATING.**

2 **A LICENSE HOLDER SHALL FILE WITH A LICENSE RENEWAL APPLICATION A**
3 **COPY OF THE VALID SEATING CAPACITY RATING ISSUED BY THE BALTIMORE CITY**
4 **FIRE DEPARTMENT FOR THE LICENSED PREMISES.**

5 **(C) SALES OF FOOD AND ALCOHOLIC BEVERAGES.**

6 **(1) IF THE SEATING CAPACITY RATING FOR THE LICENSED PREMISES**
7 **EXCEEDS 150 PERSONS, THE BOARD MAY REQUIRE THE LICENSE HOLDER TO**
8 **SUBMIT WITH THE LICENSE RENEWAL APPLICATION AN ACCOUNTING OF THE GROSS**
9 **SALES FOR THE PREVIOUS LICENSE YEAR.**

10 **(2) THE ACCOUNTING DESCRIBED IN THIS SUBSECTION SHALL:**

11 **(I) BE IN ACCORDANCE WITH GENERALLY ACCEPTED**
12 **ACCOUNTING PRINCIPLES; AND**

13 **(II) AT A MINIMUM, SPECIFY SEPARATE FIGURES FOR:**

14 **1. TOTAL SALES, NOT INCLUDING SALES OF NOVELTY**
15 **ITEMS, INCOME FROM VENDING MACHINES, OR OTHER SALES NOT DIRECTLY**
16 **RELATED TO FOOD OR BEVERAGES;**

17 **2. ALCOHOLIC BEVERAGES SALES; AND**

18 **3. FOOD SALES.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10-301(j)(3).

21 In subsections (b) and (c) of this section, the references to licensed "premises"
22 are substituted for the former references to a licensed "establishment[s]" for
23 clarity and consistency within this revised article.

24 In subsection (b) of this section, the reference to "seating capacity rating" is
25 substituted for the former reference to "capacity rating" for clarity and
26 consistency within this section.

27 In subsection (c) of this section, the reference authorizing the Board to require
28 a license holder to "submit with the license renewal application" an accounting
29 is substituted for the former reference authorizing the Board to require a
30 license holder to "obtain" an accounting to state expressly what was only
31 implied in the former law.

1 Also in subsection (c) of this section, the reference to the “previous” license
 2 year is substituted for the former reference to the “license year immediately
 3 preceding the filing of the license renewal application” for clarity and brevity.

4 Also in subsection (c) of this section, the former reference to separate figures
 5 “for each of the following” is deleted as unnecessary.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Board” § 12–101

8 “License” § 1–101

9 “License holder” § 1–101

10 “Person” § 1–101

11 **12–1804. CONTENTS OF RENEWAL APPLICATION — SPECIFIED RESTAURANTS.**

12 **(A) SCOPE OF SECTION.**

13 **THIS SECTION APPLIES ONLY TO A LICENSE HOLDER OF A CLASS B BEER,**
 14 **WINE, AND LIQUOR LICENSE FOR USE IN A RESTAURANT IN THE 46TH ALCOHOLIC**
 15 **BEVERAGES DISTRICT.**

16 **(B) CONTENTS OF APPLICATION.**

17 **A LICENSE HOLDER SHALL FILE WITH A LICENSE RENEWAL APPLICATION:**

18 **(1) A STATEMENT THAT VERIFIES AVERAGE DAILY RECEIPTS; AND**

19 **(2) AN AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC ACCOUNTANT**
 20 **THAT VERIFIES COMPLIANCE WITH § 12–903(C)(2)(II)1 OR (3)(III) OF THIS TITLE.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 6–201(d)(1)(viii)2 and, as it related to the
 23 renewal of a Class B beer, wine, and liquor license for use in a restaurant in
 24 the 46th Alcoholic Beverages District, 1.

25 In the introductory language of subsection (b) of this section, the former word
 26 “annually” is deleted as unnecessary in light of the requirement under §
 27 12–1802 of this subtitle that a renewal application be filed annually.

28 Also in the introductory language of subsection (b) of this section, the reference
 29 to the requirement that a license holder shall file “with a license renewal
 30 application” is substituted for the former reference to the requirement that a
 31 license holder “at the time the license is renewed” shall file “with the Board”
 32 for brevity.

1 Defined terms: “Beer” § 1–101
2 “License holder” § 1–101
3 “Restaurant” § 12–101
4 “Wine” § 1–101

5 **12–1805. LIMITATIONS ON PROTESTS.**

6 **TO HEAR AND DETERMINE A PROTEST FILED AGAINST A LICENSE RENEWAL,**
7 **THE BOARD:**

8 **(1) SHALL CONSIDER ONLY ISSUES WITH RESPECT TO A SPECIFIC**
9 **COMPLAINT AS TO THE OPERATION OF THE LICENSED PREMISES; AND**

10 **(2) MAY NOT CONSIDER ZONING ISSUES.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10–301(a)(1)(v).

13 In item (1) of this section, the reference that requires the Board to only
14 “consider ... issues with respect to” a specific complaint is added for clarity.

15 In item (2) of this section, the reference that states that the Board may not
16 “consider zoning issues” is added for clarity.

17 Also in item (2) of this section, the reference to a determination based on
18 “zoning issues” is substituted for the former reference to a determination “in
19 regard to zoning” for clarity.

20 Also in item (2) of this section, the former reference to a determination based
21 on zoning “as in the case of original application” is deleted as unnecessary.

22 Defined terms: “Board” § 12–101
23 “License” § 1–101

24 **12–1806. DENIAL RESULTING FROM PROTEST OF OWNERS OR OWNERS AND**
25 **TENANTS NOT APPLICABLE TO RENEWAL OF LICENSE.**

26 **SECTION 12–1508 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A**
27 **LICENSE FOR THE SAME PREMISES BY WAY OF RENEWAL.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 10–202(e)(1), as it applied to the renewal of a
30 license.

31 Defined term: “License” § 1–101

1 **12-1807. PAYMENT OF TAXES.**

2 **SECTION 12-2103 OF THIS TITLE APPLIES TO A HOLDER OF A LICENSE THAT**
3 **HAS BEEN RENEWED.**

4 REVISOR'S NOTE: This section is new language added as a convenient reference to
5 the requirement that a license holder present to the Board a certificate
6 showing that there are no unpaid taxes on the merchandise, fixtures, or
7 inventory of the license holder due to the City or State.

8 Defined term: "License" § 1-101

9 **12-1808. FEES.**

10 **(A) RENEWAL APPLICATION FEE.**

11 **AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION**
12 **FEE OF \$50 TO THE DIRECTOR OF FINANCE IN ADDITION TO THE LICENSE FEE.**

13 **(B) LATE FILING FEE.**

14 **A LICENSE RENEWAL APPLICATION THAT THE BOARD RECEIVES AFTER**
15 **MARCH 31 MAY BE:**

16 **(1) REJECTED; OR**

17 **(2) SUBJECT TO A LATE FINE OF \$50 FOR EACH DAY THE APPLICATION**
18 **IS LATE, UP TO A MAXIMUM AMOUNT OF \$1,500.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10-301(j)(2)(ii) and (iii).

21 In subsection (a) of this section, the phrase "in addition to the license fee" is
22 added to state expressly that which only was implied in the former law.

23 Also in subsection (a) of this section, the former reference to a license "issued
24 by the Board" is deleted as unnecessary.

25 In subsection (b)(2) of this section, the reference to late charges "up to a
26 maximum amount" of \$1,500 is added for clarity.

27 Also in subsection (b)(2) of this section, the former reference to a late charge
28 for each day the application is "filed" late is deleted for clarity, consistency,
29 and accuracy. A person filing late would do so only on one particular day, and
30 thus the fine would always be \$50. This result contradicts the obvious intent

1 of the provision to provide a possible fine for multiple late days, and is
2 inconsistent with the terminology used in similar provisions in this revision.

3 Defined terms: “Board” § 12–101
4 “License” § 1–101

5 **12–1809. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
6 **RENEWALS.**

7 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
8 **4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10–103(b)(13)(xiv)2.

11 Defined term: “License” § 1–101

12 **12–1810. HOLDERS OF OUT–OF–STATE LICENSES.**

13 **NOTWITHSTANDING § 12–1503 OF THIS TITLE, THE BOARD MAY RENEW A**
14 **CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**
15 **WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
16 **OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 9–102(b–3)(3), as it related to the renewal of a
19 license by a person who holds an out–of–state license.

20 The phrase “[n]otwithstanding § 12–1503 of this title,” is added to clarify that
21 this section is an exception to § 12–1503.

22 The reference to an “out–of–state” license is substituted for the former
23 reference to a license “in any other state” for brevity.

24 The reference to the authority of “the Board” to “renew” a license “originally
25 issued to a holder of an out–of–state” license is substituted for the former
26 reference to the “except[ion] by way of renewal to a person, corporation, or
27 limited liability company holding” an out–of–state license for clarity and to
28 avoid the implication that a licensee can obtain an out–of–state license after
29 obtaining the original license and continue to renew the original license.

30 Defined terms: “Alcoholic beverage” § 1–101
31 “Beer” § 1–101
32 “Board” § 12–101
33 “State” § 1–101
34 “Wine” § 1–101

1 **12-1811. MULTIPLE LICENSES.**

2 **NOTWITHSTANDING § 12-1504 OF THIS TITLE, A PERSON THAT HAS AN**
3 **INTEREST IN MORE THAN ONE CLASS A LICENSE MAY RENEW THE LICENSES.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 9-301(5)(i), as it related to the renewal of a
6 license.

7 The phrase "[n]otwithstanding § 12-1504 of this title," is added to clarify that
8 this section is an exception to § 12-1504.

9 Defined term: "Person" § 1-101

10 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

11 **12-1901. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
14 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
15 **EXCEPTION OR VARIATION:**

16 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

17 **(2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
18 **PREMISES");**

19 **(3) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");**

20 **(4) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND**

21 **(5) § 4-508 ("DISPLAY OF LICENSE").**

22 **(B) VARIATIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
24 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

25 **(1) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS"), SUBJECT**
26 **TO § 12-1903 OF THIS SUBTITLE; AND**

1 **(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §**
2 **12-1904 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the conduct of local license holders.

5 Defined terms: “Alcoholic beverage” § 1-101
6 “City” § 12-101
7 “License” § 1-101
8 “License holder” § 1-101

9 **12-1902. DUPLICATE LICENSES.**

10 **(A) ESTABLISHMENT WITH MULTIPLE PUBLIC AREAS.**

11 **AN ESTABLISHMENT WITH MULTIPLE PUBLIC AREAS IN WHICH ALCOHOLIC**
12 **BEVERAGES ARE SOLD SHALL DISPLAY A DUPLICATE LICENSE IN EACH AREA.**

13 **(B) DUPLICATE LICENSE FEE.**

14 **THE FEE FOR A DUPLICATE LICENSE IS \$20.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10-502(c)(2) and (3).

17 Former Art. 2B, § 10-502(c)(1), which stated that the provisions of §
18 10-502(c) applied only in Baltimore City, is deleted as unnecessary in light of
19 the organization of this revised article.

20 Defined terms: “Alcoholic beverage” § 1-101
21 “License” § 1-101

22 **12-1903. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

23 **A LICENSE HOLDER:**

24 **(1) MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO SELL,**
25 **SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; AND**

26 **(2) MAY NOT EMPLOY OR ALLOW AN INDIVIDUAL UNDER THE AGE OF**
27 **18 YEARS TO:**

28 **(I) SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES; OR**

29 **(II) PROVIDE ENTERTAINMENT ON THE LICENSED PREMISES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 12-302(b)(2).

3 The references to an "individual" are substituted for the former references to
4 a "person" because this section concerns only human beings.

5 Defined terms: "Alcoholic beverage" § 1-101
6 "License holder" § 1-101

7 **12-1904. ALCOHOL AWARENESS PROGRAM.**

8 **(A) APPLICABLE TO UNLICENSED ESTABLISHMENTS.**

9 **THE ALCOHOL AWARENESS PROGRAM ALSO APPLIES TO AN UNLICENSED**
10 **ESTABLISHMENT THAT IS COVERED UNDER SUBTITLE 25 OF THIS TITLE.**

11 **(B) DUTIES OF OWNER OR DESIGNATED EMPLOYEE.**

12 **AN OWNER OF AN UNLICENSED ESTABLISHMENT OR INDIVIDUAL WHO IS**
13 **DESIGNATED BY THE OWNER AND EMPLOYED IN A SUPERVISORY CAPACITY IS**
14 **REQUIRED TO BE:**

15 **(1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**
16 **AND**

17 **(2) PRESENT WHEN ALCOHOLIC BEVERAGES ARE SERVED OR**
18 **CONSUMED.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 13-101(b)(1)(iv) and (c)(4).

21 In the introductory language of subsection (b) of this section, the reference to
22 an "unlicensed establishment" is substituted for the former obsolete reference
23 to a "bottle club".

24 Also in the introductory language of subsection (b) of this section, the reference
25 to an "individual" is substituted for the former reference to a "person" because
26 this section applies only to human beings.

27 Defined term: "Alcoholic beverage" § 1-101

28 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

29 **12-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

1 **(A) IN GENERAL.**

2 **(1) EXCEPT AS OTHERWISE PROVIDED BY LAW OR REGULATION,**
3 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC**
4 **BEVERAGES:**

5 **(I) IN A PREMISES LICENSED UNDER THIS TITLE; OR**

6 **(II) IN A PLACE, WHETHER IT HAS ANY OTHER LICENSE, IF ANY**
7 **FORM OF LIVE OR RECORDED ENTERTAINMENT IS OFFERED AT THE PLACE.**

8 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES OR**
9 **PLACE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY NOT KNOWINGLY**
10 **ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER**
11 **PARAGRAPH (1) OF THIS SUBSECTION.**

12 **(B) PENALTY.**

13 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
14 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE**
15 **NOT EXCEEDING \$5,000 OR BOTH.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, §§ 11–305(b)(1), (c), and (e) and 11–304(a)(1) and,
18 as it related to Baltimore City, (2).

19 In subsection (a)(1) of this section, the reference to “a premises licensed under
20 this title” is substituted for the former reference to “any premises open to the
21 general public, any place of public accommodation, or any place at which
22 setups or other component parts of mixed alcoholic drinks are sold” for brevity.

23 Also in subsection (a)(1) of this section, the reference to an “individual” is
24 substituted for the former reference to a “person” because the prohibition
25 against consumption applies only to human beings.

26 In subsection (b) of this section, the reference to a person who “violates this
27 section” is substituted for the former reference to a person who is “found
28 consuming any alcoholic beverage on any premises open to the general public,
29 and any owner, operator or manager of those premises or places who
30 knowingly permits consumption between the hours provided by this section”
31 for brevity.

32 Also in subsection (b) of this section, the phrase “[e]xcept as provided in this
33 section” is deleted as unnecessary in light of subsection (a)(1) of this section.

1 Also in subsection (b) of this section, the former reference to a fine “not more
2 than \$50 and not less than \$5” is deleted as obsolete in light of the penalty
3 imposed under former Art. 2B, § 11–305(e), which is revised in subsection (b)
4 of this section.

5 Defined terms: “Alcoholic beverage” § 1–101
6 “Person” § 1–101

7 **12–2002. BEER LICENSES.**

8 **RESERVED.**

9 **12–2003. BEER AND LIGHT WINE LICENSES.**

10 **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

11 **(1) EXCEPT AS PROVIDED IN § 12–2005 OF THIS SUBTITLE, A HOLDER**
12 **OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

13 **(I) ON MONDAY THROUGH SATURDAY:**

14 **1. FROM 9 A.M. TO MIDNIGHT IN THE PARK HEIGHTS**
15 **REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN**
16 **ADOPTED BY THE CITY IN 2006; AND**

17 **2. FROM 6 A.M. TO MIDNIGHT IN ALL OTHER LOCATIONS**
18 **IN THE CITY; AND**

19 **(II) ON THE SUNDAYS THAT FALL BETWEEN THANKSGIVING**
20 **DAY AND NEW YEAR’S DAY, FROM 1 P.M. TO 9 P.M., IF, ON OR BEFORE SEPTEMBER**
21 **30 OF THAT YEAR, THE LICENSE HOLDER HAS PAID A SUPPLEMENTARY LICENSE FEE**
22 **OF \$75 FOR EACH SUNDAY THE PRIVILEGE IS TO BE EXERCISED.**

23 **(2) IN ADDITION TO THE PRIVILEGES SPECIFIED UNDER PARAGRAPH**
24 **(1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE**
25 **FOR OFF–PREMISES CONSUMPTION ON TWO ADDITIONAL SUNDAYS DURING THE**
26 **CALENDAR YEAR IF THE HOLDER PAYS A LICENSE FEE OF \$75 AT LEAST 2 WEEKS**
27 **BEFORE EACH TIME THE PRIVILEGE IS EXERCISED.**

28 **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

29 **(1) EXCEPT AS PROVIDED IN § 12–2005 OF THIS SUBTITLE, A HOLDER**
30 **OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

1 **(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK**
2 **HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS**
3 **MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

4 **(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER**
5 **LOCATIONS IN THE CITY.**

6 **(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND §**
7 **12-903(D) OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE**
8 **AT A BAR OR COUNTER ON SUNDAY.**

9 **(C) CLASS C BEER AND LIGHT WINE LICENSE.**

10 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER**
11 **OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

12 **(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK**
13 **HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS**
14 **MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

15 **(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER**
16 **LOCATIONS IN THE CITY.**

17 **(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, THE**
18 **LICENSE HOLDER MAY SELL BEER AND LIGHT WINE AT A BAR OR COUNTER ON**
19 **SUNDAY.**

20 **(D) CLASS D BEER AND LIGHT WINE LICENSE.**

21 **EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS**
22 **D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

23 **(1) FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY IN THE PARK**
24 **HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS**
25 **MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

26 **(2) FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY IN ALL OTHER**
27 **LOCATIONS IN THE CITY.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, §§ 11-302(a)(1) and (2), (b)(1) and (2), (c)(1) and
30 (2), (d)(1) and (2), and (j) and 11-403(a)(3).

1 Throughout this section, the phrase “[e]xcept as provided in § 12–2005 of this
2 subtitle” is added for clarity.

3 In subsections (a)(1)(i)2, (b)(1)(ii), (c)(1)(ii), and (d)(2) of this section, the
4 phrase “in all other locations of the City” is added for clarity.

5 In subsection (a)(1)(ii) of this section, the reference to each “Sunday” is
6 substituted for the former reference to each “day” in light of the fact that the
7 privilege under subsection (a)(1)(ii) is one that may be exercised only on
8 Sundays.

9 Also in subsection (a)(1)(ii) of this section, the former reference to an
10 “additional” privilege is deleted as surplusage.

11 In subsections (b)(2) and (c)(2) of this section, the references to “beer and light
12 wine” are substituted for the former references to “alcoholic beverages” for
13 clarity.

14 Defined terms: “Beer” § 1–101
15 “City” § 12–101
16 “License holder” § 1–101
17 “Wine” § 1–101

18 **12–2004. BEER, WINE, AND LIQUOR LICENSES.**

19 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

20 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER**
21 **OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND**
22 **LIQUOR:**

23 **(I) ON MONDAY THROUGH SATURDAY:**

24 **1. FROM 9 A.M. TO MIDNIGHT IN THE PARK HEIGHTS**
25 **REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN**
26 **ADOPTED BY THE CITY IN 2006; AND**

27 **2. FROM 6 A.M. TO MIDNIGHT IN ALL OTHER LOCATIONS**
28 **IN THE CITY; AND**

29 **(II) ON THE SUNDAYS THAT FALL BETWEEN THANKSGIVING**
30 **DAY AND NEW YEAR’S DAY, FROM 1 P.M. TO 9 P.M., IF, ON OR BEFORE SEPTEMBER**
31 **30 OF THAT YEAR, THE LICENSE HOLDER HAS PAID A SUPPLEMENTARY LICENSE FEE**
32 **OF \$75 FOR EACH SUNDAY THE PRIVILEGE IS TO BE EXERCISED.**

1 **(2) IN ADDITION TO THE PRIVILEGES SPECIFIED UNDER PARAGRAPH**
2 **(1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND**
3 **LIQUOR FOR OFF-PREMISES CONSUMPTION ON TWO ADDITIONAL SUNDAYS DURING**
4 **THE CALENDAR YEAR IF THE HOLDER PAYS A LICENSE FEE OF \$75 AT LEAST 2 WEEKS**
5 **BEFORE EACH TIME THE PRIVILEGE IS EXERCISED.**

6 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

7 **(1) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER**
8 **OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND**
9 **LIQUOR:**

10 **(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK**
11 **HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS**
12 **MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

13 **(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER**
14 **LOCATIONS IN THE CITY.**

15 **(2) IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT IN THE CITY, THE**
16 **HOURS FOR SALES OF BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION**
17 **UNDER A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE IN A RESTAURANT**
18 **ARE AS PROVIDED IN § 12-903(D) OF THIS TITLE.**

19 **(3) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND §**
20 **12-903(D) OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER, WINE, AND**
21 **LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

22 **(C) CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE.**

23 **EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS**
24 **B-D-7 BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

25 **(1) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK**
26 **HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS**
27 **MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

28 **(2) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER**
29 **LOCATIONS IN THE CITY.**

30 **(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

1 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER**
2 **OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND**
3 **LIQUOR:**

4 **(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK**
5 **HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS**
6 **MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

7 **(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER**
8 **LOCATIONS IN THE CITY.**

9 **(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND §**
10 **12-903 OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR**
11 **AT A BAR OR COUNTER ON SUNDAY.**

12 **(E) CLASS D BEER, WINE, AND LIQUOR AMUSEMENT PERMIT.**

13 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR AMUSEMENT PERMIT MAY**
14 **SELL ALL ALCOHOLIC BEVERAGES AT ALL HOURS EXCEPT BETWEEN 2 A.M. AND 6**
15 **A.M. EACH DAY.**

16 **(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

17 **(1) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER**
18 **OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND**
19 **LIQUOR ON MONDAY THROUGH SATURDAY:**

20 **(I) FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY IN THE PARK**
21 **HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS**
22 **MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

23 **(II) FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY IN ALL OTHER**
24 **LOCATIONS IN THE CITY.**

25 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION**
26 **AND § 12-2007(B) OF THIS SUBTITLE, THE LICENSE HOLDER MAY NOT EXERCISE THE**
27 **PRIVILEGES OF THE LICENSE WITHOUT AN AMUSEMENT PERMIT FROM 1 A.M. ON**
28 **SUNDAY TO 6 A.M. THE FOLLOWING DAY.**

29 **(3) (I) THE BOARD MAY ISSUE A SUPPLEMENTAL LICENSE NOT**
30 **MORE THAN FOUR TIMES DURING A CALENDAR YEAR TO THE LICENSE HOLDER**
31 **AUTHORIZING THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM 6 A.M.**
32 **ON SUNDAY TO 1 A.M. THE FOLLOWING DAY.**

1 **(II) THE FEE FOR THE SUPPLEMENTAL LICENSE IS \$75 PER**
 2 **ISSUANCE AND IS IN ADDITION TO THE ANNUAL FEE FOR THE UNDERLYING CLASS D**
 3 **BEER, WINE, AND LIQUOR LICENSE.**

4 **(III) A HOLDER OF A SUPPLEMENTAL LICENSE SHALL NOTIFY**
 5 **THE BOARD AT LEAST 2 WEEKS IN ADVANCE OF EXERCISING THE PRIVILEGES**
 6 **UNDER THE SUPPLEMENTAL LICENSE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, §§ 11-503, 8-203(d)(3), 11-303(a)(1) and (2)(ii),
 9 (b)(1), (4), and (5), (c)(1), (d)(1) and (2), and (g), and 11-403(a)(3).

10 In subsections (b)(3), (d)(2), and (f)(3)(i) of this section, the references to the
 11 sale of "beer, wine, and liquor" are substituted for the former references to the
 12 sale of "alcoholic beverages" for clarity.

13 In subsection (f)(2) of this section, the prohibition against a license holder
 14 "exercis[ing] the privileges of the license" during certain hours is substituted
 15 for the former prohibition against "sales" of alcoholic beverages during certain
 16 hours for clarity and consistency within this article.

17 The Alcoholic Beverages Article Review Committee notes, for consideration by
 18 the General Assembly, that subsection (b)(2) of this section refers to the "47th
 19 alcoholic beverages district" [which coincides with the 47th legislative
 20 district]. However, there is no longer a 47th legislative district in Baltimore
 21 City.

22 Defined terms: "Beer" § 1-101
 23 "Board" § 12-101
 24 "City" § 12-101
 25 "License" § 1-101
 26 "License holder" § 1-101
 27 "Restaurant" § 1-101
 28 "Wine" § 1-101

29 **12-2005. RESTRICTIONS OF HOURS AND DAYS FOR CONSUMPTION AND SALE.**

30 **(A) BY COURT ORDER.**

31 **(1) IN RESPONSE TO A COMPLAINT, THE BOARD MAY PETITION THE**
 32 **CIRCUIT COURT FOR A TEMPORARY ORDER THAT, ON A LICENSE HOLDER'S**
 33 **PREMISES, LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF:**

34 **(I) BEER;**

1 (II) BEER AND LIGHT WINE; OR

2 (III) BEER, WINE, AND LIQUOR.

3 (2) THE COURT MAY ISSUE THE ORDER IF THE COURT FINDS BY
4 CLEAR AND CONVINCING EVIDENCE THAT:

5 (I) THE ACTIVITIES ARISING FROM THE SALE AND
6 CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES HAVE
7 RESULTED IN AN EXTREME AND CONTINUING DISTURBANCE TO A RESIDENTIAL
8 COMMUNITY;

9 (II) THE LICENSE HOLDER HAS FAILED TO EXERCISE GOOD
10 FAITH IN ATTEMPTING TO REMEDY THE DISTURBANCE AT THE REQUEST OR ORDER
11 OF THE BOARD; AND

12 (III) THE BOARD HAS BEEN UNABLE TO PROVIDE RELIEF TO THE
13 RESIDENTIAL COMMUNITY BY EXERCISING ITS AUTHORITY TO SUSPEND THE
14 LICENSE OR REPRIMAND THE LICENSE HOLDER.

15 (3) THE DURATION OF THE ORDER MAY NOT EXCEED THE DURATION
16 OF THE LICENSE TERM.

17 (4) THE ORDER SHALL BE STAYED PENDING APPEAL FROM THE
18 ORDER.

19 (5) THIS SECTION DOES NOT LIMIT ANY OTHER POWERS OF THE
20 BOARD.

21 (B) BY BOARD REGULATION.

22 (1) THIS SECTION APPLIES ONLY IN THE CITY ON THE INNER
23 PERIMETER OF A RECTANGLE BOUNDED BY 31ST STREET ON THE SOUTH,
24 GREENMOUNT AVENUE ON THE EAST, 32ND STREET ON THE NORTH, AND BARCLAY
25 STREET ON THE WEST.

26 (2) BY REGULATION, THE BOARD MAY RESTRICT THE HOURS AND
27 DAYS FOR THE SALE AND CONSUMPTION OF:

28 (I) BEER;

29 (II) BEER AND LIGHT WINE; OR

(III) BEER, WINE, AND LIQUOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(g) and (h), 11-302(h) and (i), and 11-303(e) and (f).

In subsection (a)(2)(i) of this section, the reference to "alcoholic beverages" is substituted for the former references to "beer and light wine" and "beer, wine, and liquor" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section may be misleading. The subsection allows the Board to restrict the hours and days of sale by regulation. However, the Board must get court approval to do so.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 12-101

"City" § 12-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

12-2006. HOURS ON JANUARY 1.

A HOLDER OF A LICENSE THAT ALLOWS SALES OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION MAY NOT BE REQUIRED TO CLOSE THE LICENSED PREMISES AT ANY TIME ON JANUARY 1.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(d)(2).

The reference to a license "that allows sales of alcoholic beverages for on-premises consumption" is added in light of former Art. 2B, § 11-304(d)(1), which renders the subsection inapplicable to premises conducted on New Year's Day for on-sale licenses.

The former reference to January 1 "of any year" is deleted as surplusage.

The former language that authorized the license holder to sell alcoholic beverages that are authorized by the license at any time on January 1 is deleted as implicit in the prohibition against requiring a license holder to close the licensed premises at any time on January 1.

1 Former Art. 2B, § 11-402(d)(1), which stated that former Art. 2B, § 11-402(d)
2 applied only in Baltimore City, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: "Alcoholic beverage"
5 "License" § 1-101

6 **12-2007. AFTER-HOURS ACTIVITY PROHIBITED IN LICENSED PREMISES;**
7 **EXEMPTIONS.**

8 **(A) IN GENERAL.**

9 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSED**
10 **PREMISES SHALL END ALL OPERATIONS, INCLUDING THE SERVING OF ALCOHOLIC**
11 **BEVERAGES AND FOOD AND PROVIDING ENTERTAINMENT, AT THE CLOSING HOUR**
12 **FOR THAT CLASS OF LICENSED PREMISES SPECIFIED IN THIS TITLE.**

13 **(B) EXEMPTIONS.**

14 **(1) THE BOARD MAY GRANT AN EXEMPTION FOR REMAINING OPEN**
15 **AFTER HOURS TO:**

16 **(I) A HOLDER OF A CLASS B RESTAURANT LICENSE, ONLY FOR**
17 **SERVING FOOD TO PATRONS SEATED FOR DINING;**

18 **(II) A PHARMACY THAT FILLS PRESCRIPTIONS; OR**

19 **(III) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE**
20 **THAT OPERATES A RESTAURANT, IF:**

21 **1. IT IS USED ONLY FOR SERVING FOOD TO PATRONS**
22 **SEATED IN A DINING ROOM THAT IS NOT ADJACENT TO A BAR; AND**

23 **2. THE RESTAURANT IS LOCATED IN THE 46TH**
24 **LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS**
25 **ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

26 **(2) A PHARMACY THAT RECEIVES AN EXEMPTION UNDER PARAGRAPH**
27 **(1) OF THIS SUBSECTION MAY ALSO SELL PRODUCTS OTHER THAN ALCOHOL AFTER**
28 **NORMAL CLOSING HOURS.**

29 **(3) A HOTEL THAT HOLDS A CLASS B LICENSE AND THAT SERVES**
30 **FOOD TO SEATED CUSTOMERS OR FOR PRIVATE FUNCTIONS OR GUEST ROOMS MAY**
31 **CONTINUE TO PROVIDE FOOD SERVICE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11-304(d)(2) through (5).

3 Former Art. 2B, § 11-304(d)(1), which stated that "[e]xcept as provided in this
4 subsection [former Art. 2B, § 11-304 did] not apply to premises conducted on
5 New Year's Day by on-sale licensee in Baltimore City", is deleted as
6 unnecessary in light of the organization of this revised article.

7 Defined terms: "Alcoholic beverage" § 1-101

8 "Beer" § 1-101

9 "Board" § 12-101

10 "Restaurant" § 1-101

11 "Wine" § 1-101

12 **12-2008. REGISTRATION REQUIRED.**

13 **(A) SCOPE OF SECTION.**

14 **THIS SECTION APPLIES TO AN OWNER, AN OPERATOR, OR A MANAGER OF ANY**
15 **PREMISES OPEN TO THE PUBLIC OR OF A PLACE OF PUBLIC ACCOMMODATION**
16 **WHERE:**

17 **(1) A FORM OF ENTERTAINMENT IS PROVIDED FROM 2 A.M. TO 6 A.M.**
18 **ON ANY DAY; AND**

19 **(2) ALCOHOLIC BEVERAGES ARE CONSUMED AT ANY HOUR OF THE**
20 **DAY.**

21 **(B) IN GENERAL.**

22 **A PERSON SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

23 **(1) REGISTER WITH THE FIRE DEPARTMENT AND THE DEPARTMENT**
24 **OF HOUSING AND COMMUNITY DEVELOPMENT; AND**

25 **(2) COMPLY WITH ALL FEDERAL, STATE, AND CITY BUILDING, FIRE,**
26 **HEALTH, AND ZONING LAWS.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 11-305(d).

29 Defined terms: "Alcoholic beverage" § 1-101

30 "City" § 12-101

31 "Person" § 1-101

1 “State” § 1–101

2 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

3 **12–2101. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
6 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
7 **CITY WITHOUT EXCEPTION OR VARIATION:**

8 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

9 **(2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**

10 **(3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”).**

11 **(B) EXCEPTION.**

12 **SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS**
13 **ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–2102 OF THIS**
14 **SUBTITLE.**

15 **(C) VARIATION.**

16 **SECTION 4–606 (“EFFECTS OF REVOCATION”) OF DIVISION I OF THIS ARTICLE**
17 **APPLIES IN THE CITY, SUBJECT TO § 12–2104 OF THIS SUBTITLE.**

18 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
19 general provisions relating to the revocation and suspension of local licenses.

20 Defined terms: “City” § 12–101

21 “License” § 1–101

22 “Local licensing board” § 1–101

23 **12–2102. NUDITY AND SEXUAL DISPLAYS.**

24 **(A) “ADULT ENTERTAINMENT” DEFINED.**

25 **IN THIS SECTION, “ADULT ENTERTAINMENT” MEANS:**

26 **(1) THE EMPLOYMENT OR USE OF AN INDIVIDUAL IN THE SALE OR**
27 **SERVICE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE**

1 INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO
2 EXPOSE TO VIEW ANY PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE
3 AREOLA OR OF ANY PORTION OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS,
4 VULVA, OR GENITALS;

5 (2) THE EMPLOYMENT OR USE OF THE SERVICES OF A HOSTESS OR
6 OTHER INDIVIDUAL TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR OTHER
7 INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING DESCRIBED IN
8 ITEM (1) OF THIS SUBSECTION;

9 (3) THE ENCOURAGEMENT OF OR ALLOWING AN INDIVIDUAL ON THE
10 LICENSED PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR
11 GENITALS OF ANY OTHER INDIVIDUAL; OR

12 (4) ALLOWING AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE
13 A DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE
14 BREAST, GENITALS, ANUS, OR PUBIC HAIR;

15 (5) WITH RESPECT TO ENTERTAINMENT PROVIDED:

16 (I) ALLOWING AN INDIVIDUAL TO PERFORM AN ACT OF OR ACT
17 THAT SIMULATES:

18 1. SEXUAL INTERCOURSE, MASTURBATION, SODOMY,
19 BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS
20 PROHIBITED BY LAW;

21 2. THE CARESSING OR FONDLING OF THE BREAST,
22 BUTTOCKS, ANUS, OR GENITALS; OR

23 3. THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR
24 GENITALS;

25 (II) SUBJECT TO ITEM (I) OF THIS ITEM, ALLOWING AN
26 ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER
27 THAN 6 FEET FROM THE NEAREST PATRON; OR

28 (III) ALLOWING AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE
29 OR INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY
30 PROHIBITED UNDER ITEM (I) OF THIS ITEM; OR

31 (6) SHOW A MOTION PICTURE, STILL PICTURE, ELECTRONIC
32 REPRODUCTION, OR OTHER VISUAL REPRODUCTION DEPICTING:

1 **(I) AN ACT OR SIMULATED ACT OF SEXUAL INTERCOURSE,**
2 **MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A**
3 **SEXUAL ACT THAT IS PROHIBITED BY LAW;**

4 **(II) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE**
5 **BREAST, BUTTOCKS, ANUS, OR GENITALS;**

6 **(III) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA,**
7 **ANUS, OR GENITALS; OR**

8 **(IV) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE**
9 **OBJECT IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED**
10 **ACT DESCRIBED IN THIS SUBSECTION.**

11 **(B) SCOPE OF SECTION.**

12 **THIS SECTION DOES NOT APPLY TO A LICENSE HOLDER THAT:**

13 **(1) OFFERED ADULT ENTERTAINMENT AS OF MAY 31, 1993, OR THE**
14 **TRANSFEEE OF THE LICENSE FOR THE SAME PREMISES IF THE TRANSFEEE**
15 **CONTINUES TO OFFER ADULT ENTERTAINMENT; OR**

16 **(2) OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A**
17 **MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE**
18 **ARTS OR THEATRICAL PERFORMANCES, WHEN THE PERFORMANCES PRESENTED**
19 **EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL**
20 **VALUE.**

21 **(C) PROHIBITED.**

22 **THE BOARD MAY NOT AUTHORIZE AND A LICENSE HOLDER MAY NOT ALLOW**
23 **ADULT ENTERTAINMENT ON THE LICENSED PREMISES OR ON ADJACENT PROPERTY**
24 **OVER WHICH THE LICENSE HOLDER HAS OWNERSHIP OR CONTROL.**

25 **(D) ENFORCEMENT.**

26 **THE MAYOR AND CITY COUNCIL MAY AUTHORIZE THE BOARD TO ENFORCE**
27 **THE LAWS AND REGULATIONS OF THE CITY THAT GOVERN ADULT ENTERTAINMENT**
28 **BUSINESS LICENSES.**

29 **(E) PENALTY.**

1 **ON FINDING THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE**
2 **BOARD SHALL REVOKE OR SUSPEND THE LICENSE OR IMPOSE A FINE OR BOTH.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 12–203 and 12–203.1.

5 Throughout this section, the references to an “individual” are substituted for
6 the former references to a “person” because this section concerns only human
7 beings.

8 In the introductory language of subsection (a) of this section, the former
9 phrase “[w]ith respect to attire and conduct” is deleted as surplusage.

10 In subsection (a)(6) of this section, the former reference to “exhibit[ing]” is
11 deleted as included in the reference to “show[ing]”.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Board” § 12–101

14 “City” § 12–101

15 “License” § 1–101

16 “License holder” § 1–101

17 **12–2103. CERTIFICATE OF PAYMENT OF TAXES.**

18 **(A) SUSPENSION FOR FAILURE TO PROVIDE CERTIFICATE.**

19 **THE BOARD SHALL IMMEDIATELY SUSPEND WITHOUT A HEARING THE**
20 **RENEWAL LICENSE OF A LICENSE HOLDER THAT FAILS TO PRESENT TO THE BOARD**
21 **BY JUNE 30 ANNUALLY A CERTIFICATE ISSUED BY THE DIRECTOR OF FINANCE**
22 **SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE TO THE CITY OR STATE ARE**
23 **PAID.**

24 **(B) REINSTATEMENT ON PRESENTATION OF CERTIFICATE.**

25 **THE BOARD SHALL IMMEDIATELY REINSTATE A LICENSE SUSPENDED UNDER**
26 **THIS SECTION WITHOUT A HEARING ON PRESENTATION OF THE REQUIRED**
27 **CERTIFICATE.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 10–301(j)(1).

30 In subsection (a) of this section, the reference to suspending the license of a
31 person “that fails” to provide specified documentation is substituted for the
32 former reference to license suspension “unless” the person provides the
33 documentation for clarity.

1 Also in subsection (a) of this section, the reference to providing documentation
 2 by June 30 “annually” is substituted for the former reference to providing
 3 documentation by June 30 “of the respective year” for clarity and consistency
 4 within this revision.

5 Also in subsection (a) of this section, the reference to showing that “all
 6 personal property taxes ... are paid” is substituted for the former reference to
 7 showing that “there are no unpaid taxes on the merchandise, fixtures and
 8 stock of the applicant” for clarity and brevity.

9 Defined terms: “Board” § 12–101
 10 “City” § 12–101
 11 “License” § 1–101
 12 “License holder” § 1–101
 13 “State” § 1–101

14 **12–2104. ORDER OF REVOCATION IN EFFECT UNTIL STAY OR REVERSAL.**

15 **A PERSON WHOSE LICENSE HAS BEEN REVOKED BY THE BOARD MAY NOT**
 16 **GIVE, SERVE, OR KEEP ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES**
 17 **TO BE CONSUMED UNTIL:**

18 **(1) THE COURT GRANTS A STAY OF THE ORDER OF REVOCATION IN**
 19 **ACCORDANCE WITH § 12–2402 OF THIS TITLE; OR**

20 **(2) THE ORDER OF REVOCATION IS REVERSED ON JUDICIAL REVIEW.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 16–103.

23 In the introductory language of this section, the former reference to “dispense”
 24 is deleted as included in the reference to “serve”.

25 In item (1) of this section, the reference to a stay “of the order of revocation” is
 26 added for clarity.

27 Also in item (1) of this section, the reference to “the court” is added for clarity.

28 In item (2) of this section, the reference to a “judicial review”, which describes
 29 the exercise of the power of a court to examine the decision of an
 30 administrative agency, is substituted for the former improper reference to an
 31 “appeal”, which describes the request to a higher court to review the judgment
 32 of a lower court.

33 Defined terms: “Alcoholic beverage” § 1–101

1 "Board" § 12-101
2 "License" § 1-101
3 "Person" § 1-101

4 **SUBTITLE 22. EXPIRATION OF LICENSES.**

5 **12-2201. APPLICATION OF GENERAL PROVISIONS.**

6 **(A) WITHOUT EXCEPTION OR VARIATION.**

7 **SECTION 4-702(A) ("ON DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS**
8 **ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

9 **(B) EXCEPTIONS.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL**
11 **LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

12 **(1) § 4-702(B) ("AFTER VACATION OF OR EVICTION FROM**
13 **PREMISES");**

14 **(2) § 4-703 ("PENDING OR APPROVED TRANSFERS OR CONTINUATION**
15 **OF BUSINESS");**

16 **(3) § 4-704 ("LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE");**
17 **AND**

18 **(4) § 4-705 ("POSTPONEMENT TO AVOID HARDSHIP").**

19 **REVISOR'S NOTE:** This section is new language added to incorporate by reference
20 the general provisions relating to the expiration of local licenses.

21 Defined terms: "City" § 12-101
22 "License" § 1-101
23 "License holder" § 1-101

24 **12-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.**

25 **(A) 180-DAY RULE.**

26 **A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE**
27 **BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT**
28 **THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:**

1 **(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER**
2 **LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN**
3 **APPROVED OR IS PENDING;**

4 **(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A**
5 **RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS**
6 **TITLE HAS BEEN APPROVED OR IS PENDING; OR**

7 **(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER**
8 **SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.**

9 **(B) APPLICATION FOR HARDSHIP EXTENSION.**

10 **(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED**
11 **PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE**
12 **LICENSE DUE TO HARDSHIP.**

13 **(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS**
14 **AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING**
15 **OF BUSINESS OPERATIONS.**

16 **(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE**
17 **BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC**
18 **BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS**
19 **HELD.**

20 **(C) START AND RESTART OF UNEXPIRED PERIOD.**

21 **(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED**
22 **UNEXPIRED:**

23 **(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS**
24 **OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND**

25 **(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR**
26 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

27 **(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF**
28 **THE FOLLOWING EVENTS:**

29 **(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A**
30 **REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;**

1 **(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION**
2 **DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;**

3 **(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL**
4 **REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY**
5 **SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR**

6 **(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE**
7 **BOARD'S ACTION.**

8 **(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A)**
9 **OR (B) OF THIS SECTION IS WITHDRAWN:**

10 **(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE**
11 **MAY NOT BE SUSPENDED; AND**

12 **(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS**
13 **IF IT HAD NOT BEEN FILED.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10-504(d)(2) through (4), (6), and the second
16 sentence of (5).

17 In the introductory language of subsection (a) and in subsection (b)(3) of this
18 section, the references to stopping alcoholic beverages business operations "at
19 the premises" for which the license is held are substituted for the former
20 references to ceasing alcoholic beverages business operations "of the business"
21 for which the license is held to conform to terminology used throughout this
22 article.

23 In subsection (a)(2) of this section, the reference to "a certificate of permission
24 or a renewal license for continuation of business" is added for clarity.

25 In subsection (b)(1) and (2) of this section, the former references to "undue"
26 hardship are deleted as surplusage.

27 In subsection (b)(3) of this section, the requirement that an extension does not
28 "prolong the life of the license beyond 360 days" after the closing or stopping
29 of business operations is substituted for the former reference to a request for
30 an extension "for a time period of no more than a cumulative period of 360
31 days" after the closing or stopping of business for brevity.

32 In the introductory language of subsection (c)(1) of this section, the reference
33 to the period "for which a license may be considered unexpired" is added for
34 clarity.

1 Also in the introductory language of subsection (c)(1) of this section, the former
2 reference to a “time” period is deleted as surplusage.

3 In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that
4 may or may not be “suspended” are substituted for the former references to a
5 period that may or may not be “toll[ed]” for clarity.

6 In the introductory language of subsection (c)(2) of this section, the former
7 phrase “cumulatively to the time period before the filing of the application or
8 request” is deleted as implicit in the word “resumes”.

9 In subsection (c)(2)(iii) of this section, the reference to judicial review being
10 “granted” is substituted for the former reference to judicial review being
11 “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates
12 to “dismissal” of a petition for judicial review.

13 Former Art. 2B, § 10–504(d)(1)(i), which stated that former Art. 2B, §
14 10–504(d) applied only in Baltimore City, is deleted as unnecessary in light of
15 the organization of this revised article.

16 Former Art. 2B, § 10–504(d)(1)(ii), which defined “Board” to mean the Board
17 of License Commissioners for Baltimore City or the Office of the Comptroller,
18 whichever is the issuing party, is deleted in light of the term “Board” that is
19 defined in § 12–101 of this title.

20 The first sentence of former Art. 2B, § 10–504(d)(5), which stated the intent
21 for the total period of time for which a license may be deemed unexpired, is
22 deleted as unnecessary in light of subsections (a) and (b) of this section.

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Board” § 12–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “Person” § 1–101

28 **12–2203. REOPENING AFTER CLOSURE FOR AT LEAST 3 MONTHS.**

29 **EXCEPT WHERE EXTENUATING CIRCUMSTANCES EXIST, BEFORE A LICENSED**
30 **PREMISES THAT HAS BEEN CLOSED FOR AT LEAST 3 CONSECUTIVE MONTHS MAY BE**
31 **REOPENED:**

32 **(1) THE BOARD SHALL HOLD A PUBLIC HEARING; AND**

33 **(2) THE LICENSE HOLDER SHALL OBTAIN APPROVAL FROM THE**
34 **BOARD TO REOPEN.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-301(j)(4).

3 The former phrase "[n]otwithstanding any other provision of this article" is
4 deleted as unnecessary in light of the organization of this revised article.

5 Defined terms: "Board" § 12-101
6 "License holder" § 1-101

7 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

8 **12-2301. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE**
11 **HOLDER") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT**
12 **EXCEPTION OR VARIATION:**

13 **(1) § 4-802 ("EXPIRATION OF LICENSE ON DEATH OF LICENSE**
14 **HOLDER");**

15 **(2) § 4-804 ("TRANSFER OR REINSTATEMENT OF LICENSE");**

16 **(3) § 4-805 ("RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
17 **RESTRICTION"); AND**

18 **(4) § 4-806 ("REFUND").**

19 **(B) VARIATION.**

20 **SECTION 4-803 ("CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
21 **CONTINUATION OF BUSINESS") OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
22 **CITY, SUBJECT TO § 12-2302 OF THIS SUBTITLE.**

23 REVISOR'S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to the death of a local license holder.

25 Defined terms: "City" § 12-101
26 "License" § 1-101
27 "License holder" § 1-101

28 **12-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
29 **PARTNERSHIP OR CORPORATION.**

1 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
2 **SURVIVING OFFICER.**

3 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
4 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**
5 **CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED**
6 **TO:**

7 **(I) THE SURVIVING SPOUSE;**

8 **(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE**
9 **PARTNERSHIP; OR**

10 **(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION**
11 **FOR THE BENEFIT OF THE CORPORATION.**

12 **(2) THE NEW LICENSE SHALL BE ISSUED:**

13 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

14 **(II) WITHOUT FURTHER PROCEEDINGS.**

15 **(B) RENEWAL LICENSE.**

16 **A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE**
17 **QUALIFIED TO HOLD THE LICENSE:**

18 **(1) THE SURVIVING SPOUSE;**

19 **(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

20 **(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE**
21 **BENEFIT OF THE CORPORATION.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10-506(b)(3).

24 In the introductory language of subsection (a)(1) of this section, the former
25 phrase "[n]otwithstanding any provisions to the contrary in this article" is
26 deleted as surplusage.

1 Also in the introductory language of subsection (a)(1) of this section, the
2 former reference to an application to “the Comptroller ..., as the case may be,
3 that granted the license” is deleted as surplusage.

4 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
5 officer “of the corporation” is added for clarity.

6 In subsection (a)(2)(i) of this section, the former reference to the “current”
7 license year is deleted as implicit.

8 In subsection (a)(2)(ii) of this section, the former reference to “the necessity of”
9 further proceedings is deleted as surplusage.

10 In the introductory language of subsection (b) of this section, the former
11 reference to being qualified to hold the license “under this article” is deleted
12 as surplusage.

13 In subsection (b)(2) of this section, the reference to the surviving “partners” of
14 a partnership is substituted for the former reference to the surviving
15 “members” of a partnership for accuracy.

16 In subsection (b)(3) of this section, the reference to the “senior surviving officer
17 of a corporation for the benefit of the corporation” is substituted for the former
18 reference to the “surviving members of a ... corporation” for accuracy and for
19 consistency with subsection (a) of this section.

20 Defined terms: “Board” § 12–101

21 “License” § 1–101

22 “License holder” § 1–101

23 SUBTITLE 24. JUDICIAL REVIEW.

24 12–2401. APPLICATION OF GENERAL PROVISIONS.

25 (A) WITHOUT EXCEPTION OR VARIATION.

26 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF
27 DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR
28 VARIATION:

29 (1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING
30 BOARD”);

31 (2) § 4–903 (“PETITIONERS”);

32 (3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);

- 1 (4) § 4-906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);
- 2 (5) § 4-907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);
- 3 AND
- 4 (6) § 4-908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT
- 5 OF APPEALS”).

6 **(B) VARIATION.**

7 **SECTION 4-904 (“STAY OF LOCAL BOARD’S PETITION”) APPLIES IN THE**

8 **COUNTY, SUBJECT TO § 12-2402 OF THIS SUBTITLE.**

9 REVISOR’S NOTE: This section is new language added to incorporate by reference

10 general provisions relating to the appeal of the decisions of the Board.

11 Defined terms: “City” § 12-101

12 “Local licensing board” § 1-101

13 **12-2402. STAY OF ORDER TO REVOKE LICENSE.**

14 **AN ORDER BY THE BOARD TO REVOKE A LICENSE MAY BE STAYED, PENDING**

15 **JUDICIAL REVIEW, ONLY BY THE COURT WITH WHICH A PETITION UNDER TITLE 4,**

16 **SUBTITLE 9 OF THIS ARTICLE HAS BEEN FILED.**

17 REVISOR’S NOTE: This section is new language derived without substantive

18 change from former Art. 2B, § 16-101(c)(2).

19 The references to “judicial review” and “petition” are substituted for the

20 former incorrect references to “appeal” to reflect that this section concerns the

21 judicial review of an administration agency – a board of license commissioners

22 – and not a court.

23 Defined terms: “Board” § 12-101

24 “License” § 1-101

25 **12-2403. COURT MAY REMAND.**

26 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE CITY**

27 **PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE**

28 **PROCEEDINGS TO THE BOARD.**

29 REVISOR’S NOTE: This section is new language derived without substantive

30 change from former Art. 2B, § 16-101(e)(4)(ii)2.

1 The reference to the “circuit court for the City” is substituted for the former
2 reference to the “court” for clarity.

3 Defined terms: “Board” § 12–101
4 “City” § 12–101

5 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

6 **12–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
7 **BEVERAGES.**

8 **(A) SCOPE OF SECTION.**

9 **THIS SUBSECTION APPLIES TO AN ESTABLISHMENT THAT IS NOT LICENSED BY**
10 **THE BOARD BUT THAT IS:**

11 **(1) OPEN TO THE PUBLIC;**

12 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

13 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
14 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
15 **BUSINESS REGULATION ARTICLE.**

16 **(B) IN GENERAL.**

17 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**
18 **ESTABLISHMENT THAT IS NOT LICENSED BY THE BOARD, AT A LOCATION UNDER**
19 **CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:**

20 **(1) SERVE OR KEEP ALCOHOLIC BEVERAGES; OR**

21 **(2) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED.**

22 **(C) EXCEPTION FOR RESTAURANTS WITH MAXIMUM SEATING CAPACITY OF**
23 **50.**

24 **A RESTAURANT THAT IS NOT LICENSED BY THE BOARD MAY ALLOW A**
25 **CUSTOMER TO CONSUME ALCOHOLIC BEVERAGES FROM 6 A.M. TO 2 A.M. THE**
26 **FOLLOWING DAY IF:**

27 **(1) THE ALCOHOLIC BEVERAGES ARE BROUGHT TO THE RESTAURANT**
28 **BY THE CUSTOMER;**

1 **(2) THE ALCOHOLIC BEVERAGES ARE CONSUMED WITH A MEAL;**

2 **(3) THERE IS NO CHARGE FOR ADMISSION TO THE RESTAURANT; AND**

3 **(4) THE BALTIMORE CITY FIRE DEPARTMENT DETERMINES THAT**
4 **THE MAXIMUM SEATING CAPACITY OF THE RESTAURANT IS 50.**

5 **(D) CLOSING BY POLICE.**

6 **(1) THE BALTIMORE CITY POLICE DEPARTMENT MAY IMMEDIATELY**
7 **CLOSE ALL OPERATIONS OF AN ESTABLISHMENT IF THE DEPARTMENT DETERMINES**
8 **THAT THE ESTABLISHMENT IS IN VIOLATION OF THIS SECTION AND THAT THE**
9 **PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.**

10 **(2) THE ESTABLISHMENT SHALL BE CLOSED UNTIL THE BALTIMORE**
11 **CITY POLICE DEPARTMENT DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR**
12 **WELFARE HAS BEEN RESTORED.**

13 **(3) THE OWNER OR OPERATOR OF THE ESTABLISHMENT SHALL BE**
14 **GIVEN AN OPPORTUNITY TO REQUEST A PROMPT HEARING IN CIRCUIT COURT ON**
15 **WHEN THE ESTABLISHMENT MAY REOPEN.**

16 **(E) PENALTY.**

17 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
18 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
19 **NOT EXCEEDING \$10,000 OR BOTH.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 20–102(b) through (e).

22 Subsection (a)(1) through (3) of this section is new language added to clarify
23 the vague reference to an “establishment”.

24 In the introductory language of subsection (b) of this section, the reference to
25 a “location” under control or possession of an establishment is substituted for
26 the former reference to “premises” under the control or possession of an
27 establishment for clarity.

28 In subsection (b)(1) of this section, the former references to “giv[ing]” and
29 “dispens[ing]” alcoholic beverages are deleted as included in the reference to
30 “serv[ing]” alcoholic beverages.

1 In the introductory language of subsection (c) of this section, the reference to
2 a “customer” is substituted for the former references to “patrons” to conform
3 to the terminology used throughout this subtitle.

4 Former Art. 2B, § 20–102(a), which provided that former Art. 2B, § 20–102
5 applied only in Baltimore City, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “License” § 1–101

9 “Person” § 1–101

10 “Restaurant” § 1–101

11 **12–2502. CONSUMING ALCOHOLIC BEVERAGES.**

12 **(A) PROHIBITION FROM 2 A.M. TO 6 A.M.**

13 **(1) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION**
14 **OR OTHERWISE PROVIDED BY LAW, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN**
15 **INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES:**

16 **(I) IN AN ESTABLISHMENT OPEN TO THE PUBLIC;**

17 **(II) IN A PLACE OF PUBLIC ACCOMMODATION; OR**

18 **(III) IN A PLACE AT WHICH SETUPS OR OTHER COMPONENT**
19 **PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD.**

20 **(2) THE PROHIBITION AGAINST CONSUMPTION IN PARAGRAPH (1) OF**
21 **THIS SUBSECTION IS IN EFFECT IF ANY FORM OF ENTERTAINMENT, LIVE OR**
22 **RECORDED, IS OFFERED AT THE PLACE OR AT THE ESTABLISHMENT, REGARDLESS**
23 **OF WHETHER THE ESTABLISHMENT OR PLACE IS LICENSED UNDER THIS ARTICLE OR**
24 **OTHER STATE LAW.**

25 **(B) EXCEPTION.**

26 **BY REGULATION, THE BOARD MAY RESTRICT THE HOURS AND DAYS FOR THE**
27 **CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE INNER PERIMETER OF A**
28 **RECTANGLE BOUNDED BY 31ST STREET ON THE SOUTH, GREENMOUNT AVENUE ON**
29 **THE EAST, 32ND STREET ON THE NORTH, AND BARCLAY STREET ON THE WEST.**

30 **(C) PROHIBITION AGAINST OWNER OR MANAGER.**

1 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF
2 DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR
3 VARIATION:

4 (1) § 6–202 (“INSPECTIONS”);

5 (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND
6 QUALITY OF ALCOHOLIC BEVERAGES”);

7 (3) § 6–205 (“PEACE OFFICERS”);

8 (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
9 ALCOHOLIC BEVERAGE”);

10 (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
11 EVIDENCE OF SALE”);

12 (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF
13 ALCOHOL IN PUBLIC PLACES”);

14 (7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
15 CONSUMPTION”); AND

16 (8) § 6–211 (“FINES AND FORFEITURES”).

17 (B) EXCEPTION.

18 SECTION 6–210 (STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION
19 LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS
20 SUPERSEDED BY § 12–2602 OF THIS SUBTITLE.

21 (C) VARIATION.

22 SECTION 6–204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS
23 ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 12–2603 OF THIS SUBTITLE.

24 REVISOR’S NOTE: This section is new language added to incorporate by reference
25 general provisions relating to enforcement.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “City” § 12–101

28 “State” § 1–101

29 **12–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

1 **THE CITY MAY:**

2 **(1) ADOPT AN ORDINANCE OR A RESOLUTION SUPPLEMENTING THE**
 3 **PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS**
 4 **ARTICLE; AND**

5 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
 6 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
 7 **HIGHWAY.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 19-103(a)(2).

10 In item (1) of this section, the reference to "the prohibition against disorderly
 11 intoxication under § 6-320 of this article" is substituted for the former obsolete
 12 reference to "this subheading".

13 In item (2) of this section, the former reference to the public "in general" is
 14 deleted as surplusage.

15 Defined terms: "Alcoholic beverage" § 1-101
 16 "City" § 12-101

17 **12-2603. SERVICE OF SUMMONS.**

18 **THE CITY POLICE DEPARTMENT OR AN INSPECTOR THAT THE BOARD**
 19 **EMPLOYS MAY SERVE A SUMMONS.**

20 REVISOR'S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 16-410(a)(4) and (b)(2)(i)3.

22 The reference to the "City Police Department" is substituted for the former
 23 term "sheriff" for clarity. "Sheriff" was defined in part to mean the Baltimore
 24 City Police Department.

25 Defined terms: "Board" § 12-101
 26 "City" § 12-101

27 **12-2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

28 **(A) IN GENERAL.**

29 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
 30 **ESTABLISHMENT.**

1 **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

2 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
3 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

4 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
5 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
6 **CASE PENDING BEFORE THE COURT.**

7 **(C) FEES AND COSTS.**

8 **(1) THE BOARD MAY CHARGE FEES FOR THE PRODUCTION AND**
9 **SERVICE OF A SUMMONS AND HEARING NOTICE.**

10 **(2) THE FEES ARE:**

11 **(I) \$25, FOR THE PRODUCTION OF HEARING NOTICES OR**
12 **SUMMONSES REQUESTED BY PARTIES APPEARING BEFORE THE BOARD;**

13 **(II) \$5, FOR EACH ADDRESS SERVED IF THE ADDRESS IS**
14 **PROVIDED TO THE BOARD AND THE SERVICE IS BY MAIL; AND**

15 **(III) \$25, FOR EACH ADDRESS SERVED IF THE SERVICE IS**
16 **PERFORMED BY AN EMPLOYEE OF THE BOARD.**

17 **(3) IN ADDITION TO ANY OTHER FINE, PENALTY, OR COST, THE**
18 **BOARD MAY IMPOSE A \$100 ADMINISTRATIVE HEARING FEE ON A LICENSE HOLDER:**

19 **(I) WHOM THE BOARD CHARGES WITH A VIOLATION OF LAW**
20 **CONCERNING THE SALE OF ALCOHOLIC BEVERAGES; OR**

21 **(II) WHO REQUESTS A TRANSFER OR EXPANSION OF THE**
22 **LICENSE OR A NEW LICENSE.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 16-410(c)(1)(ii), (2), and (3) and (e)(2) and (3).

25 In subsections (a) and (b)(1) of this section, the former references to "papers"
26 are deleted as included in the references to "records" and "record".

27 In subsection (b)(1) of this section, the phrase "may petition" is substituted for
28 the former phrase "shall report the fact to" for clarity.

1 Also in subsection (b)(1) of this section, the former phrase “for the county” is
2 deleted as surplusage.

3 In subsection (b)(2) of this section, the phrase “may proceed” is substituted for
4 the former phrase “shall proceed” for clarity.

5 Also in subsection (b)(2) of this section, the former phrase “in all respects” is
6 deleted as surplusage.

7 In subsection (c)(3)(i) of this section, the former reference to a “statute, rule,
8 or regulation” is deleted as included in the reference to a “law”.

9 Former Art. 2B, § 16–410(e)(1), which stated that former Art. 2B, § 16–410(e)
10 applied only to Baltimore City, is deleted as unnecessary in light of the
11 organization of this revised article.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Board” § 12–101

14 “License” § 1–101

15 “License holder” § 1–101

16 **SUBTITLE 27. PROHIBITED ACTS.**

17 **12–2701. APPLICATION OF GENERAL PROVISIONS.**

18 **(A) WITHOUT EXCEPTION OR VARIATION.**

19 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
20 **OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR**
21 **VARIATION:**

22 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

23 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
24 **INDIVIDUAL”);**

25 **(3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
26 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

27 **(4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
28 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
29 **YEARS”);**

30 **(5) § 6–310 (“PROVIDING FREE FOOD”);**

1 **(6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
2 **DEALER”);**

3 **(7) § 6-312 (“BEVERAGE MISREPRESENTATION”);**

4 **(8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE**
5 **CONTAINER”);**

6 **(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
7 **DETACHABLE METAL TAB”);**

8 **(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
9 **REGULAR LABEL PRESUMED ILLICIT”);**

10 **(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);**

11 **(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC**
12 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

13 **(13) § 6-320 (“DISORDERLY INTOXICATION”);**

14 **(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN**
15 **PUBLIC”);**

16 **(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID**
17 **MACHINE”);**

18 **(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC**
19 **BEVERAGES”);**

20 **(17) § 6-327 (“TAX EVASION”);**

21 **(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND**

22 **(19) § 6-329 (“PERJURY”).**

23 **(B) EXCEPTION.**

24 **SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS**
25 **ARTICLE DOES NOT APPLY IN THE CITY.**

26 **(C) VARIATIONS.**

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
2 **OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

3 **(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
4 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 12–2702 OF THIS**
5 **SUBTITLE; AND**

6 **(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
7 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 12–2703 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 general provisions relating to prohibited acts.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “City” § 12–101

12 “License holder” § 1–101

13 “Retail dealer” § 1–101

14 **12–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
15 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

16 **(A) SUMMONS; BAIL.**

17 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
18 **CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:**

19 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
20 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
21 **EMPLOYEE; AND**

22 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
23 **COURT IN THE STATE.**

24 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
26 **FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:**

27 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
28 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
29 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
30 **OF 21 YEARS; AND**

31 **(2) THE INDIVIDUAL IS NOT A RESIDENT OF THE STATE.**

1 **(C) BAR TO ADMINISTRATIVE ACTION.**

2 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
 3 **VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
 4 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
 5 **BEFORE JUDGMENT FOR, THE VIOLATION.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

8 In subsection (a)(2) of this section, the former reference to bail "bond" is
 9 deleted as surplusage.

10 In subsection (b)(1) of this section, the reference to the "finder of fact" is
 11 substituted for the former reference to the "jury or the court sitting as a jury"
 12 for brevity.

13 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
 14 as surplusage.

15 In subsection (c) of this section, the reference to the "Board" is substituted for
 16 the former reference to "any alcoholic beverage law enforcement or licensing
 17 authorities" to conform to terminology used throughout this title.

18 Also in subsection (c) of this section, the reference to probation before
 19 "judgment" is substituted for the former reference to a probation "without a
 20 verdict" to conform to current terminology.

21 Also in subsection (c) of this section, the former phrase "[e]xcept as otherwise
 22 provided in this section" is deleted as unnecessary in light of the organization
 23 of this revised article.

24 Defined terms: "Board" § 12-101

25 "License holder" § 1-101

26 "State" § 1-101

27 **12-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
 28 **INDIVIDUAL — CRIMINAL PROCEDURE.**

29 **(A) SUMMONS; BAIL.**

30 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 31 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

1 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 2 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 3 **EMPLOYEE; AND**

4 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 5 **COURT IN THE STATE.**

6 **(B) BAR TO ADMINISTRATIVE ACTION.**

7 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
 8 **VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
 9 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
 10 **BEFORE JUDGMENT FOR, THE VIOLATION.**

11 REVISOR’S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

13 In subsection (a)(2) of this section, the former reference to bail “bond” is
 14 deleted as surplusage.

15 In subsection (b) of this section, the reference to the “Board” is substituted for
 16 the former reference to “any alcoholic beverage law enforcement or licensing
 17 authorities” to conform to terminology used throughout this title.

18 Also in subsection (b) of this section, the reference to probation before
 19 “judgment” is substituted for the former reference to a probation “without a
 20 verdict” to conform to current terminology.

21 Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise
 22 provided in this section” is deleted as unnecessary in light of the organization
 23 of this revised article.

24 Defined terms: “Board” § 12–101

25 “License holder” § 1–101

26 “State” § 1–101

27 **12–2704. FALSE ADVERTISING PROHIBITED.**

28 **(A) IN GENERAL.**

29 **(1) A LICENSE HOLDER MAY NOT USE AN ADVERTISEMENT THAT IS**
 30 **UNTRUE, DECEPTIVE, OR MISLEADING IN A MATERIAL RESPECT, INCLUDING AN**
 31 **ADVERTISEMENT ON THE INTERNET CONTAINING AN AFFIRMATIVE**
 32 **REPRESENTATION THAT THE LICENSE HOLDER MAY OFFER FOR SALE ALCOHOLIC**
 33 **BEVERAGES THAT THE LICENSE HOLDER IS NOT AUTHORIZED TO SELL.**

1 **(2) THE BOARD SHALL ENFORCE THIS SUBSECTION.**

2 **(B) PENALTY.**

3 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 4 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 21–105(d) and (e).

7 In subsection (a)(1) of this section, the elements of the former defined term
 8 “advertise falsely” are revised as part of the substantive provision.

9 Also in subsection (a)(1) of this section, the former reference to the “placement
 10 of” an advertisement on the Internet is deleted as surplusage.

11 Also in subsection (a)(1) of this section, the former phrase “in the conduct of
 12 any business” is deleted as surplusage.

13 Also in subsection (a)(1) of this section, the former reference to “a container
 14 of” alcoholic beverages is deleted as surplusage.

15 Defined terms: “Alcoholic beverage” § 1–101

16 “Board” § 12–101

17 “License holder” § 1–101

18 “Person” § 1–101

19 **12–2705. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.**

20 **A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC**
 21 **BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER MAY**
 22 **NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

23 **(1) A MEMBER OF THE BOARD;**

24 **(2) AN EMPLOYEE OF THE BOARD; OR**

25 **(3) ANYONE ON BEHALF OF THE MEMBER OR EMPLOYEE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 15–112(d)(7)(ii).

28 In the introductory language of this section, the former references to a
 29 “corporation” are deleted as included in the defined term “person”.

1 Also in the introductory language of this section, the former reference to “beer
2 or other” alcoholic beverages is deleted as included in the defined term
3 “alcoholic beverage”.

4 Also in the introductory language of this section, the defined term “license
5 holder” is substituted for the former reference to a “licensee licensed under the
6 provisions of this article” for brevity and consistency throughout this article.

7 Also in the introductory language of this section, the reference to offering or
8 making “payment” is substituted for the former reference to offering or
9 making “any commission, profit or remuneration” for brevity.

10 Defined terms: “Alcoholic beverage” § 1–101
11 “Board” § 12–101
12 “License holder” § 1–101
13 “Person” § 1–101

14 **12–2706. RENTING OF CERTAIN PREMISES IN 45TH DISTRICT PROHIBITED.**

15 **(A) IN GENERAL.**

16 **IN THE 45TH LEGISLATIVE DISTRICT, A LANDLORD MAY NOT RENT OUT TO A**
17 **CLASS A LICENSE HOLDER A PREMISES TO BE USED FOR THE SALE OF ALCOHOLIC**
18 **BEVERAGES IF THE LANDLORD KNOWS OR SHOULD HAVE KNOWN THAT THE SALE OF**
19 **ALCOHOLIC BEVERAGES ON THE PREMISES WOULD VIOLATE A MINIMUM DISTANCE**
20 **REQUIRED TO BE MAINTAINED UNDER THIS ARTICLE BETWEEN A LICENSED**
21 **PREMISES AND A PLACE OF WORSHIP OR SCHOOL.**

22 **(B) PENALTY.**

23 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
24 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 16–509.1.

27 In subsection (a) of this section, the reference to a “Class A license holder” is
28 substituted for the former reference to a “holder of a Class A alcoholic
29 beverages license of any type” for brevity.

30 Also in subsection (a) of this section, the phrase “should have known” is
31 substituted for the former phrase “has reason to know” to conform to
32 terminology used throughout this article.

33 Defined terms: “Alcoholic beverage” § 1–101

1 "License holder" § 1-101

2 "Person" § 1-101

3 **SUBTITLE 28. PENALTIES.**

4 **12-2801. APPLICATION OF GENERAL PROVISION.**

5 **SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE**
6 **APPLIES IN THE CITY.**

7 REVISOR'S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to imposing a penalty for a violation for which no
9 specific penalty is provided.

10 Defined term: "City" § 12-101

11 **12-2802. PENALTY IMPOSED BY BOARD.**

12 **(A) IN GENERAL.**

13 **FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OF A LICENSE, THE BOARD**
14 **MAY:**

15 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR**
16 **A FIRST OFFENSE, IMPOSE A FINE NOT EXCEEDING \$500 OR SUSPEND THE LICENSE**
17 **OR BOTH; OR**

18 **(2) FOR EACH SUBSEQUENT OFFENSE, IMPOSE A FINE NOT**
19 **EXCEEDING \$3,000 OR SUSPEND THE LICENSE OR BOTH.**

20 **(B) UNDERAGE SALES.**

21 **FOR A FIRST OFFENSE OF SELLING ALCOHOLIC BEVERAGES TO AN**
22 **INDIVIDUAL UNDER THE AGE OF 21 YEARS, THE BOARD MAY IMPOSE A FINE NOT**
23 **EXCEEDING \$1,000 OR SUSPEND THE LICENSE OR BOTH.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 16-507(d).

26 In subsection (a)(1) of this section, the former phrase "under the alcoholic
27 beverage laws affecting Baltimore City" is deleted as surplusage.

28 Defined terms: "Alcoholic beverage" § 1-101

29 "Board" § 12-101

30 "License" § 1-101

1 **TITLE 13. BALTIMORE COUNTY.**

2 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

3 **13-101. DEFINITIONS.**

4 **(A) IN GENERAL.**

5 **IN THIS TITLE:**

6 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
7 **EXCEPTION OR VARIATION; AND**

8 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

9 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
10 by reference terms defined for the entire article.

11 Item (2) of this subsection is new language added as the standard introductory
12 language to a definition section.

13 **(B) BOARD.**

14 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE**
15 **COUNTY.**

16 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
17 full reference to the “Board of License Commissioners for Baltimore County”.

18 **(C) COUNTY.**

19 **“COUNTY” MEANS BALTIMORE COUNTY.**

20 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
21 full reference to “Baltimore County”.

22 **13-102. SCOPE OF TITLE.**

23 **THIS TITLE APPLIES ONLY IN BALTIMORE COUNTY.**

24 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
25 organization of this revised article.

1 **13-103. COPY OF LEGISLATION.**

2 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
3 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
4 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
5 **MARYLAND 21401.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 18-103.

8 The reference to this "title" is substituted for the former reference to this
9 "subtitle" to conform to the organization of this revised article. Under the
10 former law, each local governing body derived its authority to enact alcoholic
11 beverages legislation from a common subtitle. Under this revised article, each
12 local governing body derives its authority from the title dedicated to the
13 jurisdiction of the local governing body.

14 Defined terms: "Alcoholic beverage" § 1-101
15 "County" § 13-101

16 **GENERAL REVISOR'S NOTE TO SUBTITLE**

17 Throughout this title, the references to "wine" are substituted for the former
18 references to "light wine" to reflect that license holders in the County may sell wine
19 with a maximum alcohol content of 22%, which is above the traditional maximum
20 level of 15.5% for light wine.

21 Correspondingly, former Art. 2B, § 4-101(e), which defined "light wine" in the
22 County as a fermented beverage that contains not in excess of 22% of alcohol by
23 volume, is deleted because the definition is not used in this title.

24 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

25 **13-201. ESTABLISHED.**

26 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE COUNTY.**

27 REVISOR'S NOTE: This section is new language added to state expressly what was
28 only implied in the former law, that an entity known as the Board of License
29 Commissioners for Baltimore County exists.

30 The name "Board of License Commissioners for Baltimore County" is used
31 instead of the commonly used name "Baltimore County Board of Liquor
32 License Commissioners" for clarity and consistency with the terminology used
33 throughout this article to refer to local licensing boards.

1 **13-202. MEMBERSHIP.**

2 (A) **COMPOSITION; APPOINTMENT OF MEMBERS.**

3 **THE COUNTY EXECUTIVE SHALL APPOINT THREE MEMBERS TO THE BOARD.**

4 (B) **TENURE.**

5 (1) **THE TERM OF A MEMBER IS 2 YEARS.**

6 (2) **THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
7 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

8 (C) **REMOVAL.**

9 **THE COUNTY EXECUTIVE MAY REMOVE A MEMBER FOR MISCONDUCT IN**
10 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from the first sentence of former Art. 2B, § 15-104(e) and the first
13 sentence of § 15-110(b).

14 In subsection (a) of this section, the reference to "members" is substituted for
15 the former reference to "persons" to conform to the terminology used
16 throughout this subtitle.

17 Also in subsection (a) of this section, the former reference to members
18 "constitut[ing]" the Board "of License Commissioners for the county" is deleted
19 as surplusage.

20 In subsection (b)(2) of this section, the former reference to the requirement
21 that the County Executive appoint "biennially" three persons to the Board is
22 deleted as included in the requirement that the terms of the members of the
23 Board be staggered as required on July 1, 2016. This substitution is not
24 intended to alter the term of any member of the Board of License
25 Commissioners for Baltimore County.

26 In subsection (c) of this section, the reference to the "County Executive" is
27 substituted for the former reference to the "board of county commissioners"
28 for accuracy.

29 Also in subsection (c) of this section, the reference to "misconduct in office,
30 incompetence, or willful neglect of duty" is substituted for the former reference
31 to "the causes in this section prescribed" for clarity.

1 Also in subsection (c) of this section, the former reference to a member “of any
2 board of license commissioners appointed by them” is deleted as surplusage.

3 Former Art. 2B, § 15–101(e), which provided that the provisions of former Art.
4 2B, § 15–104 apply in Baltimore County, is deleted as unnecessary in light of
5 the organization of this revised article.

6 Defined terms: “Board” § 13–101
7 “County” § 13–101

8 **13–203. SUBSTITUTE MEMBERS.**

9 **(A) APPOINTMENT BY COUNTY EXECUTIVE.**

10 **EVERY 2 YEARS, THE COUNTY EXECUTIVE SHALL APPOINT TWO SUBSTITUTE**
11 **MEMBERS TO THE BOARD.**

12 **(B) WHEN SUBSTITUTE MAY SERVE.**

13 **(1) THE CHAIR OF THE BOARD SHALL DESIGNATE A SUBSTITUTE**
14 **MEMBER TO SERVE:**

15 **(I) WHEN A REGULAR MEMBER IS ABSENT OR INCAPACITATED**
16 **FOR ANY REASON; OR**

17 **(II) IF A VACANCY IS CREATED.**

18 **(2) A SUBSTITUTE MEMBER SHALL SERVE UNTIL THE REGULAR**
19 **MEMBER’S INCAPACITY OR ABSENCE ENDS OR THE VACANCY IS FILLED.**

20 **(C) POWERS AND DUTIES.**

21 **WHILE SERVING ON THE BOARD, A SUBSTITUTE MEMBER HAS ALL THE**
22 **POWERS AND DUTIES OF A REGULAR MEMBER.**

23 **(D) SALARY.**

24 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A SUBSTITUTE**
25 **MEMBER SHALL RECEIVE A PER DIEM SALARY SET BY THE BOARD FOR EACH DAY**
26 **SERVED.**

27 **(2) THE SALARY OF A SUBSTITUTE MEMBER MAY NOT EXCEED THE**
28 **DAILY SALARY OF A REGULAR MEMBER.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–104(f).

3 In subsection (c) of this section, the former reference to the “authority” of a
4 substitute member is deleted as included in the reference to the “powers and
5 duties” of a substitute member.

6 In subsection (d)(1) of this section, the former reference to each day “actually”
7 served is deleted as surplusage.

8 The Alcoholic Beverages Article Review Committee notes, for consideration by
9 the General Assembly, that although former Art. 2B, § 15–104(f), revised in
10 part in subsection (b)(1) of this section, requires the chair of the Board to
11 designate a substitute Board member, and former Art. 2B, § 15–109(e)(1),
12 revised in § 13–204(a)(2)(i) of this subtitle, provides for the annual salary of
13 the chair, the source law is silent as to the selection of the Board chair.
14 According to the Board, in practice, the County Executive selects the chair.
15 The General Assembly may wish to amend this section to expressly provide
16 for the selection of the chair by the County Executive.

17 Defined terms: “Board” § 13–101
18 “County” § 13–101

19 **13–204. SALARIES; STAFF.**

20 **(A) SALARIES.**

21 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SALARIES**
22 **OF THE REGULAR MEMBERS OF THE BOARD SHALL BE AS SET FORTH IN THE COUNTY**
23 **BUDGET.**

24 **(2) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL**
25 **SALARY OF NOT LESS THAN \$11,500.**

26 **(II) EACH OTHER REGULAR MEMBER OF THE BOARD SHALL**
27 **RECEIVE AN ANNUAL SALARY OF NOT LESS THAN \$10,500.**

28 **(B) STAFF.**

29 **SUBJECT TO § 13–205 OF THIS SUBTITLE, THE BOARD MAY:**

30 **(1) EMPLOY:**

31 **(I) A SECRETARY;**

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(II) INSPECTORS; AND

(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND

(2) SET THE COMPENSATION OF THE EMPLOYEES.

(C) CHIEF ADMINISTRATOR.

THE COUNTY EXECUTIVE MAY APPOINT A CHIEF ADMINISTRATOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(a)(2) and 15–109(e)(1) and the first sentence of (e)(2).

In subsection (a)(1) of this section, the reference to “regular” members of the Board is added for clarity. Similarly, in subsection (a)(2)(ii) of this section, the reference to each “other regular” member is substituted for the former reference to each “associate” member.

Also in subsection (a)(1) of this section, the reference to the salaries of Board members being “as set forth in the County budget” is substituted for the former reference to the salaries of Board members being “as determined from time to time by ‘Baltimore County, Maryland’, in such amounts as are deemed reasonable and proper” for brevity and clarity.

In subsection (a)(2)(i) of this section, the reference to the “chair” is substituted for the former reference to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

In subsection (c) of this section, the reference to the “County Executive” appointing a “chief administrator” is substituted for the former reference to the “Board” appointing an “executive director” to reflect current practice in the County.

The second sentence of former Art. 2B, § 15–109(e)(2), which required the salary of the executive secretary to the Board to be paid from the liquor license appropriation in the Baltimore County budget and specified the amount of the salary, is deleted as obsolete.

Defined terms: “Board” § 13–101

“County” § 13–101

13–205. INSPECTORS.

1 **(A) IN GENERAL.**

2 **THE BOARD MAY APPOINT A CHIEF INSPECTOR AND AT LEAST 14**
 3 **INSPECTORS.**

4 **(B) POWERS.**

5 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE CHIEF**
 6 **INSPECTOR AND EACH OTHER INSPECTOR MAY EXAMINE ANY IDENTIFICATION USED**
 7 **AS PROOF OF AGE BY AN INDIVIDUAL TO PURCHASE ALCOHOLIC BEVERAGES.**

8 **(2) THE EXAMINATION SHALL BE MADE ON THE PREMISES OF THE**
 9 **LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.**

10 **(C) SALARIES.**

11 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SALARIES**
 12 **OF THE CHIEF INSPECTOR AND EACH OTHER INSPECTOR SHALL BE AS SET FORTH**
 13 **IN THE COUNTY BUDGET.**

14 **(2) (I) THE SALARY OF THE CHIEF INSPECTOR MAY NOT BE LESS**
 15 **THAN \$9,500 A YEAR.**

16 **(II) THE SALARY OF EACH OTHER INSPECTOR MAY NOT BE LESS**
 17 **THAN \$9,000 A YEAR.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 15-112(e)(2).

20 Throughout this section, the former references to a "[l]icense" inspector are
 21 deleted as surplusage.

22 In subsection (b) of this section, the former references to "request" are deleted
 23 in light of the references to "examine" and "examination".

24 In subsection (b)(1) of this section, the reference to each "other" inspector is
 25 added for clarity. Similarly, in subsection (c)(2)(ii) of this section, the reference
 26 to each "other" inspector is substituted for the former reference to each
 27 "remaining" inspector.

28 Also in subsection (b)(1) of this section, the reference to an "individual" is
 29 substituted for the former reference to a "person" because only a human being
 30 and not the other entities included in the definition of "person" can show proof
 31 of age to purchase alcoholic beverages.

1 In subsection (b)(2) of this section, the reference to the “premises of the
2 licensed establishment where the purchase is attempted” is substituted for
3 the former reference to the “licensed premises in the county” for clarity.

4 In subsection (c)(1) of this section, the reference to the salaries “of the Chief
5 Inspector and each other inspector” is added for clarity.

6 Also in subsection (c)(1) of this section, the reference to salaries being “as set
7 forth in the County budget” is substituted for the former reference to salaries
8 being “as determined by the county” for clarity.

9 The second sentence of former Art. 2B, § 15–104(e), which required the Board
10 to appoint no less than four but no more than fifteen liquor inspectors for the
11 County, is deleted because it conflicts with the first sentence of former Art.
12 2B, § 15–112(e)(2). The latter provision, which is revised in subsection (a) of
13 this section, authorized the Board to appoint a Chief License Inspector and at
14 least 14 license inspectors. Former Art. 2B, § 15–104(e) was enacted by
15 Chapter 6 of the Special Session of the General Assembly of 1967, while former
16 Art. 2B, § 15–112(e)(2) was enacted in what is substantively its present form
17 by Chapter 606 of the Acts of 1989. Under rules of statutory construction, in
18 the event of an irreconcilable conflict between two provisions of law, the latest
19 provision to be enacted prevails. *See, e.g.*, GP § 1–207(b).

20 Former Art. 2B, § 15–112(e)(1), which provided that former Art. 2B, §
21 15–112(e) applied only in Baltimore County, is deleted as unnecessary in light
22 of the organization of this revised article.

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Board” § 13–101

25 “County” § 13–101

26 **13–206. DISPOSITION OF LICENSE FEES.**

27 **FROM THE FEES COLLECTED UNDER THIS SUBTITLE, THE COUNTY SHALL:**

28 **(1) PAY ALL SALARIES AND EXPENSES OF THE BOARD, AS**
29 **DETERMINED BY THE COUNTY; AND**

30 **(2) DEVOTE THE BALANCE OF THE FEES TO THE GENERAL PURPOSES**
31 **OF THE COUNTY, WHICH MAY INCLUDE THE METROPOLITAN DISTRICT AND**
32 **HIGHWAYS.**

33 REVISOR’S NOTE: This section is new language derived without substantive
34 change from former Art. 2B, § 10–204(e).

1 The former reference to the metropolitan district “department” is deleted as
2 surplusage.

3 The former reference to “[t]he phrase ‘the general purposes of the county’ in
4 Baltimore County” is deleted as surplusage.

5 Defined terms: “Board” § 13–101
6 “County” § 13–101

7 **13–207. REGULATIONS.**

8 **(A) IN GENERAL.**

9 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE,**
10 **INCLUDING REGULATIONS REGARDING:**

11 **(1) THE PRESENCE ON A LICENSED PREMISES OF AN INDIVIDUAL WHO**
12 **IS NOT A CONSUMER; AND**

13 **(2) THE ISSUANCE OF A LICENSE WHEN THE ACTUAL USE OF THE**
14 **LICENSE IS TO BE DEFERRED UNTIL THE COMPLETION OF CONSTRUCTION OR**
15 **ALTERATIONS ON THE PREMISES.**

16 **(B) REQUIRED NOTICE.**

17 **THE BOARD SHALL:**

18 **(1) PUBLISH NOTICE OF AN INTENDED ACTION TO CHANGE OR ADOPT**
19 **REGULATIONS AT LEAST 30 DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED**
20 **REGULATIONS IN A NEWSPAPER OF GENERAL PUBLICATION IN THE COUNTY; AND**

21 **(2) GIVE ALL INTERESTED PERSONS A REASONABLE OPPORTUNITY**
22 **TO SUBMIT DATA OR VIEWS ORALLY OR IN WRITING BEFORE THE EFFECTIVE DATE**
23 **OF THE REGULATIONS.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, §§ 15–112(e)(3) and 16–301(c) and, as it related
26 to the authority of the Board to adopt regulations, (a).

27 Throughout this section, the former references to “rules” are deleted as
28 included in the reference to “regulations”.

29 In the introductory language of subsection (a) of this section, the defined term
30 “Board” is substituted for the former reference to “the board of license
31 commissioners from any county or Baltimore City, respectively,” because this

1 section applies only to the Board of License Commissioners for Baltimore
2 County.

3 Also in the introductory language of subsection (a) of this section, the reference
4 to the Board “adopt[ing] regulations to carry out” this article is substituted for
5 the former reference to the Board “hav[ing] full powers and authority to adopt
6 such reasonable rules and regulations as they may deem necessary to enable
7 them effectively to discharge the duties imposed upon them by” this article for
8 brevity.

9 Also in the introductory language of subsection (a) this section, the former
10 phrase “[i]n addition to the powers otherwise provided by this article,” is
11 deleted as surplusage.

12 In subsection (a)(1) of this section, the defined term “consumer” is substituted
13 for the former reference to a person “designated under § 1–102(a)(6) of this
14 article” for clarity.

15 In subsection (a)(2) of this section, the phrase “the issuance of a license” is
16 substituted for the former phrase “the granting and the date of issuing
17 licenses” for brevity.

18 Defined terms: “Board” § 13–101
19 “Consumer” § 1–101
20 “Person” § 1–101

21 **SUBTITLE 3. LIQUOR CONTROL.**

22 **13–301. LIQUOR CONTROL — NOT APPLICABLE.**

23 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
24 **IN THE COUNTY.**

25 REVISOR’S NOTE: This section is new language added to clarify that there is no
26 liquor control board or department of liquor control in the County.

27 Defined term: “County” § 13–101

28 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

29 **13–401. APPLICATION OF GENERAL PROVISIONS.**

30 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
3 EXCEPTION OR VARIATION:

4 (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

5 (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);

6 (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);

7 (4) § 2–205 (“CLASS 3 WINERY LICENSE”);

8 (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);

9 (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);

10 (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);

11 (8) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);

12 (9) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);

13 (10) § 2–211 (“RESIDENCY REQUIREMENT”);

14 (11) § 2–212 (“ADDITIONAL LICENSES”);

15 (12) § 2–213 (“ADDITIONAL FEES”);

16 (13) § 2–214 (“SALE OR DELIVERY RESTRICTED”);

17 (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
18 AND RETAILERS”);

19 (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
20 PROHIBITED PRACTICES”); AND

21 (16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
22 RETAILERS — PROHIBITED”).

23 (B) EXCEPTIONS.

24 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
25 LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

1 (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

2 (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
3 PROHIBITED”).

4 REVISOR’S NOTE: Subsection (a) of this section is new language added to
5 incorporate by reference general provisions relating to the issuance of
6 manufacturer’s licenses.

7 Subsection (b)(1) of this section is new language derived without substantive
8 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
9 implicit in the former law, that a limited distillery license may not be issued
10 in the County.

11 Subsection (b)(2) of this section is new language derived without substantive
12 change from the introductory language of former Art. 2B, § 12-112(a), as it
13 limited to specific jurisdictions, not including Baltimore County, the
14 application of the general prohibition against beer sale on credit to retail
15 dealers revised in § 2-215 of Division I of this article. No substantive change
16 is intended.

17 Former Art. 2B, § 2-208(b)(2)(iii), which provided that a Class 7
18 micro-brewery license shall be issued in the County, is deleted as unnecessary
19 in light of the organization of this revised article.

20 Defined terms: “County” § 13-101
21 “Manufacturer’s license” § 1-101

22 **13-402. HOURS AND DAYS OF SALE OR DELIVERY.**

23 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
24 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
25 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 11-101(b)(3).

28 Defined terms: “Alcoholic beverage” § 1-101
29 “Manufacturer’s license” § 1-101

30 **SUBTITLE 5. WHOLESALER’S LICENSES.**

31 **13-501. APPLICATION OF GENERAL PROVISIONS.**

1 (A) WITHOUT EXCEPTION OR VARIATION.

2 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S
3 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
4 EXCEPTION OR VARIATION:

5 (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);

6 (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S
7 LICENSE”);

8 (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);

9 (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);

10 (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);

11 (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);

12 (7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);

13 (8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);

14 (9) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM
15 WHOLESALER’S VEHICLE”);

16 (10) § 2–310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);

17 (11) § 2–311 (“ADDITIONAL WHOLESALER’S LICENSES”);

18 (12) § 2–312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);

19 (13) § 2–313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF
20 LICENSE OR PERMIT”);

21 (14) § 2–315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND
22 RETAILERS”);

23 (15) § 2–316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
24 PROHIBITED PRACTICES”); AND

25 (16) § 2–317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS
26 AND RETAILERS — PROHIBITED”).

1 **(B) EXCEPTION.**

2 **SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)**
3 **OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

4 REVISOR’S NOTE: Subsection (a) of this section is new language added to
5 incorporate by reference general provisions relating to the issuance of
6 wholesaler’s licenses.

7 Subsection (b) of this section is new language derived without substantive
8 change from the introductory language of former Art. 2B, § 12-112(a), as it
9 limited to specific jurisdictions, not including Baltimore County, the
10 application of the general prohibition against beer sale on credit to retail
11 dealers revised in § 2-314 of this article. No substantive change is intended.

12 Defined terms: “County” § 13-101
13 “Wholesaler’s license” § 1-101

14 **13-502. HOURS AND DAYS OF SALE OR DELIVERY.**

15 **EXCEPT AS PROVIDED IN § 13-503 OF THIS SUBTITLE, A HOLDER OF A**
16 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
17 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
18 **SUNDAY.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 11-102(a).

21 Defined terms: “Alcoholic beverage” § 1-101
22 “Wholesaler’s license” § 1-101

23 **13-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

24 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

25 **THE HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
26 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
27 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
28 **RETURNS ON THE SAME DAY.**

29 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

1 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
2 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
3 **REQUIRED TO DISPENSE DRAFT BEER.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 11–102(b).

6 In subsection (a) of this section, the reference to a “per diem” license is
7 substituted for the former reference to a “special 1–day” license to conform to
8 the terminology used throughout this article.

9 Also in subsection (a) of this section, the reference to a per diem license issued
10 “under Subtitle 13 of this title” is substituted for the former reference to a
11 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
12 of material relating to per diem licenses in titles for each applicable
13 jurisdiction in this revision.

14 Also in subsection (a) of this section, the reference to delivery of beer on the
15 “effective date of the per diem license” is substituted for the former reference
16 to delivery on the “effective day of the license” for clarity.

17 Also in subsection (a) of this section, the former reference to accepting returns
18 on the same day “of delivery” is deleted as surplusage.

19 In subsection (b) of this section, the language that the “agreement entered into
20 under subsection (a) of this section shall include [the type of equipment to
21 dispense draft beer]” is substituted for the former language that the “parties
22 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

23 Defined terms: “Beer” § 1–101
24 “Wholesaler’s license” § 1–101

25 **SUBTITLE 6. BEER LICENSES.**

26 **13–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

27 **A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 3–101(e).

30 Defined terms: “Beer” § 1–101
31 “County” § 13–101

32 **13–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
3 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY**
4 **THAT CONTAINS NOT MORE THAN 21% OF ALCOHOL BY VOLUME.**

5 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
6 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

7 **(D) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$100.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 4-201(a)(2), (b)(8), (c)(1) and (3), (d)(3), as it is
11 related to Baltimore County, and the second sentence of (1), and (e)(1)(ii) and
12 (2).

13 Throughout this section, the references to "wine" are substituted for the
14 former references to "light wine" to reflect that license holders in the County
15 may sell wine with an alcohol content of 21%, which is above the traditional
16 maximum level of 15.5% for light wine.

17 In subsection (b)(1) of this section, the reference to a "Class 3 winery license"
18 is substituted for the former reference to a "Class 3 manufacturer's license,
19 who makes wine from agricultural products grown in Maryland" for brevity
20 and to conform to the terminology used throughout this article. Similarly, the
21 reference to a "Class 4 limited winery license" is substituted for the former
22 reference to a "Class 4 manufacturer's license".

23 Also in subsection (b)(1) of this section, the former reference to a license being
24 issued "by the license issuing authority of the county in which the place of
25 business is located" is deleted as surplusage.

26 In subsection (c)(1) of this section, the former reference to "ports" is deleted as
27 unnecessary in light of the definition of "wine". Port wine generally has an
28 alcohol content of 19.5% to 20% by volume and thus is included in the
29 definition of "wine".

30 Also in subsection (c)(1) of this section, the former phrase "keep for sale" is
31 deleted as implicit in the word "sell".

32 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
33 any consumer" is deleted as surplusage.

1 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
2 former reference to “delivered” to conform to the terminology used throughout
3 this article.

4 Defined terms: “Board” § 13–101

5 “County” § 13–101

6 “License” § 1–101

7 “Wine” § 1–101

8 SUBTITLE 8. BEER AND WINE LICENSES.

9 13–801. CLASS A BEER AND WINE LICENSE.

10 (A) ESTABLISHED.

11 THERE IS A CLASS A BEER AND WINE LICENSE.

12 (B) SCOPE OF AUTHORIZATION.

13 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
14 AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

15 (2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A
16 SEALED PACKAGE OR CONTAINER.

17 (3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
18 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS
19 SOLD.

20 (C) FEE.

21 THE ANNUAL LICENSE FEE IS \$250.

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 5–101(e) and (a)(1).

24 In this section and throughout this subtitle, the references to “wine” are
25 substituted for the former references to “light wine” to reflect that license
26 holders in the County may sell wine with an alcohol content of 22%, which is
27 above the traditional maximum level of 15.5% for light wine.

28 Subsection (a) of this section is revised in standard language used throughout
29 this article to establish a license.

1 In subsection (a) of this section and throughout this subtitle, the former
2 references to the license being “issued by the license issuing authority of the
3 county in which the place of business is located” are deleted as surplusage.

4 In subsection (b)(1) of this section and throughout this subtitle, the former
5 references to “keep[ing] for sale” are deleted as implicit in the reference to
6 “sell[ing]”.

7 In subsection (b)(2) of this section, the word “sell” is substituted for the former
8 word “deliver” to conform to the terminology used throughout this article.

9 Defined terms: “Beer” § 1–101
10 “Wine” § 1–101

11 **13–802. CLASS B BEER AND WINE LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS B BEER AND WINE LICENSE.**

14 **(B) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
16 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
17 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

18 **(C) SPACE REQUIREMENT.**

19 **(1) THIS SUBSECTION DOES NOT APPLY TO A PRESENT LICENSE**
20 **HOLDER HAVING THE LICENSE BEFORE DECEMBER 31, 1966.**

21 **(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A**
22 **RESTAURANT FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES**
23 **MAY NOT OCCUPY LESS THAN 80% OF THE SQUARE FOOTAGE OF THE PREMISES.**

24 **(D) FEE.**

25 **THE ANNUAL LICENSE FEE IS \$300.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 5–201(e) and (a)(1).

28 Subsection (a) of this section is revised in standard language used throughout
29 this article to establish a license.

1 In subsection (b) of this section, the reference to “on– and off–premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 In subsection (c)(1) of this section, the former word “affect” is deleted as
5 included in the phrase “apply to”.

6 In subsection (c)(2) of this section, the reference to the “square footage of the
7 premises” is substituted for the former reference to the “square foot area” for
8 clarity.

9 Also in subsection (c)(2) of this section, the former reference to the preparation
10 and consumption of food and beverages “on the premises” is deleted as
11 surplusage.

12 Defined terms: “Beer” § 1–101

13 “Hotel” § 1–101

14 “Restaurant” § 1–101

15 “Wine” § 1–101

16 **13–803. CLASS C BEER AND WINE LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS C BEER AND WINE LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
21 **A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE**
22 **DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

23 **(C) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$150.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 5–301(e) and (a)(1).

27 Subsection (a) of this section is revised in standard language used throughout
28 this article to establish a license.

29 In subsection (b) of this section, the former reference to consumption “only” on
30 the premises is deleted as surplusage.

1 Also in subsection (b) of this section, the former reference to a “bona fide”
2 member is deleted as surplusage.

3 Defined terms: “Beer” § 1–101

4 “Club” § 1–101

5 “Wine” § 1–101

6 **13–804. CLASS D BEER AND WINE LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS D BEER AND WINE LICENSE.**

9 **(B) SCOPE OF AUTHORIZATION.**

10 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
11 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
12 **OFF-PREMISES CONSUMPTION.**

13 **(C) SPACE REQUIREMENT.**

14 **(1) THIS SUBSECTION DOES NOT APPLY TO A PRESENT LICENSE**
15 **HOLDER HAVING THE LICENSE BEFORE DECEMBER 31, 1966.**

16 **(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED FOR THE**
17 **PREPARATION AND CONSUMPTION OF BEER AND WINE MAY NOT OCCUPY LESS THAN**
18 **80% OF THE SQUARE FOOTAGE OF THE PREMISES.**

19 **(D) DRUGSTORE PROHIBITION.**

20 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

21 **(E) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$250.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 5–401(e) and (a)(1).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

27 In subsection (b) of this section, the reference to “on- and off-premises
28 consumption” is substituted for the former reference to “consumption on the
29 premises or elsewhere” for clarity.

1 In subsection (c)(1) of this section, the former word “affect” is deleted as
2 included in the phrase “apply to”.

3 In subsection (c)(2) of this section, the reference to the “square footage of the
4 premises” is substituted for the former reference to the “square foot area” for
5 clarity.

6 Also in subsection (c)(2) of this section, the reference to “beer and wine” is
7 substituted for the former reference to “alcoholic beverages” for clarity.

8 Also in subsection (c)(2) of this section, the former reference to the preparation
9 and consumption of beer and wine “on the premises” is deleted as surplusage.

10 Defined terms: “Beer” § 1–101
11 “Wine” § 1–101

12 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

13 **13–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

16 **(B) SCOPE OF AUTHORIZATION.**

17 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
18 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

19 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
20 **LIQUOR IN A SEALED CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS**
21 **CONSUMED ON THE LICENSED PREMISES.**

22 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

23 **A LICENSE MAY NOT BE ISSUED FOR ANY DRUGSTORE UNLESS THE**
24 **APPLICANT:**

25 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
26 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
27 **THE LICENSE;**

1 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
 2 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
 3 **APPLIED FOR; OR**

4 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
 5 **LEAST 3 YEARS.**

6 **(D) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$900.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 6–101(e) and (a)(1) and (3).

10 Subsection (a) of this section is revised in standard language used throughout
 11 this title to establish a license.

12 In subsection (b)(1) of this section, the phrase “to sell” is substituted for the
 13 former phrase “to keep for sale and to sell” for brevity.

14 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
 15 deleted as unnecessary.

16 Also in subsection (b)(1) of this section, the phrase “beer, wine, or liquor” is
 17 substituted for the former phrase “all alcoholic beverages” for clarity.

18 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
 19 of the application for the license” is substituted for the former phrase “that
 20 length of time” for clarity.

21 In subsection (c)(3) of this section, the former reference to “actually” engaged
 22 is deleted as surplusage.

23 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
 24 deleted as surplusage.

25 Defined terms: “Beer” § 1–101
 26 “Wine” § 1–101

27 **13–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

2 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
3 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

4 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

5 **(3) CONTAINS:**

6 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

7 **(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE**
8 **PUBLIC; AND**

9 **(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND**
10 **SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

11 **(C) SCOPE OF AUTHORIZATION.**

12 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
13 **WINE, AND LIQUOR FOR CONSUMPTION AT A HOTEL OR RESTAURANT AT THE PLACE**
14 **DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

15 **(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A**
16 **RESTAURANT TO PREPARE AND CONSUME FOOD AND BEVERAGES MAY OCCUPY NOT**
17 **LESS THAN 80% OF THE SQUARE FOOTAGE, UNLESS THE LICENSE HOLDER HAS HELD**
18 **THE LICENSE SINCE BEFORE DECEMBER 31, 1966.**

19 **(D) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$1,500.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 6-201(a)(1) and (3)(i) and (e)(2) and (3).

23 Subsection (a) of this section is revised in standard language used throughout
24 this title to establish a license.

25 In subsection (b)(3)(iii) of this section, the reference to "individuals" is
26 substituted for the former reference to "persons" because this subsection refers
27 only to human beings.

1 In subsection (c)(2) of this section, the reference to “unless the license holder
2 has held the license” is substituted for the former reference to “[t]hese
3 occupancy requirements do not apply to or affect any present licensee having
4 this license” for brevity.

5 Former Art. 2B, § 6–201(e)(1), which stated that former Art. 2B, § 6–201(e)
6 applied only in Baltimore County, is deleted as unnecessary in light of the
7 organization of this revised article.

8 Defined terms: “Beer” § 1–101

9 “Board” § 10–101

10 “Hotel” § 1–101

11 “Restaurant” § 1–101

12 “Wine” § 1–101

13 **13–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

16 **(B) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
18 **LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES**
19 **CONSUMPTION.**

20 **(C) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$1,000.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 6–301(e) and (a)(1).

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

26 In subsection (b) of this section, the reference to “beer, wine, and liquor” is
27 substituted for the former reference to “all alcoholic beverages” for clarity.

28 Also in subsection (b) of this section, the former reference to “keep[ing] for
29 sale” is deleted as implicit in the reference to “sell[ing]”.

30 Also in subsection (b) of this section, the former reference to selling “at retail”
31 is deleted as unnecessary in light of the phrase “for on–premises
32 consumption”.

1 Also in subsection (b) of this section, the former reference to consumption
2 “only” on the licensed premises is deleted as surplusage.

3 Defined terms: “Beer” § 1–101

4 “Club” § 1–101

5 “Wine” § 1–101

6 **13–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

9 **(B) AUTHORIZED HOLDER.**

10 **THE BOARD MAY:**

11 **(1) ISSUE THE LICENSE ONLY TO A HOLDER OF A CLASS B (SB)**
12 **RESTAURANT – SERVICE BAR BEER, WINE, AND LIQUOR (ON–SALE) LICENSE; OR**

13 **(2) RESTRICT OFF–SALE PRIVILEGES OF THE LICENSE HOLDER.**

14 **(C) SCOPE OF AUTHORIZATION.**

15 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
16 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR**
17 **ON– AND OFF–PREMISES CONSUMPTION.**

18 **(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED TO**
19 **PREPARE AND CONSUME FOOD AND ALCOHOLIC BEVERAGES ON THE PREMISES MAY**
20 **OCCUPY NOT LESS THAN 80% OF THE SQUARE FOOT AREA, UNLESS THE LICENSE**
21 **HOLDER HAS HELD THE LICENSE SINCE BEFORE DECEMBER 31, 1966.**

22 **(D) DRUGSTORE PROHIBITION.**

23 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

24 **(E) FEE.**

25 **THE ANNUAL LICENSE FEE IS \$1,500.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, §§ 6–401(a)(1) and (e)(2) and (3) and 12–204(c)(1).

1 Subsection (a) of this section is revised in standard language used throughout
2 this title to establish a license.

3 In subsection (b) of this section, the former phrase “[i]n granting a license” is
4 deleted as surplusage.

5 In subsection (b)(1) of this section, the reference to “issue” the license is
6 substituted for the former reference to “[l]imit” the license to conform to the
7 terminology used throughout this article.

8 In subsection (c)(2) of this section, the reference to “unless the license holder
9 has held the license” is substituted for the former reference to “[t]hese
10 occupancy requirements do not apply to or affect any present licensee having
11 this license” for brevity.

12 Former Art. 2B, § 6–401(e)(1), which stated that former Art. 2B, § 6–401(e)
13 applied only in Baltimore County, is deleted as unnecessary in light of the
14 organization of this revised article.

15 Former Art. 2B, § 12–204(c)(2), which stated that the provisions of former Art.
16 2B, § 12–204(c)(1) do not apply to a holder of a Class A beer, wine, and liquor
17 license, is deleted as unnecessary, as the provisions do not apply on their face.

18 Defined terms: “Alcoholic beverage” § 1–101

19 “Beer” § 1–101

20 “Board” § 13–101

21 “Restaurant” § 1–101

22 “Wine” § 1–101

23 GENERAL REVISOR’S NOTE TO SUBTITLE

24 Former Art. 2B, § 8–204, which established the 7–day Class BDR (deluxe restaurant)
25 (on–sale) beer, wine, and liquor license, is deleted as obsolete. Under former Art. 2B,
26 § 8–204(j)(3), the Board is prohibited from issuing a Class BDR license after July 1,
27 1995. No substantive change is made by this deletion. In accordance with the general
28 rule noted in Section 11 of this Act, a holder of a license, such as a Class BDR license,
29 is considered for all purposes to be licensed for the duration of the term for which the
30 license was issued and may renew that authorization in accordance with the
31 appropriate renewal provisions of this article.

32 SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.

33 13–1001. RACETRACK LICENSES.

34 (A) ESTABLISHED.

1 **THERE IS:**

2 **(1) A RACETRACK BEER AND WINE LICENSE; AND**

3 **(2) A RACETRACK BEER, WINE, AND LIQUOR LICENSE.**

4 **(B) AUTHORIZED HOLDER.**

5 **(1) THE BOARD MAY ISSUE A LICENSE TO THE OWNER,**
6 **CONCESSIONAIRE, OR CATERING ORGANIZATION OF A LICENSED RACING**
7 **ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION, OR A CORPORATION.**

8 **(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR**
9 **THE LICENSES.**

10 **(C) SCOPE OF AUTHORIZATION.**

11 **(1) THE RACETRACK BEER AND WINE LICENSE AUTHORIZES THE**
12 **LICENSE HOLDER TO SELL BEER AND WINE AT ONE OR MORE LOCATIONS ON THE**
13 **PREMISES OF THE RACING PARK OF THE LICENSE HOLDER.**

14 **(2) THE RACETRACK BEER, WINE, AND LIQUOR LICENSE AUTHORIZES**
15 **THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT ONE OR MORE**
16 **LOCATIONS ON THE PREMISES OF THE RACING PARK OF THE LICENSE HOLDER.**

17 **(D) FEES.**

18 **THE LICENSE FEE IS:**

19 **(1) FOR A RACETRACK BEER AND WINE LICENSE, \$25 FOR EACH DAY**
20 **THAT THE RACING PARK IS OPEN AND OPERATING; AND**

21 **(2) FOR A RACETRACK BEER, WINE, AND LIQUOR LICENSE, \$50 FOR**
22 **EACH DAY THAT THE RACING PARK IS OPEN AND OPERATING.**

23 REVISOR'S NOTE: Subsection (a) of this section is new language added as the
24 standard language establishing a license in this article.

25 Subsections (b) through (d) of this section are new language derived without
26 substantive change from the first sentence of former Art. 2B, § 8-601(a).

27 Throughout this section, the references to "wine" are substituted for the
28 former references to "light wine" to reflect that license holders may provide

1 wine with an alcohol content above the traditional maximum level for light
2 wine.

3 In subsection (b)(1) of this section, the reference to the Board being allowed to
4 “issue” licenses to a racetrack owner, concessionaire, or catering organization
5 is substituted for the former reference authorizing a racetrack owner to
6 “procure” licenses to conform to the terminology used throughout this article.

7 Also in subsection (b)(1) of this section, the former reference to the owner “or
8 owners” of a racing establishment is deleted as redundant in light of § 1–202
9 of the General Provisions Article, which provides that the singular generally
10 includes the plural.

11 In subsection (b)(2) of this section, the former reference to “locative”
12 qualifications is deleted as redundant.

13 In subsection (c)(1) of this section, the reference to the sale of alcoholic
14 beverages “on the premises” of the license holder’s racing park is substituted
15 for the former reference to the sale of alcoholic beverages “within the confines”
16 of the license holder’s racing park to conform to the terminology used
17 throughout this article.

18 In the introductory language of subsection (d) of this section, the reference to
19 the “license fee” for each license is substituted for the former reference to the
20 “cost” of each license to conform with the terminology used throughout this
21 article.

22 In subsection (d) of this section, the references to each day “that the racing
23 park is open and operating” are added for clarity and to conform to current
24 practice.

25 The second sentence of former Art. 2B, § 8–601(a), which stated that the
26 license and license holder are subject to all laws, rules, and regulations
27 applicable in Baltimore County to the sale of alcoholic beverages not
28 inconsistent with the provisions of this section, is deleted as an unnecessary
29 statement of common practice.

30 Defined terms: “Beer” § 1–101

31 “Board” § 13–101

32 “Wine” § 1–101

33 **13–1002. THEATER LICENSE.**

34 **(A) ESTABLISHED.**

35 **THERE IS A THEATER BEER, WINE, AND LIQUOR LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **THE BOARD MAY ISSUE THE LICENSE FOR USE IN A THEATER THAT:**

3 **(1) IS HOUSED IN A BUILDING;**

4 **(2) HAS A CAPACITY TO HOLD A MINIMUM OF 1,500 PERMANENTLY**
5 **INSTALLED SEATS; AND**

6 **(3) REGULARLY PRESENTS LIVE ENTERTAINMENT.**

7 **(C) HOURS AND DAYS OF SALE.**

8 **A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT RETAIL FOR**
9 **ON-PREMISES CONSUMPTION:**

10 **(1) FOR 2 HOURS BEFORE THE ENTERTAINMENT BEGINS;**

11 **(2) DURING THE ENTERTAINMENT; AND**

12 **(3) FOR 1 HOUR AFTER THE ENTERTAINMENT ENDS.**

13 **(D) LOCATION TRANSFER PROHIBITED.**

14 **THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

15 **(E) POPULATION REQUIREMENTS NOT APPLICABLE.**

16 **THE POPULATION REQUIREMENTS OF THE REGULATIONS OF THE BOARD DO**
17 **NOT APPLY TO THE LICENSE.**

18 **(F) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$2,000.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8–204.1(a) and (c) through (g).

22 In the introductory language of subsection (c) of this section, the former phrase
23 “[n]otwithstanding any other provision of this article to the contrary” is
24 deleted as unnecessary in light of the organization of this revised article.

25 In subsection (c)(3) of this section, the word “ends” is added for clarity.

1 In subsection (d) of this section, the former phrase “from the location of
2 original issuance” is deleted as surplusage.

3 In subsection (e) of this section, the former reference to “rules” is deleted in
4 light of the reference to “regulations”.

5 Former Art. 2B, § 8–204.1(b), which defined “Board” as meaning the Baltimore
6 County Board of License Commissioners, is deleted as redundant of the
7 definition of “Board” in § 13–101 of this title.

8 Defined terms: “Beer” § 1–101

9 “Board” § 13–101

10 “Wine” § 1–101

11 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

12 **13–1101. APPLICATION OF GENERAL PROVISIONS.**

13 **(A) WITHOUT EXCEPTION OR VARIATION.**

14 **THE FOLLOWING PROVISIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL**
15 **LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
16 **WITHOUT EXCEPTION OR VARIATION:**

17 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
18 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

19 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
20 **FROM LICENSED PREMISES”).**

21 **(B) EXCEPTION.**

22 **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
23 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

24 **(C) VARIATION.**

25 **SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
26 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13–1102 OF**
27 **THIS SUBTITLE.**

28 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
29 general provisions relating to additional privileges of license holders.

1 Defined terms: "Beer" § 1-101

2 "County" § 13-101

3 "License" § 1-101

4 "License holder" § 1-101

5 "Wine" § 1-101

6 **13-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

7 **(A) AUTHORIZED HOLDER.**

8 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
9 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

10 **(B) APPLICATION FORM.**

11 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
12 **BOARD PROVIDES.**

13 **(C) HOURS OF SALE.**

14 **THE HOURS OF SALE FOR THE PERMIT:**

15 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
16 **LICENSE; AND**

17 **(2) END AT MIDNIGHT.**

18 **(D) REGULATIONS.**

19 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

20 **(E) FEES.**

21 **THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF NOT MORE THAN:**

22 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
23 **PRIVILEGE; AND**

24 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
25 **OFF-SALE PRIVILEGE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 8-204.10(d) through (g).

1 In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

2 Former Art. 2B, § 8–103(a)(1)(i), which stated that former Art. 2B, §
3 8–103 applied with respect to draft beer in Baltimore County, and former Art.
4 2B, § 8–204.10(a), which stated that former Art. 2B, § 8–204.10 applied only
5 in Baltimore County, are deleted as unnecessary in light of the organization
6 of this revised article.

7 Former Art. 2B, § 8–204.10(b), which defined the term “Board” to mean the
8 Board of License Commissioners, is deleted as redundant of the term “Board”
9 defined in § 13–101 of this title.

10 Former Art. 2B, § 8–204.10(c), which stated that there is a refillable container
11 permit in the County, is deleted as unnecessary in light of §
12 13–1101(c) of this subtitle.

13 Defined terms: “Board” § 13–101
14 “License” § 1–101
15 “Off–sale” § 1–101

16 SUBTITLE 12. CATERER’S LICENSES.

17 13–1201. OFF–SALE CATERER PRIVILEGE.

18 (A) ESTABLISHED.

19 THERE IS AN OFF–SALE CATERER PRIVILEGE.

20 (B) AUTHORIZED HOLDER.

21 (1) THE BOARD MAY GRANT THE PRIVILEGE TO A HOLDER OF A
22 CLASS B OR CLASS D ON–SALE BEER, WINE, AND LIQUOR LICENSE.

23 (2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS
24 INCORPORATED IN THE HOLDER’S CLASS B OR CLASS D LICENSE.

25 (C) SCOPE OF AUTHORIZATION.

26 THE PRIVILEGE AUTHORIZES A HOLDER TO:

27 (1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE CATERED
28 EVENT HELD OFF THE PREMISES OF THE HOLDER TO PROVIDE FOOD AND SELL
29 BEER, WINE, AND LIQUOR FOR CONSUMPTION AT THE EVENT; AND

1 **(2) EXERCISE THE PRIVILEGE ONLY DURING THE HOURS AND ON THE**
2 **DAYS AUTHORIZED FOR THE HOLDER’S CLASS B OR CLASS D LICENSE.**

3 **(D) RENEWAL.**

4 **THE PRIVILEGE MAY BE RENEWED.**

5 **(E) FEE.**

6 **THE ANNUAL FEE FOR THE PRIVILEGE IS \$500 IN ADDITION TO THE ANNUAL**
7 **FEE FOR THE LICENSE TO WHICH THE PRIVILEGE IS INCORPORATED.**

8 REVISOR’S NOTE: Subsection (a) of this section is new language added to state
9 expressly what was only implied in the former law, that a special off-sale
10 caterer privilege exists in Baltimore County.

11 Subsections (b) through (e) of this section are new language derived without
12 substantive change from former Art. 2B, § 6-702(b) through (h).

13 Subsection (b)(1) of this section is revised as a statement specifying the eligible
14 recipients of a special caterer privilege, rather than as part of the former
15 definition of “caterer”, for clarity and to conform to the format used in licensing
16 provisions throughout this article.

17 In subsection (b)(1) of this section, the former phrase “for the sole purpose of
18 authorizing the licensee to be a caterer” is deleted as surplusage.

19 In subsection (b)(2) of this section, the former clause “if it is granted” is deleted
20 as surplusage.

21 Also in subsection (b)(2) of this section, the former reference to the “existing”
22 license is deleted as surplusage.

23 In subsection (c)(1) of this section, the reference to the premises “of the holder”
24 is added for clarity.

25 Also in subsection (c)(1) of this section, the reference to “beer, wine, and liquor”
26 is substituted for the former reference to “alcoholic beverages” for clarity.

27 In subsection (c)(2) of this section, the reference to the hours and days
28 “authorized for the holder’s Class B or Class D license” is substituted for the
29 former reference to the hours and days “that are permitted in this article for
30 a Class B or Class D on-sale beer, wine and liquor license” for clarity.

31 Also in subsection (c)(2) of this section, the former phrase “in the county” is
32 deleted as surplusage.

1 In subsection (e) of this section, the reference to the “license to which the
2 privilege is incorporated” is substituted for the former reference to the “Class
3 B or Class D on-sale beer, wine and liquor license” for brevity.

4 Former Art. 2B, § 6-702(a), which stated that former Art. 2B, § 6-702 applied
5 only in Baltimore County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Defined terms: “Beer” § 1-101

8 “Board” § 13-101

9 “License” § 1-101

10 “Off-sale” § 1-101

11 “On-sale” § 1-101

12 “Wine” § 1-101

13 SUBTITLE 13. TEMPORARY LICENSES.

14 PART I. IN GENERAL.

15 13-1301. APPLICATION OF GENERAL PROVISIONS.

16 (A) WITHOUT EXCEPTION OR VARIATION.

17 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
18 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
19 EXCEPTION OR VARIATION:

20 (1) § 4-1202 (“PER DIEM LICENSES”);

21 (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
22 AND WINE LICENSES”);

23 (3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

24 (4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

25 (5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

26 (6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

27 (B) EXCEPTION.

1 **SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT**
2 **APPLY IN THE COUNTY AND IS SUPERSEDED BY § 13-1311 OF THIS SUBTITLE.**

3 **(C) VARIATION.**

4 **SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”)**
5 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-1312**
6 **OF THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 the general provisions relating to local temporary licenses.

9 Defined term: “County” § 13-101

10 **13-1302. RESERVED.**

11 **13-1303. RESERVED.**

12 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

13 **13-1304. BEER FESTIVAL LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A BEER FESTIVAL LICENSE.**

16 **(B) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
18 **CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM**
19 **BREWERY LICENSE.**

20 **(C) SCOPE OF AUTHORIZATION.**

21 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.**

22 **(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

23 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

24 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

25 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER**
26 **FESTIVAL.**

1 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

2 **THE BOARD SHALL:**

3 **(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE BEER FESTIVAL THAT**
4 **DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL COUNTY BEER**
5 **AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE**
6 **FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN**
7 **CARROLL COUNTY;**

8 **(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

9 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS**
10 **THE PROMOTION OF MARYLAND BEER.**

11 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

12 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
13 **OR NATURE.**

14 **(G) FEE.**

15 **THE LICENSE FEE IS \$50.**

16 **(H) REGULATIONS.**

17 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 8–802.

20 Throughout this section, the former references to a “special” beer festival
21 license are deleted as surplusage.

22 Subsection (a) of this section is revised in standard language used throughout
23 this article to establish a license.

24 In subsection (b) of this section, the former phrase “[n]otwithstanding any
25 other provisions to the contrary” is deleted as unnecessary in light of the
26 organization of this revised article.

27 Also in subsection (b) of this section, the reference to a “retail license” is
28 substituted for the former reference to an “existing retail alcoholic beverages
29 license issued in the State” for brevity.

1 In subsections (d)(2) and (e)(2) of this section, the former references to a
2 festival or location “in Baltimore County” are deleted as surplusage.

3 In subsection (e)(2) of this section, the reference to a location “that is not
4 already licensed” is substituted for the former reference to a location “which
5 does not hold an alcoholic beverages license” for consistency with terminology
6 used throughout this article.

7 Also in subsection (e)(2) of this section, the former reference to a location “for
8 the special beer festival” is deleted as surplusage.

9 In subsection (f) of this section, the reference to a license holder who “may
10 hold” another license is substituted for the former statement that “[t]he
11 provisions of this section may not prohibit the licensee from holding” another
12 license for clarity.

13 Defined terms: “Beer” § 1–101
14 “Board” § 13–101
15 “License” § 1–101
16 “License holder” § 1–101

17 **13–1305. WINE FESTIVAL LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A WINE FESTIVAL LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
22 **CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.**

23 **(C) SCOPE OF AUTHORIZATION.**

24 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.**

25 **(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

26 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

27 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

28 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE**
29 **FESTIVAL.**

1 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

2 **THE BOARD SHALL:**

3 **(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE WINE FESTIVAL THAT**
4 **DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL COUNTY BEER**
5 **AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE**
6 **FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN**
7 **CARROLL COUNTY;**

8 **(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

9 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE WINE FESTIVAL IS THE**
10 **PROMOTION OF MARYLAND WINE.**

11 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

12 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
13 **OR NATURE.**

14 **(G) FEE.**

15 **THE LICENSE FEE IS \$60.**

16 **(H) REGULATIONS.**

17 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 8-304.

20 Throughout this section, the former references to a "special" festival license
21 are deleted as surplusage.

22 Subsection (a) of this section is revised in standard language used throughout
23 this article to establish a license.

24 In subsection (b) of this section, the reference to a "retail license" is substituted
25 for the former reference to a "requisite existing retail alcoholic beverages
26 license issued in the State" for brevity.

27 Also in subsection (b) of this section, the former phrase "[n]otwithstanding any
28 other provision to the contrary," is deleted as unnecessary in light of the
29 organization of this revised article.

1 In the introductory language of subsection (d) of this section, the reference to
2 the requirement that a “license holder shall” display and sell is substituted for
3 the former reference to a “license entitl[ing] the holder to” display and sell for
4 clarity and consistency with terminology used throughout this article.

5 In subsections (d)(2) and (e)(2) of this section, the former references to a
6 festival or location “in Baltimore County” are deleted as surplusage.

7 In subsection (e)(2) of this section, the reference to a location “that is not
8 already licensed” is substituted for the former reference to a location “which
9 does not hold an alcoholic beverages license” for consistency with terminology
10 used throughout this article.

11 Also in subsection (e)(2) of this section, the former reference to a location “for
12 the special wine festival” is deleted as surplusage.

13 In subsection (f) of this section, the reference to a license holder who “may
14 hold” another license is substituted for the former statement that “[t]he
15 provisions of this section may not prohibit the licensee from holding” another
16 license for clarity.

17 Defined terms: “Board” § 13–101

18 “License” § 1–101

19 “Wine” § 1–101

20 **13–1306. WINE SAMPLING PERMIT FOR NONPROFIT ORGANIZATION.**

21 **(A) ESTABLISHED.**

22 **THERE IS A WINE SAMPLING (WS) PERMIT.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE BOARD MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION.**

25 **(C) SCOPE OF AUTHORIZATION.**

26 **(1) THE PERMIT AUTHORIZES ON–PREMISES CONSUMPTION OF WINE**
27 **FOR SAMPLING:**

28 **(I) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN**
29 **ISSUED WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES;**
30 **OR**

1 **(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

2 **(2) THE PERMIT HOLDER MAY BRING WINE ONTO THE CLASS B**
 3 **LICENSED PREMISES FOR SAMPLING.**

4 **(D) LICENSE APPLICATION.**

5 **THE NONPROFIT ORGANIZATION SHALL APPLY FOR A PERMIT AT LEAST 15**
 6 **DAYS BEFORE THE PERMIT IS ISSUED.**

7 **(E) LIMIT ON NUMBER OF LICENSES.**

8 **THE BOARD MAY ISSUE NOT MORE THAN 12 PERMITS IN A LICENSE YEAR TO A**
 9 **SINGLE NONPROFIT ORGANIZATION.**

10 **(F) LIMIT ON SERVINGS.**

11 **A PERMIT HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES OF**
 12 **WINE FROM EACH OFFERING TO AN INDIVIDUAL.**

13 **(G) FEE.**

14 **THE PERMIT FEE IS \$30 PER DAY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 8-404(a).

17 Throughout this section, former references to a "bona fide" nonprofit
 18 organization are deleted as surplusage.

19 Subsection (a) of this section is revised in standard language used throughout
 20 this article to establish a permit.

21 In the introductory language of subsection (c)(1) and in subsection (c)(2) of this
 22 section, the former references to "tasting" are deleted as redundant of the
 23 references to "sampling".

24 In subsection (c)(1)(i) of this section, the reference to the "holder of the license
 25 for the premises" is substituted for the former reference to the "licensee" to
 26 clarify which license holder is to give the consent.

27 In subsection (c)(1)(ii) of this section, the reference to a "location that is not
 28 already licensed" is substituted for the former reference to "premises without
 29 a permanent alcoholic beverages license" for consistency with terminology
 30 used throughout this article.

1 In subsection (f) of this section, the reference to each “offering” is substituted
2 for the former reference to each “brand” for clarity.

3 Also in subsection (f) of this section, the reference to “an individual” is
4 substituted for the former, overly broad reference to “any 1 person” for clarity.

5 Former Art. 2B, § 8–404(b), which stated that this section is not restricted by
6 former Art. 2B, § 12–107(b), is deleted as unnecessary in light of §
7 1–202 of this article.

8 Defined terms: “Board” § 13–101

9 “License” § 1–101

10 “Wine” § 1–101

11 **13–1307. BEER AND WINE TASTING LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS BWT BEER AND WINE TASTING LICENSE.**

14 **(B) AUTHORIZED HOLDER.**

15 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND**
16 **WINE LICENSE.**

17 **(C) SCOPE OF AUTHORIZATION.**

18 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON–PREMISES**
19 **CONSUMPTION OF BEER OR WINE FOR TASTING.**

20 **(D) TYPES OF LICENSE.**

21 **THE LICENSE MAY BE ISSUED AS:**

22 **(1) A DAILY TASTING LICENSE, THAT MAY BE ISSUED NOT MORE THAN**
23 **12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR; AND**

24 **(2) A 26–DAY, 52–DAY, OR 104–DAY LICENSE, EACH OF WHICH MAY BE**
25 **USED CONSECUTIVELY OR NONCONSECUTIVELY.**

26 **(E) LICENSE APPLICATION.**

1 **(1) AN APPLICANT SHALL APPLY ON A FORM THAT THE BOARD**
2 **PROVIDES.**

3 **(2) THE FORM SHALL SPECIFY THE DATE ON WHICH THE TASTING IS**
4 **TO OCCUR.**

5 **(3) THE APPLICATION AND PAYMENT FOR THE DAILY TASTING**
6 **LICENSE, THE 26-DAY TASTING LICENSE, THE 52-DAY TASTING LICENSE, AND THE**
7 **104-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST**
8 **DAY OF THE PROPOSED TASTING EVENT.**

9 **(4) THE HOLDER OF A 26-DAY TASTING LICENSE, A 52-DAY TASTING**
10 **LICENSE, AND A 104-DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM**
11 **THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY**
12 **THE LICENSES.**

13 **(F) HOURS AND DAYS OF OPERATION.**

14 **A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE**
15 **ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER'S**
16 **CLASS A LICENSE.**

17 **(G) LIMIT ON SERVINGS.**

18 **AN INDIVIDUAL MAY CONSUME WINE OR BEER COVERED BY A LICENSE IN A**
19 **QUANTITY OF NOT MORE THAN:**

20 **(1) 1 OUNCE OF WINE FROM EACH OFFERING IN A DAY; AND**

21 **(2) 3 OUNCES OF BEER FROM EACH OFFERING IN A DAY.**

22 **(H) DISPOSAL OF REMAINING BEER AND WINE.**

23 **AT THE END OF THE DAY FOR WHICH A LICENSE IS VALID, A LICENSE HOLDER**
24 **SHALL DISPOSE OF BEER OR WINE THAT REMAINS IN A CONTAINER OPENED FOR**
25 **TASTING.**

26 **(I) FEE.**

27 **IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE LICENSE FEE IS:**

28 **(1) \$20 FOR A DAILY TASTING LICENSE;**

1 **(2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;**

2 **(3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND**

3 **(4) \$400 ANNUALLY FOR A 104-DAY TASTING LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 8-404.1(b) and (e) and, as they related to Class
6 BWT licenses, (d), (g), (h), and (j).

7 Throughout this section, the references to "wine" are substituted for the
8 former references to "light wine" to reflect that license holders may provide
9 wine with an alcohol content above the traditional maximum level for light
10 wine.

11 Subsection (a) of this section is revised in standard language used throughout
12 this article to establish a license.

13 In subsection (d)(1) of this section, the reference to "a single license holder" is
14 added for clarity.

15 In subsection (e)(1) of this section, the reference to "[a]n applicant" is
16 substituted for the former reference to "[e]ach Class A license holder that
17 seeks issuance of a BWT ... license for which they are eligible" for brevity.

18 Also in subsection (e)(1) of this section, the former reference to "the type of
19 tasting license authorized by this section" is deleted as surplusage.

20 In subsection (e)(2) of this section, the former reference to the form "provided
21 by the Board of License Commissioners under paragraph (1) of this
22 subsection" is deleted as surplusage.

23 In subsection (e)(3) of this section, the former reference to "7 days in advance
24 of the first day of consecutive day tasting events" is deleted as unnecessary in
25 light of the reference to "7 days before the first tasting event".

26 In subsection (e)(3) and (4) of this section, the references to the "104-day
27 tasting license" are added to correct apparent erroneous omissions. When the
28 104-day tasting license was authorized by Ch. 171 of the Acts of 2010, former
29 Art. 2B, § 8-404.1 was not amended to provide for the application, payment,
30 and notice requirements for the license. The Alcoholic Beverages Article
31 Review Committee calls this addition to the attention of the General
32 Assembly.

1 In the introductory language of subsection (g) of this section, the reference to
 2 an “individual” is substituted for the former, overly broad reference to a
 3 “person” for clarity.

4 In subsection (g)(1) and (2) of this section, the references to “each offering” are
 5 substituted for the former references to “all brands” for clarity.

6 In subsection (h) of this section, the former reference to any “unconsumed”
 7 alcoholic beverage is deleted as redundant in light of the reference to any
 8 alcoholic beverage “that remains” in a container opened for tasting.

9 Also in subsection (h) of this section, the former reference to “sampling” is
 10 deleted as redundant of the reference to “tasting”.

11 Former Art. 2B, § 8–404.1(a), which stated that former Art. 2B, § 8–404.1
 12 applied only in Baltimore County, is deleted as unnecessary in light of the
 13 organization of this revised article.

14 Former Art. 2B, § 8–404.1(i), which stated that this section is not restricted
 15 by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light
 16 of § 1–202 of this article.

17 Defined terms: “Beer” § 1–101
 18 “Board” § 13–101
 19 “License” § 1–101
 20 “License holder” § 1–101
 21 “Wine” § 1–101

22 **13–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
 27 **AND LIQUOR LICENSE.**

28 **(C) SCOPE OF AUTHORIZATION.**

29 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES**
 30 **CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING.**

31 **(D) TYPES OF LICENSE.**

1 **THE LICENSE MAY BE ISSUED AS:**

2 **(1) A DAILY TASTING LICENSE THAT MAY BE ISSUED NOT MORE THAN**
3 **12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR; AND**

4 **(2) A 26-DAY, 52-DAY, OR 104-DAY LICENSE, EACH OF WHICH MAY BE**
5 **USED CONSECUTIVELY OR NONCONSECUTIVELY.**

6 **(E) LICENSE APPLICATION.**

7 **(1) AN APPLICANT SHALL APPLY FOR THE LICENSE ON A FORM THAT**
8 **THE BOARD PROVIDES.**

9 **(2) THE FORM SHALL SPECIFY THE DATE OR DATES ON WHICH THE**
10 **TASTING IS TO OCCUR.**

11 **(3) THE APPLICATION AND PAYMENT FOR THE DAILY TASTING**
12 **LICENSE, THE 26-DAY TASTING LICENSE, THE 52-DAY TASTING LICENSE, AND THE**
13 **104-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST**
14 **DAY OF THE PROPOSED TASTING EVENT.**

15 **(4) THE HOLDER OF A 26-DAY TASTING LICENSE, A 52-DAY TASTING**
16 **LICENSE, AND A 104-DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM**
17 **THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY**
18 **THE LICENSES.**

19 **(F) HOURS AND DAYS OF OPERATION.**

20 **A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE**
21 **ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER'S**
22 **CLASS A LICENSE.**

23 **(G) LIMIT ON SERVINGS.**

24 **AN INDIVIDUAL MAY CONSUME WINE, BEER, OR LIQUOR COVERED BY A**
25 **LICENSE IN A QUANTITY OF NOT MORE THAN:**

26 **(1) 1 OUNCE OF WINE FROM EACH OFFERING IN A DAY;**

27 **(2) 3 OUNCES OF BEER FROM EACH OFFERING IN A DAY; AND**

28 **(3) ONE-HALF OUNCE OF LIQUOR FROM EACH OFFERING IN A DAY.**

1 **(H) DISPOSAL OF REMAINING ALCOHOLIC BEVERAGES.**

2 **AT THE END OF EACH DAY FOR WHICH A LICENSE IS VALID, A LICENSE HOLDER**
 3 **SHALL DISPOSE OF ANY ALCOHOLIC BEVERAGE THAT REMAINS IN A CONTAINER**
 4 **OPENED FOR TASTING.**

5 **(I) FEE.**

6 **IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE FEE FOR A LICENSE**
 7 **IS:**

8 **(1) \$20 FOR A DAILY TASTING LICENSE;**

9 **(2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;**

10 **(3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND**

11 **(4) \$400 ANNUALLY FOR A 104-DAY TASTING LICENSE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 8-404.1(c) and (f) and, as they related to Class
 14 BWLT licenses, (d), (g), (h), and (j).

15 Throughout this section, the references to "wine" are substituted for the
 16 former references to "light wine" to reflect that license holders may provide
 17 wine with an alcohol content above the traditional maximum level for light
 18 wine.

19 Subsection (a) of this section is revised in standard language used throughout
 20 this article to establish a license.

21 In subsections (c) and (i) of this section, the former references to "sampling"
 22 are deleted as redundant of the references to "tasting".

23 In subsection (d)(1) of this section, the reference to "a single license holder" is
 24 added for clarity.

25 In subsection (e)(1) of this section, the reference to "[a]n applicant" is
 26 substituted for the former reference to "[e]ach Class A license holder that
 27 seeks issuance of a ... BWLT license for which they are eligible" for brevity.

28 Also in subsection (e)(1) of this section, the former reference to "the type of
 29 tasting license authorized by this section" is deleted as surplusage.

1 In subsection (e)(2) of this section, the former reference to the form “provided
2 by the Board of License Commissioners under paragraph (1) of this
3 subsection” is deleted as surplusage.

4 In subsection (e)(3) of this section, the former reference to “7 days in advance
5 of the first day of consecutive day tasting events” is deleted as unnecessary in
6 light of the reference to “7 days before the tasting event”.

7 In subsection (e)(3) and (4) of this section, the references to the “104–day
8 tasting license” are added to correct apparent erroneous omissions. When the
9 104–day tasting license was authorized by Ch. 171 of the Acts of 2010, former
10 Art. 2B, § 8–404.1 was not amended to provide for the application, payment,
11 and notice requirements for the license. The Alcoholic Beverages Article
12 Review Committee calls this addition to the attention of the General
13 Assembly.

14 In the introductory language of subsection (g) of this section, the reference to
15 an “individual” is substituted for the former, overly broad reference to a
16 “person” for clarity.

17 In subsection (g)(1), (2), and (3) of this section, the references to “each offering”
18 are substituted for the former references to “all brands” for clarity.

19 In subsection (h) of this section, the reference to any “unconsumed” alcoholic
20 beverage is deleted as redundant in light of the reference to any alcoholic
21 beverage “that remains” in a container opened for tasting.

22 Also in subsection (h) of this section, the former reference to “sampling” is
23 deleted as redundant of the reference to “tasting”.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Beer” § 1–101

26 “Board” § 13–101

27 “License” § 1–101

28 “License holder” § 1–101

29 “Wine” § 1–101

30 **13–1309. RESERVED.**

31 **13–1310. RESERVED.**

32 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

33 **13–1311. FEES.**

1 **(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
2 **LICENSES.**

3 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM**
4 **BEER AND WINE LICENSE IS:**

5 **(1) \$20 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR**
6 **VETERANS', CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND**

7 **(2) \$30 PER DAY FOR ANY OTHER LICENSE HOLDER.**

8 **(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

9 **THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:**

10 **(1) \$35 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR**
11 **VETERANS', CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND**

12 **(2) \$50 PER DAY FOR ANY OTHER LICENSE HOLDER.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 7–101(b)(4) and (d)(4)(i)1.

15 In subsections (a)(1) and (b)(1) of this section, the former references to a “bona
16 fide” religious, fraternal, civic, war veterans', hospital, or charitable
17 organization is deleted as surplusage.

18 Also in subsections (a)(1) and (b)(1) of this section, the references to a hospital
19 “supporting” organization are added for clarity, reflecting the terminology
20 used in the Internal Revenue Code.

21 Defined term: “License Holder” § 1–101

22 **13–1312. PURCHASING REQUIREMENTS FOR 7–DAY CLASS C PER DIEM BEER, WINE,**
23 **AND LIQUOR LICENSE.**

24 **(A) PURCHASE OF BEER AND WINE FROM WHOLESALER.**

25 **THE HOLDER OF A 7–DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR**
26 **LICENSE MAY PURCHASE BEER AND WINE FROM A WHOLESALER.**

27 **(B) DELIVERY AND RETURN OF STOCK.**

1 **THE HOLDER OF A 7-DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR**
2 **LICENSE MAY AGREE WITH THE HOLDER OF A WHOLESALER'S LICENSE TO DELIVER**
3 **BEER AND WINE ON THE DAYS THAT THE PER DIEM LICENSE IS IN EFFECT AND**
4 **ACCEPT RETURNS ON THE SAME DAY OF DELIVERY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 7-101(d)(4)(ii) and (i)2.

7 In subsection (a) of this section, the defined term "wholesaler" is substituted
8 for the former term "wholesale dealer" to conform to the terminology used
9 throughout this article.

10 In subsection (b) of this section, the phrase "[n]otwithstanding any other
11 provision of law to the contrary," is deleted as surplusage.

12 Defined terms: "Wholesaler" § 1-101
13 "Wholesaler's license" § 1-101

14 **13-1313. MULTIPLE 1-DAY LICENSE.**

15 **(A) ESTABLISHED.**

16 **THE BOARD MAY ISSUE A MULTIPLE 1-DAY LICENSE TO A CHARITABLE**
17 **ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE UNITED**
18 **STATES INTERNAL REVENUE CODE.**

19 **(B) INFORMATION REQUIRED ON LICENSE APPLICATION.**

20 **(1) AN APPLICANT FOR THE LICENSE SHALL INCLUDE ON THE**
21 **APPLICATION THE DATES OF THE EVENTS FOR WHICH THE LICENSE IS REQUIRED.**

22 **(2) THE LICENSE MAY NOT INCLUDE MORE THAN 12 DATES.**

23 **(C) REGULATIONS.**

24 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 7-101(i)(2) through (4).

27 In subsection (a) of this section, the former phrase "under this section" is
28 deleted as surplusage.

29 Also in subsection (a) of this section, the former reference to a "bona fide
30 nonprofit" charitable organization is deleted as surplusage.

1 Former Art. 2B, § 7-101(i)(1), which stated that former Art. 2B, §
2 7-101(i) applied only in Baltimore County, is deleted as unnecessary in light
3 of the organization of this revised article.

4 Defined terms: "Board" § 13-101
5 "License" § 1-101

6 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

7 **13-1401. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
10 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
11 **WITHOUT EXCEPTION OR VARIATION:**

12 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
13 **BOARD");**

14 **(2) § 4-104 ("APPLICATION ON BEHALF OF CORPORATION OR CLUB");**

15 **(3) § 4-105 ("APPLICATION ON BEHALF OF LIMITED LIABILITY**
16 **COMPANY");**

17 **(4) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

18 **(5) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**

19 **(6) § 4-111 ("PAYMENT OF LICENSE FEES");**

20 **(7) § 4-112 ("DISPOSITION OF LICENSE FEES");**

21 **(8) § 4-113 ("REFUND OF LICENSE FEES"); AND**

22 **(9) § 4-114 ("FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR").**

23 **(B) EXCEPTIONS.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
25 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

1 **(1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH**
2 **IS SUPERSEDED BY § 13-1402 OF THIS SUBTITLE;**

3 **(2) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”); AND**

4 **(3) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
5 **PETITION OF SUPPORT”).**

6 **(C) VARIATION.**

7 **SECTION 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
8 **GENERAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO**
9 **§ 13-1403 OF THIS SUBTITLE.**

10 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
11 incorporate by reference general provisions relating to applications for local
12 licenses.

13 Subsection (b) of this section is new language derived without substantive
14 change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Baltimore
15 County.

16 Defined term: “County” § 13-101

17 **13-1402. APPLICATION ON BEHALF OF PARTNERSHIP.**

18 **(A) REQUIREMENTS FOR APPLICATION.**

19 **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE FOR A**
20 **PARTNERSHIP SHALL BE APPLIED FOR BY AND ISSUED TO AT LEAST TWO GENERAL**
21 **PARTNERS AS INDIVIDUALS.**

22 **(2) WHEN AN APPLICATION IS FILED, AT LEAST ONE OF THE GENERAL**
23 **PARTNERS WHO APPLIES SHALL:**

24 **(I) RESIDE IN THE STATE; AND**

25 **(II) BE A REGISTERED VOTER IN THE STATE.**

26 **(B) PARTNERSHIP WITH ONLY ONE GENERAL PARTNER.**

27 **IF A PARTNERSHIP HAS ONLY ONE GENERAL PARTNER, THE BOARD SHALL**
28 **ISSUE THE LICENSE TO THAT PARTNER AS AN INDIVIDUAL, PROVIDED THAT THE**
29 **PARTNER MEETS THE REQUIREMENTS OF SUBSECTION (A)(2) OF THIS SECTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9-101(a)(2)(ii)1 and 2.

3 In subsection (a)(2) of this section, the reference to "the State" is substituted
4 for the former reference to "any county of the State or of the City of Baltimore"
5 for brevity.

6 In subsection (b) of this section, the language "provided that the partner meets
7 the requirements of subsection (a)(2) of this section" is substituted for the
8 former phrase "if the partner is a registered voter of any county or of the City
9 of Baltimore and resides there at the time of application" for brevity.

10 Former Art. 2B, § 9-101(a)(2)(ii)3, which stated that former Art. 2B, §
11 9-101(a)(2)(ii) "may not be construed to waive any of the requirements under
12 §§ 9-102, 9-102.2, and 9-301 of [Art. 2B]" is deleted as unnecessary in light
13 of the organization of this revised article.

14 The Alcoholic Beverages Article Review Committee notes, for consideration by
15 the General Assembly, that the requirements that an applicant reside and be
16 a registered voter in the State may violate the equal protection guarantees of
17 the Fourteenth Amendment to the United States Constitution and Article 24
18 of the Maryland Declaration of Rights. Maryland courts look unfavorably on
19 legislation that classify persons by geography, which may be accomplished by
20 residency or registration requirements, if the primary purpose of the
21 legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

22 Defined terms: "Board" § 13-101

23 "License" § 1-101

24 "State" § 1-101

25 **13-1403. RESIDENT STATUS.**

26 **(A) REQUIREMENT INFORMATION ON APPLICATION.**

27 **AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE**
28 **APPLICATION:**

29 **(1) (I) A STATEMENT WHETHER THE APPLICANT IS A**
30 **NATURAL-BORN CITIZEN OR A NATURALIZED CITIZEN; OR**

31 **(II) IF THE APPLICANT IS NOT A NATURAL-BORN CITIZEN OR A**
32 **NATURALIZED CITIZEN, INFORMATION OR DOCUMENTATION REQUIRED BY THE**
33 **BOARD TO SHOW PROOF OF IMMIGRATION STATUS; AND**

1 **(2) A STATEMENT THAT THE APPLICANT HAS BEEN FOR 2 YEARS**
2 **IMMEDIATELY BEFORE THE FILING OF THE APPLICATION A RESIDENT OF THE**
3 **STATE.**

4 **(B) VERIFICATION OF IMMIGRATION STATUS.**

5 **THE BOARD MAY OBTAIN INFORMATION FROM THE SOCIAL SECURITY**
6 **ADMINISTRATION AND THE DEPARTMENT OF HOMELAND SECURITY —**
7 **IMMIGRATION AND CUSTOMS TO VERIFY THE CITIZENSHIP OR IMMIGRATION**
8 **STATUS OF THE APPLICANT.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10-103(b)(4)(v), and as it related to Baltimore
11 County, (3-a).

12 The references to "immigration" status are substituted for the former
13 references to "alien" status for clarity.

14 Defined terms: "Board" § 13-101
15 "County" § 13-101
16 "License" § 1-101

17 **13-1404. APPLICATION FROM CONTRACT PURCHASER, OWNER OF PREMISES, OR**
18 **DEVELOPER.**

19 **(A) IN GENERAL.**

20 **THE BOARD MAY ACCEPT AN APPLICATION FOR A LICENSE FROM:**

21 **(1) A CONTRACT PURCHASER OF A PROPERTY THAT BECOMES THE**
22 **OWNER OF RECORD OF THE PREMISES TO BE LICENSED BEFORE THE LICENSE IS**
23 **ISSUED;**

24 **(2) AN OWNER OF A PREMISES THAT IS PROPOSED TO BE LICENSED;**
25 **OR**

26 **(3) A DEVELOPER OF A PROPERTY WITH THE CONSENT AND**
27 **AUTHORITY OF THE OWNER OF THE PROPERTY.**

28 **(B) CERTAIN SITE INFORMATION NOT REQUIRED.**

29 **AN APPLICATION FILED UNDER THIS SECTION NEED NOT CONTAIN A SPECIFIC**
30 **STREET ADDRESS OR DESCRIPTION OF THE PREMISES TO BE LICENSED OTHER THAN**
31 **A GENERAL DESCRIPTION OF THE SITE ON WHICH THE PREMISES WILL BE BUILT,**

1 INCLUDING A PROPERTY MAP NUMBER, PARCEL NUMBER, PROPERTY TAX
2 IDENTIFICATION NUMBER, OR PLAT NUMBER.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8-204.6(b) and (c).

5 Defined terms: "Board" § 13-101
6 "License" § 1-101

7 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

8 **13-1501. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
11 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
12 **WITHOUT EXCEPTION OR VARIATION:**

13 **(1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

14 **(2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

15 **(3) § 4-207 ("LICENSES ISSUED TO MINORS");**

16 **(4) § 4-209 ("HEARING");**

17 **(5) § 4-210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");**

18 **(6) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**

19 **(7) § 4-212 ("LICENSE NOT PROPERTY"); AND**

20 **(8) § 4-213 ("REPLACEMENT LICENSES").**

21 **(B) VARIATIONS.**

22 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
23 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

24 **(1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS"), SUBJECT**
25 **TO § 13-1502 OF THIS SUBTITLE;**

1 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 2 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 13-1503 OF THIS SUBTITLE**
 3 **AND SUBTITLE 13, PART III OF THIS TITLE;**

4 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 5 **FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III AND SUBTITLE 16,**
 6 **PART II OF THIS TITLE;**

7 **(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
 8 **SUBJECT TO § 13-1504 OF THIS SUBTITLE; AND**

9 **(5) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
 10 **APPLICATIONS”), SUBJECT TO § 13-1505 OF THIS SUBTITLE.**

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
 12 general provisions relating to the issuance of local licenses.

13 Defined terms: “County” § 13-101

14 “License” § 1-101

15 “Local licensing board” § 1-101

16 **13-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

17 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
 18 **WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN**
 19 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 9-102(b-3)(4), except as it related to the
 22 renewal of a license by a person that holds an out-of-state license.

23 The reference to “[t]he Board” is added for clarity.

24 The reference to an “out-of-state” license is substituted for the former
 25 reference to a license “in any other state or in Washington, D.C.” for brevity.

26 The former reference to a “corporation, or limited liability company” is deleted
 27 as included in the reference to a “person”.

28 Defined terms: “Alcoholic beverage” § 1-101

29 “Beer” § 1-101

30 “Board” § 13-101

31 “Person” § 1-101

32 “State” § 1-101

33 “Wine” § 1-101

1 **13-1503. MULTIPLE LICENSES.**

2 **(A) INTEREST IN MULTIPLE LICENSES PROHIBITED.**

3 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY**
 4 **NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD,**
 5 **REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR**
 6 **INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR**
 7 **INTERLOCKING STOCK OWNERSHIP, OR ANY OTHER DIRECT OR INDIRECT MANNER.**

8 **(B) MOTEL OR MOTOR COURT EXCEPTION.**

9 **THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED FOR A PLACE**
 10 **OPERATED AS A MOTEL OR MOTOR COURT THAT HAS AT LEAST 100 ROOMS.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, §§ 9-102(b-4) and 9-301(1)(i)1 and, except as
 13 they related to the renewal of a license, 2 and the first sentence of the
 14 introductory language of § 9-301.

15 In subsection (a) of this section, the phrase "[e]xcept as provided in subsection
 16 (b) of this section," is added for clarity.

17 Also in subsection (a) of this section, the former references to a "partnership,
 18 firm, or corporation" or to a "franchisor, franchisee, or chain store operation"
 19 are deleted as included in the defined term "person".

20 Also in subsection (a) of this section, the former reference to a license held or
 21 controlled by "[a]ny other method of ownership or control" is deleted as
 22 unnecessary under this revision and included in the reference to a license held
 23 or controlled by "any other direct or indirect manner".

24 In subsection (b) of this section, the former reference to licenses issued "under
 25 this article" is deleted as unnecessary.

26 Also in subsection (b) of this section, the former statement that subsection (a)
 27 of this section does not apply "in Baltimore County" is deleted as unnecessary
 28 in light of the organization of this revised article.

29 Former Art. 2B, § 9-301(1)(ii), which expressed the intention of former Art.
 30 2B, § 9-301(1)(i)2, is deleted as unnecessary.

31 Defined terms: "Board" § 13-101

32 "License" § 1-101

33 "Person" § 1-101

1 **13-1504. NOTICE OF LICENSE APPLICATION.**

2 (A) **POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

3 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS**
4 **ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE**
5 **AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE**
6 **HOLDING A HEARING ON THE APPLICATION.**

7 (B) **CONTENTS OF POSTING.**

8 **A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR**
9 **WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE**
10 **BOARD FOR AN APPLICATION HEARING.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10-202(b)(1)(i)4 and (ii).

13 In subsection (a) of this section, the reference to the "location" is substituted
14 for the former reference to the "premises" for consistency with terminology
15 used throughout this article.

16 Also in subsection (a) of this section, the reference to "post[ing] a suitable
17 notice ... for" at least 10 days is substituted for the former reference to
18 "caus[ing] a suitable sign or notice to be posted and to remain posted for a
19 period of" at least 10 days for brevity.

20 Also in subsection (a) of this section, the reference to the "hearing on the
21 application" is substituted for the former reference to "action upon the
22 application" for consistency with subsection (b) of this section.

23 In subsection (b) of this section, the reference to the "date" for an application
24 hearing is added for clarity.

25 Defined terms: "Board" § 13-101
26 "License" § 1-101

27 **13-1505. LICENSE DENIAL — PUBLIC ACCOMMODATION.**

28 **THE WAITING PERIODS SPECIFIED IN § 4-214(A) OF THIS ARTICLE APPLY**
29 **EVEN IF THE GROUNDS FOR THE DENIALS WERE THAT THE LICENSE WAS NOT**
30 **NECESSARY TO ACCOMMODATE THE PUBLIC.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–208(d).

3 The section is revised to clarify that the waiting periods specified in §
4 4–214(a) of this article apply to license denials that were based on the grounds
5 that the denied licenses were not necessary to accommodate the public.
6 Former Art. 2B, § 10–208(d) stated that the exemption from those waiting
7 periods does not apply to those license denials.

8 Defined term: “License” § 1–101

9 **GENERAL REVISOR'S NOTE TO SUBTITLE**

10 Former Art. 2B, § 9–102(b–1)(2)(i), which stated that the bowling alley exception to
11 the prohibition against multiple licenses did not apply to Baltimore County, is
12 deleted as unnecessary. This revision applies the general rule to Baltimore County.
13 The fact that Baltimore County is not covered by the exception need not be stated.

14 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

15 **PART I. LICENSING CONDITIONS.**

16 **13–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

17 **(A) IN GENERAL.**

18 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
19 **BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300**
20 **FEET OF A PLACE OF WORSHIP OR SCHOOL.**

21 **(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF**
22 **WORSHIP OR SCHOOL IS TO BE MEASURED FROM THE NEAREST POINT OF THE**
23 **BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF**
24 **THE PLACE OF WORSHIP OR SCHOOL.**

25 **(B) EXCEPTIONS.**

26 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
27 **SECTION DOES NOT APPLY TO:**

28 **(1) THE RENEWAL OR TRANSFER OF A LICENSE OF AN**
29 **ESTABLISHMENT IF, AFTER ISSUANCE OF THE LICENSE, A PLACE OF WORSHIP OR**
30 **SCHOOL WAS BUILT WITHIN 300 FEET OF THE ESTABLISHMENT;**

- 1 **(2) THE ISSUANCE OF A TEMPORARY LICENSE;**
- 2 **(3) A TRANSFER THAT MOVES THE LICENSED PREMISES WITHIN THE**
3 **SAME BUILDING;**
- 4 **(4) A TRANSFER OF OWNERSHIP OF THE LICENSED PREMISES; OR**
- 5 **(5) THE RENEWAL OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE)**
6 **LICENSE OR A 7-DAY CLASS BDR (DELUXE RESTAURANT) (ON-SALE) BEER, WINE,**
7 **AND LIQUOR LICENSE, IF THE LICENSED PREMISES HAS A SEATING CAPACITY OF**
8 **MORE THAN 50 INDIVIDUALS AND IS WITHIN A TOWN CENTER.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 9-205.

11 In subsection (a)(1) and (2) of this section, the former references to a "church"
12 are deleted as included in the references to a "place of worship".

13 In subsection (a)(1) of this section, the reference to a license "for an
14 establishment" is added for clarity and consistency with subsections (a)(2) and
15 (b)(1) of this section.

16 Also in subsection (a)(1) of this section, the former reference to a license "to
17 sell alcoholic beverages" is deleted as included in the defined term "license".

18 In subsection (a)(2) of this section, the former reference to the "proposed"
19 establishment is deleted as surplusage.

20 In the introductory language of subsection (b) of this section, the former
21 reference to this section not "affect[ing] or prohibit[ing], in any manner" the
22 renewal or transfer of a license is deleted as included in the reference to this
23 section not "apply[ing] to" the renewal or transfer of a license.

24 In subsection (b)(1) of this section, the reference to a place of worship or school
25 built within 300 feet "of the establishment" is added for clarity.

26 Also in subsection (b)(1) of this section, the former reference to a place of
27 worship or school "building" is deleted as surplusage.

28 In subsection (b)(2) of this section, the former reference to a "special" license
29 is deleted as unnecessary in light of the reference to a "temporary" license.

30 In subsection (b)(3) of this section, the former reference to a "structure" is
31 deleted as unnecessary in light of the reference to a "building".

1 In subsection (b)(5) of this section, the reference to “individuals” is substituted
2 for the former reference to “persons” because only human beings may be
3 seated at a restaurant.

4 Defined terms: “Board” § 13–101

5 “License” § 1–101

6 **13–1602. RESERVED.**

7 **13–1603. RESERVED.**

8 **PART II. MULTIPLE LICENSING PLANS.**

9 **13–1604. ELECTION DISTRICT 15 TRANSFER AND LICENSING PLAN.**

10 **(A) IN GENERAL.**

11 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
12 **MAY APPROVE THE TRANSFER OF A CLASS B OR CLASS D LICENSE IN EXISTENCE IN**
13 **ELECTION DISTRICT 15 ON MAY 1, 2012, TO ANOTHER ELECTION DISTRICT IF:**

14 **(I) THE APPROVAL OCCURS ANYTIME FROM MAY 1, 2012, TO**
15 **APRIL 30, 2017, BOTH INCLUSIVE; AND**

16 **(II) ON THE DATE OF THE APPROVAL, THE NUMBER OF**
17 **LICENSES IN EXISTENCE IN THE ELECTION DISTRICT TO WHICH THE LICENSE IS TO**
18 **BE TRANSFERRED IS NOT GREATER THAN 25% MORE THAN THE NUMBER OF**
19 **LICENSES THAT WOULD OTHERWISE EXIST IN THAT ELECTION DISTRICT, BASED ON**
20 **THE RULE OF THE BOARD THAT LIMITS THE TOTAL NUMBER OF LICENSES**
21 **AVAILABLE IN AN ELECTION DISTRICT BY POPULATION.**

22 **(2) (I) THE BOARD MAY NOT AUTHORIZE THE TRANSFER OF MORE**
23 **THAN 25 CLASS B OR CLASS D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF**
24 **ELECTION DISTRICT 15.**

25 **(II) NOT MORE THAN TWO LICENSES MAY BE TRANSFERRED**
26 **UNDER THIS SUBSECTION INTO ANY SINGLE ELECTION DISTRICT EACH YEAR FROM**
27 **MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE.**

28 **(B) ANNUAL SCHEDULE OF LICENSE TRANSFERS AND ISSUANCES.**

29 **(1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD SHALL:**

1 **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**
2 **LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE**
3 **COUNTY; OR**

4 **(II) ISSUE NEW CLASS B SERVICE BAR (SB) BEER AND WINE**
5 **LICENSES UNDER SUBSECTION (C) OF THIS SECTION.**

6 **(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:**

7 **(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D**
8 **LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF**
9 **THIS TITLE; OR**

10 **(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW**
11 **CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES**
12 **TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.**

13 **(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:**

14 **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**
15 **LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF**
16 **THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**
17 **ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR**

18 **(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM**
19 **(I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB)**
20 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**
21 **ISSUED SINCE MAY 1, 2012, EQUALS 10.**

22 **(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:**

23 **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**
24 **LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF**
25 **THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**
26 **ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR**

27 **(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM**
28 **(I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB)**
29 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**
30 **ISSUED SINCE MAY 1, 2012, EQUALS 15.**

31 **(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:**

1 **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**
2 **LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF**
3 **THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**
4 **ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR**

5 **(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM**
6 **(I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB)**
7 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**
8 **ISSUED SINCE MAY 1, 2012, EQUALS 20.**

9 **(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:**

10 **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**
11 **LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF**
12 **THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR**
13 **TRANSFERRED SINCE MAY 1, 2012, TOTALS AT LEAST 25; OR**

14 **(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM**
15 **(I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB)**
16 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR**
17 **TRANSFERRED SINCE MAY 1, 2012, EQUALS 25.**

18 **(7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF MORE**
19 **CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE MINIMUM TOTAL**
20 **REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED AGAINST THE MINIMUM**
21 **TOTAL REQUIRED FOR THE NEXT YEAR.**

22 **(8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS SUBSECTION**
23 **IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE APPLICATION FOR A**
24 **NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD.**

25 **(C) CLASS B SERVICE BAR BEER AND WINE LICENSES.**

26 **(1) A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE MAY BE**
27 **ISSUED ONLY IN COMPLIANCE WITH THIS SUBSECTION.**

28 **(2) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS:**

29 **(I) SALES OF BEER AND WINE FOR ON-PREMISES**
30 **CONSUMPTION; AND**

31 **(II) ALCOHOLIC BEVERAGES TO BE SERVED TO PATRONS ONLY**
32 **AS PART OF A MEAL.**

1 **(3) A CLASS B SERVICE BAR (SB) LICENSE MAY BE USED ONLY IN**
2 **THE OPERATION OF A RESTAURANT, AS DEFINED BY THE BOARD AND THIS ARTICLE,**
3 **THAT:**

4 **(I) HAS TABLE SERVICE; AND**

5 **(II) MAINTAINS AVERAGE DAILY RECEIPTS FROM THE SALE OF**
6 **FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.**

7 **(4) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT ALLOW**
8 **SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF**
9 **PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A TABLE.**

10 **(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
11 **PARAGRAPH, THE PROPOSED RESTAURANT FOR WHICH A CLASS B SERVICE BAR**
12 **(SB) LICENSE IS SOUGHT SHALL COMPLY WITH THE ZONING ORDINANCES OF THE**
13 **COUNTY, INCLUDING ALLOWING SEATING FOR NOT FEWER THAN 30 CUSTOMERS**
14 **AND NOT MORE THAN 100 CUSTOMERS.**

15 **(II) THE LICENSE MAY NOT BE USED IN CONJUNCTION WITH THE**
16 **VIEWING OF TELEVISED SPORTING EVENTS OR THE USE OF LIVE BANDS, DISC**
17 **JOCKEYS, KARAOKE, OR ANY OTHER FORM OF LIVE ENTERTAINMENT.**

18 **(6) A CLASS B OR D LICENSE TRANSFERRED UNDER SUBSECTION (A)**
19 **OF THIS SECTION OR A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER THIS**
20 **SUBSECTION MAY NOT THEREAFTER BE TRANSFERRED FROM THE LICENSED**
21 **PREMISES OR CONVERTED TO ANOTHER CLASS OF LICENSE.**

22 **(7) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE MAY**
23 **BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.**

24 **(8) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED FOR**
25 **USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS BEEN**
26 **ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B SERVICE BAR**
27 **(SB) LICENSE IS FILED.**

28 **(9) A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST AS**
29 **DEFINED IN § 13-1606 OF THIS SUBTITLE IN MORE THAN ONE CLASS B SERVICE BAR**
30 **(SB) LICENSE.**

31 **(D) FEE.**

1 **THE ANNUAL FEE FOR A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE**
 2 **IS \$ 5,000.**

3 **(E) EFFECT OF TRANSFER.**

4 **(1) WHEN A LICENSE IS TRANSFERRED FROM ELECTION DISTRICT 15**
 5 **TO ANOTHER ELECTION DISTRICT UNDER THIS SECTION, THE LICENSE DOES NOT**
 6 **CONTINUE TO EXIST IN ELECTION DISTRICT 15.**

7 **(2) SUBJECT TO THE 25% ALLOWANCE AUTHORIZED IN SUBSECTION**
 8 **(A)(1)(II) OF THIS SECTION, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED**
 9 **UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE**
 10 **FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION**
 11 **DISTRICT BASED ON THE RULE OF THE BOARD.**

12 **(F) CONVERSION OF CLASS D LICENSE FROM ELECTION DISTRICT 15 TO**
 13 **CLASS B LICENSE IN OTHER ELECTION DISTRICT.**

14 **(1) THE BOARD:**

15 **(I) SHALL CONVERT A CLASS D LICENSE THAT IS**
 16 **TRANSFERRED FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT**
 17 **TO A CLASS B LICENSE; AND**

18 **(II) MAY NOT THEREAFTER TRANSFER THE CLASS B LICENSE**
 19 **FROM THE LICENSED PREMISES OR CONVERT THE LICENSE TO ANOTHER CLASS OF**
 20 **LICENSE.**

21 **(2) THE BOARD MAY NOT TRANSFER FROM A LICENSED PREMISES OR**
 22 **CONVERT A LICENSE TO ANOTHER CLASS OF LICENSE:**

23 **(I) A NEW LICENSE ISSUED BY THE BOARD BASED ON AN**
 24 **INCREASE IN POPULATION UNDER THE RULE OF THE BOARD LIMITING THE TOTAL**
 25 **NUMBER OF LICENSES AVAILABLE BY POPULATION; OR**

26 **(II) A LICENSE THAT HAS BEEN REVOKED AND REISSUED BY THE**
 27 **BOARD.**

28 REVISOR'S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, §§ 8-204.8(b) through (f), 8-204.9(b) and (c), and
 30 8-204.7(b).

31 In subsection (c)(9) of this section, the former phrase "including an individual
 32 or sole proprietorship, partnership, corporation, unincorporated association,

1 and limited liability company” is deleted as included in the defined term
2 “person”.

3 In subsection (d) of this section, the former reference to a license “issued under
4 this section” is deleted as surplusage.

5 In subsection (e)(1) of this section, the reference to a license that “does not
6 continue to exist” is substituted for the former reference to a license that “may
7 not be construed to exist” for clarity.

8 Former Art. 2B, §§ 8–204.7(a), 8–204.8(a), and 8–204.9(a), which limited the
9 scope of former Art. 2B, §§ 8–204.7(a), 8–204.8(a), and 8–204.9(a) to Baltimore
10 County, are deleted as unnecessary in light of the organization of this revised
11 article.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Board” § 13–101

14 “License” § 1–101

15 “Person” § 1–101

16 “Restaurant” § 1–101

17 **13–1605. ADDITIONAL CLASS B LICENSE FOR RESTAURANT.**

18 **(A) IN GENERAL.**

19 **THE BOARD MAY:**

20 **(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND § 13–1606 OF**
21 **THIS SUBTITLE, ISSUE AN ADDITIONAL CLASS B (ON-SALE) HOTELS AND**
22 **RESTAURANTS BEER, WINE, AND LIQUOR LICENSE FOR PREMISES USED AS A**
23 **RESTAURANT THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
24 **SECTION TO THE HOLDER OF A CLASS B (ON-SALE) HOTELS AND RESTAURANTS**
25 **BEER, WINE, AND LIQUOR LICENSE; AND**

26 **(2) DEFINE “RESTAURANT” BY REGULATION.**

27 **(B) RESTAURANT REQUIREMENTS.**

28 **(1) A RESTAURANT UNDER THIS SECTION IS REQUIRED TO HAVE:**

29 **(I) A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR**
30 **RESTAURANT FACILITIES; AND**

31 **(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.**

1 **(2) THE CAPITAL INVESTMENT DESCRIBED IN PARAGRAPH (1)(I) OF**
2 **THIS SUBSECTION MAY NOT INCLUDE THE COST OF LAND OR BUILDINGS.**

3 **(C) MAXIMUM NUMBER OF LICENSES PER PERSON.**

4 **THE BOARD MAY NOT ISSUE MORE THAN FIVE LICENSES UNDER THIS SECTION**
5 **TO OR FOR THE USE OF THE SAME PERSON.**

6 **(D) ON-PREMISES CONSUMPTION ONLY.**

7 **ADDITIONAL LICENSES SHALL BE LIMITED TO PROVIDING ALCOHOLIC**
8 **BEVERAGES FOR ON-PREMISES CONSUMPTION.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 9-102(b-3A)(3) and, as it related to Baltimore
11 County, (1) and (2).

12 In subsection (a) of this section, the phrase "[t]he Board may" issue an
13 additional license is added for clarity.

14 In subsection (a)(1) of this section, the phrase "subject to subsection (c) of this
15 section" is substituted for the former phrase "[n]otwithstanding any other
16 provisions of this section," for accuracy.

17 Also in subsection (a)(1) of this section, the former references to a "bona fide"
18 restaurant are deleted as surplusage.

19 Also in subsection (a)(1) of this section, the former phrase "by making
20 application in the regular manner and paying the usual fee" is deleted as
21 surplusage.

22 In subsection (c) of this section, the defined term "person" is substituted for
23 the former reference to "partnership, corporation, unincorporated association,
24 or limited liability company" for brevity and consistency within this article.

25 Also in subsection (c) of this section, the phrase "[t]he Board may not issue" is
26 substituted for the former phrase "[n]othing contained herein shall permit" for
27 clarity.

28 In subsection (d) of this section, the former phrase "with no off-sale privileges
29 to be exercised therewith" is deleted as surplusage.

30 Also in subsection (d) of this section, the former reference to "restricted" is
31 deleted as included in the reference to "limited".

32 Defined terms: "Alcoholic beverage" § 1-101

1 "Board" § 13-101
2 "License" § 1-101
3 "Person" § 1-101

4 **13-1606. CLASS B LICENSES.**

5 **(A) MAXIMUM ALLOWABLE NUMBER OF INTERESTS IN LICENSES.**

6 **THE BOARD MAY ALLOW A PERSON TO OBTAIN A DIRECT OR INDIRECT**
7 **INTEREST IN:**

8 **(1) NOT MORE THAN 12 CLASS B (ON-SALE) HOTELS AND**
9 **RESTAURANTS BEER, WINE, AND LIQUOR LICENSES; OR**

10 **(2) IF ONE OF THE RESTAURANTS FOR WHICH A LICENSE IS LOCATED**
11 **IN THE LIBERTY ROAD COMMERCIAL REVITALIZATION DISTRICT AS DEFINED BY**
12 **THE COUNTY COUNCIL ON OCTOBER 18, 1999, NOT MORE THAN 13 CLASS B**
13 **(ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES.**

14 **(B) RESTAURANT REQUIREMENTS.**

15 **A RESTAURANT DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL:**

16 **(1) MEET THE REQUIREMENTS OF THE REGULATIONS OF THE BOARD**
17 **REGARDING THE AVAILABILITY AND ISSUANCE OF LICENSES;**

18 **(2) MEET THE DEFINITION REQUIREMENTS OF "RESTAURANT"**
19 **ESTABLISHED UNDER THE REGULATIONS OF THE BOARD;**

20 **(3) HAVE A MINIMUM DINING SEATING CAPACITY OF 190**
21 **INDIVIDUALS;**

22 **(4) HAVE A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY**
23 **THAT DOES NOT EXCEED 25% OF THE DINING SEATING CAPACITY; AND**

24 **(5) HAVE NOT MORE THAN 40% OF SALES IN ALCOHOLIC BEVERAGES**
25 **IN CONNECTION WITH THE BUSINESS.**

26 **(C) PRESUMPTION OF INDIRECT INTEREST.**

27 **AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN TWO PERSONS, IF**
28 **THE PERSONS:**

29 **(1) HAVE A COMMON PARENT COMPANY;**

1 **(2) ARE PARTIES TO A FRANCHISE AGREEMENT, LICENSING**
 2 **AGREEMENT, OR CONCESSION AGREEMENT;**

3 **(3) ARE PART OF A CHAIN OF BUSINESSES THAT IS COMMONLY OWNED**
 4 **AND OPERATED;**

5 **(4) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER;**

6 **(5) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER OF A**
 7 **PARENT OR SUBSIDIARY;**

8 **(6) SHARE, DIRECTLY OR INDIRECTLY, PROFIT FROM THE SALE OF**
 9 **ALCOHOLIC BEVERAGES; OR**

10 **(7) SHARE A TRADE NAME, TRADEMARK, LOGO OR THEME, OR MODE**
 11 **OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

12 **(D) OFF-SALE PRIVILEGES NOT CONFERRED.**

13 **A LICENSE DESCRIBED IN SUBSECTION (A) OF THIS SECTION DOES NOT**
 14 **CONFER AN OFF-SALE PRIVILEGE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 9-102(b-3B)(1) through (4).

17 In subsection (a) of this section, the former phrase "[n]otwithstanding any
 18 other provisions of this section or § 8-204(l) of this article" is deleted as
 19 surplusage.

20 In the introductory language of subsection (a) of this section, the reference to
 21 "[t]he Board" is added for clarity.

22 Also in the introductory language of subsection (a) of this section, the former
 23 phrase "an individual or a sole proprietorship, partnership, corporation,
 24 unincorporated association, or limited liability company" is deleted as
 25 included in the defined term "person".

26 In subsection (a)(1) of this section, the former reference to a license "under this
 27 article" is deleted as included in the defined term "license".

28 In subsection (b) of this section, the former phrase "[f]or an applicant to obtain
 29 a license under this subsection: (i) [t]he applicant shall apply in the regular
 30 manner and pay the usual fee" is deleted as surplusage.

1 In subsection (d) of this section, the reference to a “license described in
2 subsection (a) of this section” is substituted for the former reference to “these
3 licenses” for clarity.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 13–101

6 “County” § 13–101

7 “License” § 1–101

8 “Off–sale” § 1–101

9 “Person” § 1–101

10 REVISOR’S NOTE TO PART

11 Former Art. 2B, § 9–102(b–3B)(5), which authorized the issuance of not more than
12 six licenses to a person, is deleted as obsolete. Section 13–1606 of this subtitle authorizes
13 the issuance of not more than 12 licenses or 13 licenses if the thirteenth is located in the
14 Liberty Road Commercial Revitalization District.

15 Former Art. 2B, § 9–102(b–3C)(1), which authorized the issuance of not more than
16 13 Class B licenses, is deleted as duplicative of § 13–1606(a) and (b) of this subtitle.

17 Former Art. 2B, § 9–102(b–3C)(2), which specified when an indirect interest is
18 presumed to exist, is deleted as duplicative of § 13–1606(c) of this subtitle.

19 Former Art. 2B, § 9–102(b–3C)(3), which stated that off–sale privileges may not be
20 conferred by these 12 or 13 licenses, is deleted as duplicative of § 13–1606(d) of this subtitle.

21 Former Art. 2B, § 9–102(b–3C)(4), which stated that not more than seven licenses
22 may be issued to a single person, is deleted as obsolete in light of § 13–1605(c) of this
23 subtitle.

24 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

25 **13–1701. APPLICATION OF GENERAL PROVISIONS.**

26 **(A) WITHOUT EXCEPTION OR VARIATION.**

27 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
28 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
29 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

30 **(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

31 **(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
32 **REQUIRED”);**

1 **(3) § 4-305 (“FILING FEE AND ENDORSEMENT”); AND**

2 **(4) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

3 **(B) VARIATION.**

4 **SECTION 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE**
 5 **AND INVENTORY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY,**
 6 **SUBJECT TO §§ 13-1702, 13-1703, 13-1704, 13-1705, 13-1706, AND 13-1707 OF**
 7 **THIS SUBTITLE.**

8 REVISOR’S NOTE: Subsection (a) of this section is new language derived without
 9 substantive change from former Art. 2B, § 10-503(e)(2).

10 Subsection (b) of this section is new language added to incorporate by
 11 reference general provisions relating to the transfer of licenses that apply in
 12 the County with variation.

13 Former Art. 2B, § 10-503(e)(1), which stated that former Art. 2B, §
 14 10-503(e) applied only in Baltimore County, is deleted as unnecessary in light
 15 of the organization of this revised article.

16 Defined terms: “County” § 13-101
 17 “License” § 1-101

18 **13-1702. TRANSFER FROM CONTRACT PURCHASER, OWNER OF LOCATION, OR**
 19 **DEVELOPER.**

20 **(A) CONDITIONS FOR TRANSFER.**

21 **IF THE BOARD APPROVES AN APPLICATION FROM A CONTRACT PURCHASER,**
 22 **AN OWNER OF THE LOCATION, OR A DEVELOPER UNDER § 13-1404 OF THIS TITLE,**
 23 **THE APPLICANT MAY APPLY TO TRANSFER THE LICENSE TO AN OPERATOR OF THE**
 24 **TYPE OF BUSINESS FOR WHICH THE LICENSE WAS APPROVED IF:**

25 **(1) THE LICENSE IS FOR A LOCATION IN THE SITE FOR WHICH THE**
 26 **LICENSE WAS APPROVED; AND**

27 **(2) THE APPLICATION FOR TRANSFER OCCURS WITHIN 3 YEARS**
 28 **AFTER THE ORIGINAL APPLICATION FOR THE SITE IS APPROVED OR CONSTRUCTION**
 29 **AT THE LOCATION IS COMPLETED, WHICHEVER IS LATER.**

30 **(B) CHANGE OF LOCATION.**

1 **UNLESS OTHERWISE PROHIBITED BY LAW, THE BOARD MAY APPROVE A**
2 **CHANGE OF LOCATION OF A LICENSE ISSUED UNDER § 13-1404 OF THIS TITLE IF THE**
3 **LICENSE HOLDER HAS ENGAGED IN AN ACTIVE ALCOHOLIC BEVERAGES BUSINESS**
4 **UNDER THE LICENSE FOR AT LEAST 1 YEAR BEFORE APPLYING FOR THE CHANGE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8-204.6(d) and (e).

7 In the introductory language of subsection (a) of this section, the reference to
8 an application "from a contract purchaser, an owner of the location, or a
9 developer under § 13-1404 of this title" is added for clarity and to reflect the
10 revision of former Art. 2B, § 8-204.6(a) and (b), which authorizes the approval
11 of applications from a certain contract purchaser, owners of locations, or
12 developers, under § 13-1404 of this title. Similarly, in subsection (b) of this
13 section, the reference to "§ 13-1404 of this title" is substituted for the former
14 reference to "this section".

15 Former Art. 2B, § 8-204.6(a), which stated that former Art. 2B, § 8-204.6
16 applied only in Baltimore County, is deleted as unnecessary in light of the
17 organization of this revised article.

18 Defined terms: "Alcoholic beverage" § 1-101
19 "Board" § 13-101
20 "License" § 1-101

21 **13-1703. TRANSFER OF CLASS B TO CLASS D LICENSE.**

22 **(A) SCOPE OF SECTION.**

23 **THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED AS AN EXCEPTION TO**
24 **THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN "RULE 19 -**
25 **POPULATION AND NUMERICAL LIMITATIONS" OF THE RULES AND REGULATIONS**
26 **OF THE BOARD.**

27 **(B) CONDITIONS FOR APPROVAL OF TRANSFER.**

28 **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD, AFTER A**
29 **HEARING, MAY APPROVE A TRANSFER OF A CLASS B BEER, WINE, AND LIQUOR**
30 **(ON-SALE) HOTEL AND RESTAURANT LICENSE TO A CLASS D BEER, WINE, AND**
31 **LIQUOR (ON-SALE) LICENSE IF, BEFORE THE ANNUAL RENEWAL OF THE LICENSE:**

32 **(1) THE LICENSE HOLDER IS CITED BY THE BOARD FOR VIOLATING**
33 **THE LICENSE RESTRICTION CONCERNING THE PERCENT OF FOOD SOLD VERSUS THE**
34 **PERCENT OF ALCOHOLIC BEVERAGES SOLD; OR**

1 **(2) BECAUSE OF HARDSHIP OR ECONOMIC CONDITIONS, THE LICENSE**
 2 **HOLDER:**

3 **(I) KNOWS THAT THE FOOD-ALCOHOLIC BEVERAGES**
 4 **RESTRICTION UNDER ITEM (1) OF THIS PARAGRAPH IS BEING VIOLATED ON THE**
 5 **LICENSED PREMISES; AND**

6 **(II) NOTIFIES THE BOARD IN WRITING OF THIS VIOLATION AND**
 7 **THE REASONS FOR REQUESTING THE TRANSFER.**

8 **(C) FINDINGS OF BOARD REQUIRED.**

9 **A LICENSE MAY NOT BE TRANSFERRED UNLESS, AFTER A HEARING, THE**
 10 **BOARD FINDS THAT THE TRANSFER IS IN THE BEST INTEREST, HEALTH, SAFETY,**
 11 **AND WELFARE OF THE NEIGHBORHOOD IN WHICH THE LICENSE TRANSFER IS TO BE**
 12 **GRANTED.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 10-503(e)(3) through (5).

15 In subsection (a) of this section, the reference to "a license issued as an
 16 exception to the population and numerical limitations specified in 'Rule 19 –
 17 Population and Numerical Limitations' of the Rules and Regulations of the
 18 Board" is substituted for the former reference to "the exceptions from the
 19 population requirements provided for in the rules of the Board" for clarity and
 20 consistency with terminology used throughout this title.

21 Defined terms: "Alcoholic beverage" § 1-101

22 "Beer" § 1-101

23 "Board" § 13-101

24 "Hotel" § 1-101

25 "License" § 1-101

26 "On-sale" § 1-101

27 "Restaurant" § 1-101

28 "Wine" § 1-101

29 **13-1704. PAYMENT OF TAXES.**

30 **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE**
 31 **BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF**
 32 **FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE COUNTY OR**
 33 **THE STATE ARE PAID.**

34 REVISOR'S NOTE: This section is new language derived without substantive
 35 change from former Art. 2B, § 10-503(e)(6).

1 The reference to a requirement to show that “all personal property taxes due
2 the County or the State are paid” is substituted for the former requirement to
3 show that “there are no unpaid taxes due on the merchandise, fixtures, or
4 stock of the transferor to Baltimore County or the State of Maryland” for
5 clarity and consistency.

6 The former phrase “within its jurisdiction” is deleted as unnecessary because
7 the authority of the Board does not extend outside of its jurisdiction.

8 Defined terms: “Board” § 13–101

9 “County” § 13–101

10 “License” § 1–101

11 “State” § 1–101

12 **13–1705. TRANSFERS INTO TOWSON COMMERCIAL REVITALIZATION DISTRICT.**

13 **(A) IN GENERAL.**

14 **(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA**
15 **LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES**
16 **AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE**
17 **TRANSFER INTO THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS**
18 **DEFINED BY THE BALTIMORE COUNTY COUNCIL, OF NOT MORE THAN 10 BEER,**
19 **WINE, AND LIQUOR (ON-SALE) LICENSES THAT:**

20 **(I) WERE ISSUED ON OR BEFORE DECEMBER 31, 2008;**

21 **(II) WERE IN EXISTENCE IN ELECTION DISTRICT 15 OF THE**
22 **COUNTY ON JUNE 1, 2009; AND**

23 **(III) ARE VALID ON THE DATE OF TRANSFER.**

24 **(2) TO BE TRANSFERRED UNDER THIS SECTION, A LICENSE:**

25 **(I) SHALL BE A CLASS B OR A CLASS D LICENSE; AND**

26 **(II) MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING**
27 **TRANSFERRED BY STATUTE OR REGULATION.**

28 **(3) FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE**
29 **IN AN ELECTION DISTRICT, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED**
30 **UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION TO THE**

1 POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION
2 AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.

3 (4) ON THE DATE OF TRANSFER, A LICENSE TRANSFERRED UNDER
4 THIS SECTION SHALL BE CONVERTED INTO A CLASS B BEER, WINE, AND LIQUOR
5 (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE AND MAY NOT BE
6 COUNTED TOWARD ANY POPULATION LIMIT EXISTING IN THE ELECTION DISTRICT
7 FROM WHERE IT WAS TRANSFERRED.

8 (B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSE.

9 EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE
10 ISSUANCE REQUIREMENTS, LICENSE FEE, MINIMUM SQUARE FOOT AREA
11 REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND
12 DAYS AND HOURS OF SALE FOR A CLASS B BEER, WINE, AND LIQUOR (TOWSON
13 COMMERCIAL REVITALIZATION DISTRICT) (ON-SALE) LICENSE ARE THE SAME AS
14 THOSE FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND
15 RESTAURANT LICENSE.

16 (C) ADDITIONAL REQUIREMENTS.

17 (1) A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL
18 REVITALIZATION DISTRICT) LICENSE MAY BE ISSUED ONLY FOR A LOCATION
19 WITHIN THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS DEFINED BY
20 THE BALTIMORE COUNTY COUNCIL.

21 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE
22 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE
23 REGULATIONS OF THE BOARD.

24 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY
25 RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY
26 RECEIPTS OF THE RESTAURANT.

27 (4) THE SEATING CAPACITY FOR THE BAR AREA MAY NOT EXCEED
28 25% OF THE TOTAL SEATING CAPACITY OF THE RESTAURANT.

29 (5) EXCEPT AS PROVIDED IN SUBSECTION (D)(2)(II) OF THIS
30 SECTION, THE AREA DEDICATED TO THE RESTAURANT OPERATION SHALL HAVE A
31 MINIMUM SEATING CAPACITY OF 100 INDIVIDUALS.

1 **(6) THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE**
2 **LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS**
3 **OFFERED FOR SALE.**

4 **(7) THE LICENSE DOES NOT CONFER AN OFF-SALE PRIVILEGE.**

5 **(D) REQUIREMENTS FOR RESTAURANTS.**

6 **OF THE RESTAURANTS FOR WHICH A CLASS B OR CLASS D LICENSE MAY BE**
7 **TRANSFERRED AND A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL**
8 **REVITALIZATION DISTRICT) LICENSE MAY BE ISSUED UNDER SUBSECTION (A)(1) OF**
9 **THIS SECTION, THE BOARD MAY REQUIRE THAT:**

10 **(1) FOR NOT MORE THAN SEVEN RESTAURANTS, APPLICANTS FOR**
11 **LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A MINIMUM CAPITAL**
12 **INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF**
13 **\$500,000; AND**

14 **(2) FOR NOT MORE THAN THREE RESTAURANTS:**

15 **(I) APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE**
16 **DEMONSTRATE A CAPITAL INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND**
17 **BUILDING SHELL, OF NOT LESS THAN \$50,000 OR MORE THAN \$400,000; AND**

18 **(II) THE AREA DEDICATED TO THE RESTAURANT OPERATION**
19 **HAVE:**

20 **1. A MAXIMUM SEATING CAPACITY OF 100 INDIVIDUALS,**
21 **WITH THE SEATING CAPACITY IN THE BAR AREA NOT EXCEEDING 25% OF THE TOTAL**
22 **SEATING CAPACITY OF THE RESTAURANT; AND**

23 **2. A MINIMUM SEATING CAPACITY OF 40 INDIVIDUALS.**

24 **(E) GROUNDS FOR DENYING AN APPLICATION FOR TRANSFER.**

25 **THE BOARD SHALL DENY AN APPLICATION FOR TRANSFER OF A CLASS B OR**
26 **CLASS D LICENSE AND ISSUANCE OF A CLASS B BEER, WINE, AND LIQUOR (TOWSON**
27 **COMMERCIAL REVITALIZATION DISTRICT) LICENSE IF WITHIN 2 YEARS**
28 **IMMEDIATELY PRECEDING THE APPLICATION:**

29 **(1) (I) THE APPLICANT WAS A HOLDER OF AN ON-SALE LICENSE**
30 **WITHIN THE BOUNDARIES OF THE TOWSON COMMERCIAL REVITALIZATION**
31 **DISTRICT; OR**

1 **(II) THERE WAS AN ON-SALE LICENSE IN EXISTENCE FOR THE**
 2 **PROPOSED PREMISES OF THE APPLICANT; AND**

3 **(2) THE PREVIOUS ON-SALE LICENSE WAS TRANSFERRED TO**
 4 **PREMISES OUTSIDE OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT.**

5 **(F) NO TRANSFERS OUT OF THE DISTRICT OR CONVERSIONS INTO ANOTHER**
 6 **LICENSE.**

7 **A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL**
 8 **REVITALIZATION DISTRICT) LICENSE ISSUED UNDER THIS SECTION MAY NOT BE**
 9 **TRANSFERRED FROM THE TOWSON COMMERCIAL REVITALIZATION DISTRICT OR**
 10 **BE CONVERTED INTO ANY OTHER CLASS OF LICENSE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 8-204.3(b) through (g).

13 In subsection (a)(3) of this section, the reference to the title of "Rule 19 –
 14 Population and Numerical Limitations' of the Rules and Regulations of the
 15 Board" is substituted for the former reference to "the rule of the Board of
 16 Liquor License Commissioners that limits the total number of licenses
 17 available by population" for clarity.

18 In subsection (a)(4) of this section, the reference to "count[ing] toward any
 19 population limit existing" in the election district is substituted for the former
 20 reference to "constru[ing] to exist" in the election district for clarity.

21 In subsection (e)(1)(i) of this section, the former reference to a license "issued
 22 under this article" is deleted as unnecessary in light of the defined term
 23 "license".

24 Former Art. 2B, § 8-204.3(a), which stated that former Art. 2B, § 8-204.3
 25 applied only in Baltimore County, is deleted as unnecessary in light of the
 26 organization of this revised article.

27 Defined terms: "Beer" § 1-101

28 "Board" § 13-101

29 "County" § 13-101

30 "Hotel" § 1-101

31 "License" § 1-101

32 "Off-sale" § 1-101

33 "On-sale" § 1-101

34 "Restaurant" § 1-101

35 "Wine" § 1-101

1 **13-1706. TRANSFERS INTO HUNT VALLEY COMMERCIAL/MIXED USE FOCAL**
2 **POINT.**

3 (A) **TRANSFER OF TWO BEER, WINE, AND LIQUOR LICENSES.**

4 (1) **NOTWITHSTANDING THE LICENSE POPULATION QUOTA**
5 **LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES**
6 **AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE**
7 **TRANSFER INTO THE “HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT” AS**
8 **DESIGNATED IN THE HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE**
9 **BALTIMORE COUNTY COUNCIL ON OCTOBER 19, 1998, OF TWO BEER, WINE, AND**
10 **LIQUOR (ON-SALE) RETAIL LICENSES THAT:**

11 (I) **WERE IN EXISTENCE IN ELECTION DISTRICT 15 ON JULY 1,**
12 **2004; AND**

13 (II) **ARE VALID ON THE DATE OF TRANSFER.**

14 (2) **A LICENSE TRANSFERRED UNDER THIS SECTION:**

15 (I) **MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT**
16 **IS PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER**
17 **THAN CROSSING DISTRICT LINES;**

18 (II) **SHALL BE CONVERTED INTO A CLASS B (HV) LICENSE; AND**

19 (III) **AS OF THE DATE OF TRANSFER, MAY NOT BE COUNTED**
20 **TOWARD ANY POPULATION LIMIT EXISTING IN ELECTION DISTRICT 15.**

21 (3) **FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE**
22 **IN AN ELECTION DISTRICT, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED**
23 **UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION TO THE**
24 **POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION**
25 **AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.**

26 (B) **REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSES.**

27 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE**
28 **ISSUANCE REQUIREMENTS, LICENSE FEE, MINIMUM SQUARE FOOT AREA**
29 **REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND**
30 **DAYS AND HOURS OF SALE FOR A CLASS B (HV) RESTAURANT (ON-SALE) BEER,**
31 **WINE, AND LIQUOR LICENSE ARE THE SAME AS THOSE PROVIDED FOR IN THIS**

1 ARTICLE AND IN THE REGULATIONS OF THE BOARD FOR A CLASS B BEER, WINE, AND
2 LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

3 (C) ADDITIONAL REQUIREMENTS.

4 (1) A CLASS B (HV) RESTAURANT (ON-SALE) BEER, WINE, AND
5 LIQUOR RETAIL LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE "HUNT
6 VALLEY COMMERCIAL/MIXED USE FOCAL POINT" AS DESIGNATED IN THE HUNT
7 VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY
8 COUNCIL ON OCTOBER 19, 1998.

9 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE
10 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE
11 REGULATIONS OF THE BOARD.

12 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY
13 RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY
14 RECEIPTS OF THE ESTABLISHMENT.

15 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED
16 PRIMARILY FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES MAY NOT EXCEED
17 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT.

18 (5) SUBJECT TO SUBSECTION (D)(5) OF THIS SECTION, THE HOURS
19 DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED
20 MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

21 (D) ADDITIONAL RESTRICTIONS.

22 (1) THE CLASS B (HV) RESTAURANT BEER, WINE, AND LIQUOR
23 LICENSE AUTHORIZES ON-PREMISES CONSUMPTION.

24 (2) ONCE ISSUED, THE LICENSE MAY NOT BE:

25 (I) TRANSFERRED TO A NEW LOCATION OTHER THAN THE
26 ORIGINAL LOCATION FOR WHICH THE LICENSE WAS ISSUED; OR

27 (II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.

28 (3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT PROHIBIT THE
29 TRANSFER OF OWNERSHIP OF THE LICENSE.

1 **(4) THE PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING**
2 **REGULATIONS.**

3 **(5) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT**
4 **ONLY UNTIL 1:30 A.M.**

5 **(E) LIMIT OF THREE BEER, WINE, AND LIQUOR LICENSES.**

6 **THE BOARD MAY NOT ISSUE MORE THAN A TOTAL OF THREE BEER, WINE, AND**
7 **LIQUOR LICENSES IN THE “HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT”**
8 **UNDER THE EXCEPTIONS IN “RULE 19 – POPULATION AND NUMERICAL**
9 **LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 8–204.4(b) through (i).

12 In the introductory language of subsection (a)(1) of this section, the reference
13 to limitations “established by the Board” is added for clarity.

14 Also in the introductory language of subsection (a)(1) of this section, the
15 reference to a license authorized for issuance “in the County” is added for
16 clarity.

17 Also in the introductory language of subsection (a)(1) of this section, the
18 former reference to a license authorized for issuance “under this article” is
19 deleted as unnecessary.

20 In subsection (a)(2)(iii) of this section, the reference to “count[ing] toward any
21 population limit existing” in Election District 15 is substituted for the former
22 reference to “constru[ing] to exist” in Election District 15 for clarity.

23 In subsection (a)(3) of this section, the reference to the title of “Rule 19 –
24 Population and Numerical Limitations’ of the Rules and Regulations of the
25 Board” is substituted for the former reference to “the rule of the Board ... that
26 limits the total number of licenses available by population” for clarity.

27 In subsection (b) of this section, the reference to “requirements” is substituted
28 for the former reference to “restrictions and qualifications” for brevity.

29 Also in subsection (b) of this section, the former references to requirements “in
30 the licensed establishment” and “for the licensed establishment” are deleted
31 as surplusage.

32 In subsection (c)(1) of this section, the former reference to the license
33 “established by this section” is deleted as unnecessary.

1 In subsection (d)(1) of this section, the reference to on-premises “consumption”
 2 is substituted for the former reference to on-premises “sales” to conform to the
 3 terminology used throughout this article.

4 In subsection (d)(4) of this section, the former reference to the “proposed”
 5 premises is deleted as surplusage.

6 In subsection (e) of this section, the reference to the title of Rule 19 “Population
 7 and Numerical Limitations” is added for clarity.

8 Former Art. 2B, § 8-204.4(a), which stated that former Art. 2B, § 8-204.4
 9 applied only in Baltimore County, is deleted as unnecessary in light of the
 10 organization of this revised article.

11 Defined terms: “Alcoholic beverage” § 1-101

12 “Beer” § 1-101

13 “Board” § 13-101

14 “County” § 13-101

15 “Hotel” § 1-101

16 “License” § 1-101

17 “On-sale” § 1-101

18 “Restaurant” § 1-101

19 “Wine” § 1-101

20 **13-1707. TRANSFERS INTO QUARRY AT GREENSPRING, OWINGS MILLS METRO**
 21 **STATION, AND PROMENADE AT CATONSVILLE.**

22 **(A) SCHEDULE OF AUTHORIZED TRANSFERS.**

23 **(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA**
 24 **LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES**
 25 **AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE**
 26 **TRANSFER OF THE NUMBER OF CLASS B AND CLASS D BEER, WINE, AND LIQUOR**
 27 **(ON-SALE) RETAIL LICENSES IN EXISTENCE IN ELECTION DISTRICT 15 ON JANUARY**
 28 **15, 2005, AND VALID ON THE DATE OF TRANSFER, IN ACCORDANCE WITH THE**
 29 **FOLLOWING SCHEDULE:**

30 **(I) TWO TO THE QUARRY AT GREENSPRING, TO BE KNOWN AS**
 31 **(QG) LICENSES, ON OR AFTER APRIL 1, 2005, LOCATED AT LOTS 1 THROUGH 9,**
 32 **INCLUSIVE, IDENTIFIED ON THE PLAT OF GREENSPRING QUARRY, AREAS F, G, AND**
 33 **K, DATED DECEMBER 21, 2004, AND DELIVERED TO THE COUNTY FOR RECORDING**
 34 **ON DECEMBER 29, 2004;**

35 **(II) THREE TO THE AREA OF STATE-OWNED LAND ADJACENT TO**
 36 **AND ABUTTING THE OWINGS MILLS METRO STATION, GOVERNED BY A MASTER**

1 DEVELOPMENT AGREEMENT CREATING THE METRO CENTER AT OWINGS MILLS, TO
2 BE KNOWN AS (MCOM) LICENSES, ON OR AFTER OCTOBER 1, 2005; AND

3 (III) THREE TO THE PROMENADE AT CATONSVILLE, TO BE
4 KNOWN AS (PC) LICENSES, ON OR AFTER APRIL 1, 2006, LOCATED AT AND
5 IDENTIFIED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION MAP
6 101, PARCELS 132, 516, 1088, 1344, 1804, AND 1985.

7 (2) A LICENSE TRANSFERRED FROM ELECTION DISTRICT 15 UNDER
8 THIS SECTION:

9 (I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT
10 IS PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER
11 THAN THE PROHIBITION AGAINST CROSSING DISTRICT LINES;

12 (II) FOR DETERMINING THE TOTAL NUMBER OF LICENSES
13 AVAILABLE IN AN ELECTION DISTRICT, SHALL BE CONSIDERED TO BE A REGULAR
14 LICENSE IN ITS NEW LOCATION AND NOT AN EXCEPTION TO THE POPULATION AND
15 NUMERICAL LIMITATIONS SPECIFIED IN "RULE 19 – POPULATION AND NUMERICAL
16 LIMITATIONS" OF THE RULES AND REGULATIONS OF THE BOARD;

17 (III) SHALL BE CONVERTED INTO A CLASS B (QG), (MCOM), OR
18 (PC) LICENSE; AND

19 (IV) AS OF THE DATE OF TRANSFER, MAY NOT BE COUNTED
20 TOWARD ANY POPULATION LIMIT EXISTING IN ELECTION DISTRICT 15.

21 (B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSE.

22 EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE
23 ISSUANCE AND RENEWAL REQUIREMENTS, MINIMUM SQUARE FOOT AREA
24 REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND
25 DAYS AND HOURS OF SALE FOR A CLASS B (QG), (MCOM), OR (PC) RESTAURANT
26 (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE ARE THE SAME AS THOSE
27 PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD FOR A
28 CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

29 (C) ADDITIONAL REQUIREMENTS.

30 (1) A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE)
31 BEER, WINE, AND LIQUOR RETAIL LICENSE MAY BE ISSUED ONLY FOR A LOCATION
32 WITHIN THE GEOGRAPHIC AREAS IDENTIFIED IN SUBSECTION (A)(1) OF THIS
33 SECTION.

1 **(2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE**
2 **OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE**
3 **REGULATIONS OF THE BOARD.**

4 **(3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY**
5 **RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY**
6 **RECEIPTS OF THE ESTABLISHMENT.**

7 **(4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED**
8 **PRIMARILY FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES MAY NOT EXCEED**
9 **25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT.**

10 **(5) SUBJECT TO SUBSECTION (D)(5) OF THIS SECTION, THE HOURS**
11 **DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED**
12 **MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.**

13 **(D) ADDITIONAL RESTRICTIONS.**

14 **(1) A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE)**
15 **BEER, WINE, AND LIQUOR RETAIL LICENSE AUTHORIZES ON-PREMISES**
16 **CONSUMPTION.**

17 **(2) ONCE ISSUED, THE LICENSE MAY NOT BE:**

18 **(I) TRANSFERRED TO A NEW LOCATION OUTSIDE THE**
19 **GEOGRAPHIC AREA, AS DEFINED IN SUBSECTION (A)(1) OF THIS SECTION, FOR**
20 **WHICH THE LICENSE WAS ISSUED; OR**

21 **(II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.**

22 **(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT PROHIBIT THE**
23 **TRANSFER OF:**

24 **(I) THE OWNERSHIP OF A LICENSE; OR**

25 **(II) THE LOCATION OF A LICENSED ESTABLISHMENT WITHIN**
26 **THE GEOGRAPHIC AREA AS DEFINED IN SUBSECTION (A)(1) OF THIS SECTION.**

27 **(4) THE PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING**
28 **REGULATIONS.**

1 **(5) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT**
2 **ONLY UNTIL 1:30 A.M.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8–204.5(b) through (h).

5 In the introductory language of subsection (a)(1) of this section, the reference
6 to limitations “established by the Board” is added for clarity.

7 Also in the introductory language of subsection (a)(1) of this section, the
8 reference to a license authorized for issuance “in the County” is added for
9 clarity.

10 Also in the introductory language of subsection (a)(1) of this section, the
11 former reference to a license authorized for issuance “under this article” is
12 deleted as unnecessary.

13 In subsection (a)(2)(ii) of this section, the reference to “the population and
14 numerical limitations specified in ‘Rule 19 – Population and Numerical
15 Limitations’ of the Rules and Regulations of the Board” is substituted for the
16 former reference to the “rule of the Board ... that limits the total number of
17 licenses available by population” for clarity.

18 In subsection (a)(2)(iv) of this section, the reference to “count[ing] toward any
19 population limit existing” in Election District 15 is substituted for the former
20 reference to “constru[ing] to exist” in Election District 15 for clarity.

21 In subsection (b) of this section, the reference to “requirements” is substituted
22 for the former reference to “restrictions and qualifications” for brevity.

23 Also in subsection (b) of this section, the former references to requirements “in
24 the licensed establishment” and “for the licensed establishment” are deleted
25 as surplusage.

26 In subsection (c)(1) of this section, the former reference to the license
27 “established by this section” is deleted as unnecessary.

28 In subsection (d)(1) of this section, the reference to on–premises “consumption”
29 is substituted for the former reference to on–premises “sales” to conform to the
30 terminology used throughout this article.

31 In subsection (d)(2)(i) of this section, the former reference to the license that
32 was “originally” issued is deleted as surplusage.

33 In subsection (d)(4) of this section, the former reference to a “proposed”
34 premises is deleted as surplusage.

Former Art. 2B, § 8–204.5(a), which stated that former Art. 2B, § 8–204.5 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“County” § 13–101

“Hotel” § 1–101

“License” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“State” § 1–101

“Wine” § 1–101

13–1708. PIKESVILLE REVITALIZATION AREA AND PIKESVILLE TOWN CENTER.

(A) TRANSFER AND CONVERSION OF NOT MORE THAN 10 LICENSES.

(1) NOTWITHSTANDING ANY LICENSE POPULATION QUOTA LIMITATION, THE BOARD MAY ISSUE NOT MORE THAN 10 CLASS B (SB) RESTAURANT–SERVICE BAR BEER, WINE, AND LIQUOR LICENSES FOR ON–PREMISES CONSUMPTION IN THE “PIKESVILLE REVITALIZATION AREA” OR “PIKESVILLE TOWN CENTER” FOR CONVERSION PURPOSES ONLY, AS PROVIDED UNDER PARAGRAPH (2) OF THIS SECTION.

(2) (I) EXCEPT FOR CLASS C LICENSES, NOT MORE THAN 10 BEER, WINE, AND LIQUOR (ON–SALE) RETAIL LICENSES OF ANY CLASS THAT WERE IN EXISTENCE IN THE COUNTY ON JANUARY 1, 1988, MAY BE TRANSFERRED INTO THE “PIKESVILLE REVITALIZATION AREA” OR THE “PIKESVILLE TOWN CENTER” AND CONVERTED INTO CLASS B (SB) LICENSES.

(II) ONCE TRANSFERRED, A LICENSE MAY NOT BE CONSIDERED A LICENSE IN THE DISTRICT FROM WHICH IT WAS TRANSFERRED.

(B) LICENSE RESTRICTIONS.

(1) A LICENSE:

(I) MAY BE ISSUED ONLY FOR A LOCATION IN THE “PIKESVILLE REVITALIZATION AREA”, OR THE “PIKESVILLE TOWN CENTER”, AS THOSE TERMS ARE DEFINED BY THE COUNTY OFFICE OF PLANNING AND ZONING ON OR BEFORE JULY 1, 1988; AND

1 **(II) MAY NOT BE ISSUED FOR A LOCATION THAT HAS BEEN**
 2 **LICENSED UNDER ANY CLASS OF ON-SALE LICENSE WITHIN 2 YEARS BEFORE THE**
 3 **APPLICATION FOR THE CLASS B (SB) LICENSE IS FILED.**

4 **(2) THE LICENSE SHALL BE:**

5 **(I) USED WITH THE OPERATION OF A “RESTAURANT” AS**
 6 **DEFINED BY THE RULES OF THE BOARD; AND**

7 **(II) RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE,**
 8 **SPECIFICALLY EXCLUDING ANY TYPE OF SERVICE WHILE THE CUSTOMER STANDS**
 9 **OR ACCEPTS DELIVERY OF PURCHASED FOOD ITEMS OTHER THAN WHILE SEATED AT**
 10 **A TABLE.**

11 **(3) THE PROPOSED LOCATION FOR THE LICENSE SHALL OTHERWISE**
 12 **COMPLY WITH THE ZONING ORDINANCES OF THE COUNTY.**

13 **(4) THE LICENSE MAY NOT BE:**

14 **(I) TRANSFERRED OUTSIDE OF THE “PIKESVILLE**
 15 **REVITALIZATION AREA” OR “PIKESVILLE TOWN CENTER”; OR**

16 **(II) CONVERTED TO ANY OTHER CLASS OF LICENSE.**

17 **(5) THE ISSUANCE QUALIFICATIONS, FEE, AND HOURS AND DAYS OF**
 18 **SALE FOR THE LICENSE ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE AND**
 19 **LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 8–204.2.

22 In subsection (a)(1) and (2)(i) of this section, the reference to “not more than”
 23 10 licenses is added for clarity.

24 In subsection (a)(2)(i) of this section, the former phrase “at any location” in the
 25 County is deleted as surplusage.

26 In subsection (b)(1)(ii) of this section, the former phrase “use on premises” is
 27 deleted as included in the phrase “for a location”.

28 In subsection (b)(4) of this section, the former phrase “once issued” is deleted
 29 as surplusage.

30 Defined terms: “Beer” § 1–101

31 “Board” § 13–101

1 “County” § 13–101
 2 “License” § 1–101
 3 “On–sale” § 1–101
 4 “Wine” § 1–101

5 **SUBTITLE 18. RENEWAL OF LICENSES.**

6 **13–1801. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
 9 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 10 **EXCEPTION OR VARIATION:**

11 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

12 **(2) § 4–403 (“RENEWAL APPLICATION”);**

13 **(3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**

14 **(4) § 4–406 (“PROTESTS”);**

15 **(5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**

16 **(6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**

17 **(7) § 4–409 (“MULTIPLE LICENSES”); AND**

18 **(8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

19 **(B) EXCEPTION.**

20 **SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION**
 21 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §**
 22 **13–1802 OF THIS SUBTITLE.**

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
 24 general provisions relating to the renewal of local licenses.

25 Defined terms: “County” § 13–101

26 “License” § 1–101

27 **13–1802. FILING PERIOD FOR RENEWAL APPLICATION.**

1 **(A) IN GENERAL.**

2 **TO RENEW A LICENSE, A LICENSE HOLDER ANNUALLY SHALL FILE AN**
 3 **APPLICATION WITH THE BOARD BETWEEN FEBRUARY 1 AND MARCH 31, INCLUSIVE.**

4 **(B) LATE FILING.**

5 **THE BOARD MAY:**

6 **(1) ACCEPT A LATE RENEWAL APPLICATION DURING APRIL; AND**

7 **(2) CHARGE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50**
 8 **FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 10–301(m)(2) and (3).

11 In subsection (a) of this section, the reference to filing an application “with the
 12 Board” is added for clarity.

13 Also in subsection (a) of this section, the former reference to renewal “in
 14 accordance with provisions of this section” is deleted as included in the
 15 cross-reference to the statewide provisions under § 13–1801 of this subtitle.

16 In subsection (b)(1) of this section, the reference to “renewal” applications is
 17 added for clarity and consistency within this revision.

18 Also in subsection (b)(1) of this section, the reference authorizing the Board to
 19 “accept” late applications is substituted for the former reference authorizing
 20 the Board to “receive” late applications for clarity.

21 Defined terms: “Board” § 13–101

22 “License” § 1–101

23 “License holder” § 1–101

24 **13–1803. PAYMENT OF TAXES.**

25 **THE BOARD MAY NOT RENEW A LICENSE UNTIL THE APPLICANT PRESENTS TO**
 26 **THE BOARD A RECEIPT OR CERTIFICATE ISSUED BY THE OFFICE OF BUDGET AND**
 27 **FINANCE SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY AND**
 28 **PERSONAL PROPERTY OF THE APPLICANT DUE TO THE COUNTY OR STATE.**

29 REVISOR'S NOTE: This section is new language derived without substantive
 30 change from former Art. 2B, § 10–301(m)(1).

1 The reference to a receipt or certificate “issued by” the Office of Budget and
2 Finance is added for clarity.

3 The reference to the “Office of Budget and Finance” is substituted for the
4 former reference to the “office of finance” to reflect the current name of that
5 office.

6 Defined terms: “Board” § 13–101

7 “County” § 13–101

8 “License” § 1–101

9 “State” § 1–101

10 **13–1804. HOLDERS OF OUT–OF–STATE LICENSES.**

11 **NOTWITHSTANDING § 13–1502 OF THIS TITLE, THE BOARD MAY RENEW A**
12 **CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND**
13 **LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
14 **OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 9–102(b–3)(4), as it related to the renewal of a
17 license by a person who holds an out–of–state license.

18 The phrase “[n]otwithstanding § 13–1502 of this title,” is added to clarify that
19 this section is an exception to § 13–1502.

20 The reference to an “out–of–state” license is substituted for the former
21 reference to a license “in any other state or in Washington, D.C.” for brevity.

22 The reference to the authority of “the Board” to “renew” a license “originally
23 issued to a holder of an out–of–state” license is substituted for the former
24 reference to the “except[ion] by way of renewal, to a person, corporation, or
25 limited liability company holding” an out–of–state license for clarity and to
26 avoid the implication that a licensee can obtain an
27 out–of–state license after obtaining the original license and continue to renew
28 the original license.

29 Defined terms: “Alcoholic beverage” § 1–101

30 “Beer” § 1–101

31 “Board” § 13–101

32 “State” § 1–101

33 “Wine” § 1–101

34 **13–1805. MULTIPLE LICENSES.**

1 **NOTWITHSTANDING § 13–1503 OF THIS TITLE, A PERSON THAT HAS AN**
2 **INTEREST IN MORE THAN ONE CLASS A LICENSE MAY RENEW THE LICENSES.**

3 REVISOR’S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 9–301(1)(i)2, as it related to the renewal of a
5 license.

6 The phrase “[n]otwithstanding § 13–1503 of this title,” is added to clarify that
7 this section is an exception to § 13–1503.

8 The former reference to “off–sale” is deleted as surplusage.

9 Defined term: “Person” § 1–101

10 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

11 **13–1901. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
14 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
15 **WITHOUT EXCEPTION OR VARIATION:**

16 **(1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

17 **(2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
18 **PREMISES”);**

19 **(3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**

20 **(4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**

21 **(5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

22 **(6) § 4–508 (“DISPLAY OF LICENSE”).**

23 **(B) VARIATION.**

24 **SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I**
25 **OF THIS ARTICLE APPLIES IN THE COUNTY, IN ADDITION TO § 13–1902 OF THIS**
26 **SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the conduct of local license holders.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "County" § 13-101
5 "License" § 1-101
6 "License holder" § 1-101

7 **13-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

8 **A MEMBER OF A LICENSE HOLDER'S IMMEDIATE FAMILY WHO IS UNDER THE**
9 **AGE OF 18 YEARS MAY NOT BE EMPLOYED BY THE LICENSE HOLDER TO SELL,**
10 **DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 12-302(b)(3).

13 Defined terms: "Alcoholic beverage" § 1-101
14 "License holder" § 1-101

15 **13-1903. UNLOCKED ENTRANCE TO CLASS D BEER, WINE, AND LIQUOR PREMISES.**

16 **AT LEAST ONE ENTRANCE TO THE PREMISES OF A HOLDER OF A CLASS D**
17 **BEER, WINE, AND LIQUOR LICENSE SHALL BE UNLOCKED WHEN ALCOHOLIC**
18 **BEVERAGES ARE SOLD OR CONSUMED.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 12-204(b).

21 The phrase "[a]t least" is added to state expressly what was only implied in
22 the former law, that a minimum of one entrance to the licensed premises is
23 required to be unlocked.

24 The former phrase "at all times" is deleted as surplusage.

25 Former Art. 2B, § 12-204(a), which stated that former Art. 2B, § 12-204
26 applied only in Baltimore County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Defined terms: "Alcoholic beverage" § 1-101
29 "Beer" § 1-101
30 "Wine" § 1-101

31 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

1 **13-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

2 **(A) IN GENERAL.**

3 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
4 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
5 **PREMISES LICENSED UNDER THIS TITLE.**

6 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
7 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
8 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

9 **(B) PENALTY.**

10 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
11 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11-304(a)(1) and, as it related to Baltimore
14 County, (2).

15 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
16 under this title” is added for clarity.

17 Also in subsection (a)(1) of this section, the reference to an “individual” is
18 substituted for the former reference to a “person” because the prohibition
19 against consumption applies only to human beings.

20 Also in subsection (a)(1) of this section, the reference to “a premises licensed
21 under this title” is substituted for the former references to “any premises open
22 to the general public, any place of public entertainment, or any place at which
23 setups or other component parts of mixed alcoholic drinks are sold under any
24 license issued under the provisions of the Business Regulation Article” for
25 brevity.

26 In subsection (a)(2) of this section, the reference to “a premises licensed under
27 this title” is substituted for the former reference to “the premises” for
28 consistency with the terminology used in subsection (a)(1) of this section.

29 In subsection (b) of this section, the reference to a person who “violates this
30 section” is substituted for the former reference to a person who is “found
31 consuming any alcoholic beverage on any premises open to the general public,
32 and any owner, operator or manager of those premises or places who
33 knowingly permits consumption between the hours provided by this section”
34 for brevity.

1 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
2 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
3 section.

4 Also in subsection (b) of this section, the former reference to a fine “not less
5 than \$5” is deleted to conform to the statement of legislative policy in §
6 14–102 of the Criminal Law Article, which sets forth the general rule that,
7 notwithstanding a statutory minimum penalty, a court may impose a lesser
8 penalty of the same character.

9 Defined terms: “Alcoholic beverage” § 1–101
10 “Person” § 1–101

11 **13–2002. BEER LICENSES.**

12 **RESERVED.**

13 **13–2003. BEER AND WINE LICENSES.**

14 **(A) CLASS A BEER AND WINE LICENSES.**

15 **(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER**
16 **AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO MIDNIGHT.**

17 **(2) FROM 7 A.M. TO 9 P.M., THE LICENSE HOLDER MAY SELL BEER AND**
18 **WINE ON THE SUNDAY IMMEDIATELY BEFORE:**

19 **(I) CHRISTMAS DAY;**

20 **(II) NEW YEAR’S DAY;**

21 **(III) ROSH HASHANAH; AND**

22 **(IV) YOM KIPPUR.**

23 **(3) THE LICENSE HOLDER MAY SELL BEER AND WINE ON THE TWO**
24 **SUNDAYS IMMEDIATELY BEFORE PASSOVER IF:**

25 **(I) THE LICENSE HOLDER DOES NOT SELL BEER AND WINE ON**
26 **THE TWO SATURDAYS IMMEDIATELY BEFORE PASSOVER;**

27 **(II) THE SALES ARE CONDUCTED ON THOSE SUNDAYS FROM 6**
28 **A.M. TO MIDNIGHT; AND**

1 (III) THE SALES ARE LIMITED TO BEER AND WINE THAT ARE
2 “KOSHER FOR PASSOVER”.

3 (B) CLASS B BEER AND WINE LICENSES.

4 (1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER
5 AND WINE ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

6 (2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT A BAR OR
7 COUNTER ON SUNDAY.

8 (3) FROM 7 A.M. TO 9 P.M., THE HOLDER OF A CLASS B ON-SALE AND
9 OFF-SALE BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF-PREMISES
10 CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

11 (I) CHRISTMAS DAY;

12 (II) NEW YEAR’S DAY;

13 (III) ROSH HASHANAH; AND

14 (IV) YOM KIPPUR.

15 (C) CLASS C BEER AND WINE LICENSES.

16 (1) A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER
17 AND WINE ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

18 (2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT A BAR OR
19 COUNTER ON SUNDAY.

20 (D) CLASS D BEER AND WINE LICENSES.

21 (1) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL
22 BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE
23 FOLLOWING DAY.

24 (2) FROM 7 A.M. TO 9 P.M., A HOLDER OF A CLASS D ON-SALE AND
25 OFF-SALE BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF-PREMISES
26 CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

27 (I) CHRISTMAS DAY;

1 **(II) NEW YEAR'S DAY;**

2 **(III) ROSH HASHANAH; AND**

3 **(IV) YOM KIPPUR.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 11-302(a)(1), (b)(1) and (3), (c)(1) and (3), and
6 (d)(1) and (3) and 11-403(a)(4)(iii) and, as they related to beer and wine
7 licenses, (ii) and (iv).

8 Former Art. 2B, § 11-403(a)(4)(i), which stated that former Art. 2B, §
9 11-403(a)(4) applied only in Baltimore County, is deleted as unnecessary in
10 light of the organization of this revised article.

11 Defined terms: "Beer" § 1-101

12 "Wine" § 1-101

13 **13-2004. BEER, WINE, AND LIQUOR LICENSES.**

14 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

15 **(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY**
16 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO**
17 **MIDNIGHT.**

18 **(2) FROM 7 A.M. TO 9 P.M., THE LICENSE HOLDER MAY SELL BEER,**
19 **WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY BEFORE:**

20 **(I) CHRISTMAS DAY;**

21 **(II) NEW YEAR'S DAY;**

22 **(III) ROSH HASHANAH; AND**

23 **(IV) YOM KIPPUR.**

24 **(3) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE**
25 **TWO SUNDAYS IMMEDIATELY BEFORE PASSOVER IF:**

26 **(I) THE LICENSE HOLDER DOES NOT SELL BEER, WINE, AND**
27 **LIQUOR ON THE TWO SATURDAYS IMMEDIATELY BEFORE PASSOVER;**

1 (II) THE OFF-PREMISES SALES ARE CONDUCTED ON THOSE
2 SUNDAYS FROM 6 A.M. TO MIDNIGHT; AND

3 (III) THE SALES ARE LIMITED TO BEER, WINE, AND LIQUOR THAT
4 ARE "KOSHER FOR PASSOVER".

5 (B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

6 (1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY
7 SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M.
8 THE FOLLOWING DAY.

9 (2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A
10 BAR OR COUNTER ON SUNDAY.

11 (3) FROM 7 A.M. TO 9 P.M., THE HOLDER OF A CLASS B BEER, WINE,
12 AND LIQUOR (ON- AND OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR
13 OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

14 (I) CHRISTMAS DAY;

15 (II) NEW YEAR'S DAY;

16 (III) ROSH HASHANAH; AND

17 (IV) YOM KIPPUR.

18 (C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

19 (1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY
20 SELL BEER, WINE, AND LIQUOR ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M.
21 THE FOLLOWING DAY.

22 (2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A
23 BAR OR COUNTER ON SUNDAY.

24 (D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

25 (1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY
26 SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2
27 A.M. THE FOLLOWING DAY.

1 **(2) FROM 7 A.M. TO 9 P.M., A HOLDER OF A CLASS D ON-SALE AND**
 2 **OFF-SALE BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR**
 3 **FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:**

4 **(I) CHRISTMAS DAY;**

5 **(II) NEW YEAR'S DAY;**

6 **(III) ROSH HASHANAH; AND**

7 **(IV) YOM KIPPUR.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, §§ 11-303(a)(1), (b)(1), (c)(1), and (d)(1) and (3)
 10 and 11-403(a)(4)(iii) and, as it related to beer, wine, and liquor licenses, (ii)
 11 and (iv).

12 In subsection (d) of this section, the phrase "the following day" is added to
 13 conform with the terminology used throughout this article.

14 Defined terms: "Beer" § 1-101

15 "Wine" § 1-101

16 **13-2005. HOURS ON JANUARY 1.**

17 **A LICENSE HOLDER MAY NOT BE REQUIRED TO CLOSE THE LICENSED**
 18 **PREMISES AT ANY TIME ON JANUARY 1.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 11-402(e)(2).

21 The former reference to January 1 "of any year" is deleted as surplusage.

22 The former language that authorized the license holder to sell alcoholic
 23 beverages that are authorized by the license at any time on January 1 is
 24 deleted as implicit in the prohibition against requiring a license holder to close
 25 the licensed premises at any time on January 1.

26 Former Art. 2B, § 11-402(e)(1), which stated that former Art. 2B, §
 27 11-402(e)(1) applied only in Baltimore County, is deleted as unnecessary in
 28 light of the organization of this revised article.

29 Defined term: "License holder" § 1-101

30 **13-2006. HOURS WHEN CONSUMPTION PROHIBITED — JANUARY 1 EXCEPTION.**

1 **SECTION 13-2503 OF THIS TITLE, WHICH PROHIBITS A PERSON FROM**
2 **CONSUMING ALCOHOLIC BEVERAGES ON CERTAIN PREMISES AND PLACES, DOES**
3 **NOT APPLY TO ACTIVITIES THAT ARE CONDUCTED ON JANUARY 1 BY LICENSE**
4 **HOLDERS WHO ARE ALLOWED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES**
5 **CONSUMPTION.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 11-304(e)(2).

8 The reference to "license holders who are allowed to sell alcoholic beverages
9 for on-premises consumption" is substituted for the former reference to
10 "on-sale licensees" for consistency with terminology used throughout this
11 article.

12 The reference to § 13-2503 of this title "which prohibits a person from
13 consuming alcoholic beverages on certain premises and places" is added for
14 clarity.

15 Defined terms: "Alcoholic beverage" § 1-101

16 "License holder" § 1-101

17 "Person" § 1-101

18 **13-2007. CONSUMPTION OR TRANSFER OF ALCOHOLIC BEVERAGES THAT ARE**
19 **BROUGHT ONTO PREMISES.**

20 **(A) IN GENERAL.**

21 **ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT ONTO A PREMISES AND**
22 **CONSUMED OR TRANSFERRED IF:**

23 **(1) THE PREMISES IS A PLACE OF PUBLIC ENTERTAINMENT; AND**

24 **(2) THE ENTERTAINMENT IS OF THE TYPE LISTED UNDER §**
25 **4-605(B) THROUGH (D) OF THIS ARTICLE.**

26 **(B) PENALTY.**

27 **(1) A PERSON WHO OPERATES A PLACE OF PUBLIC ENTERTAINMENT**
28 **WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION ON THE PREMISES IS**
29 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
30 **EXCEEDING \$5,000 FOR EACH VIOLATION.**

1 **(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A**
 2 **SEPARATE VIOLATION.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 11-304(e)(3).

5 Defined terms: "Alcoholic beverage" § 1-101
 6 "Person" § 1-101

7 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

8 **13-2101. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND**
 11 **SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE**
 12 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

13 **(1) § 4-602 ("POWER OF LOCAL LICENSING BOARD");**

14 **(2) § 4-604 ("GROUNDS FOR REVOCATION OR SUSPENSION"); AND**

15 **(3) § 4-606 ("EFFECTS OF REVOCATION").**

16 **(B) EXCEPTION.**

17 **SECTION 4-605 ("NUDITY AND SEXUAL DISPLAYS") OF DIVISION I OF THIS**
 18 **ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §**
 19 **13-2103 OF THIS SUBTITLE.**

20 **(C) VARIATION.**

21 **SECTION 4-603 ("REVOCATION AND SUSPENSION PROCEDURES") OF**
 22 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-2102 OF**
 23 **THIS SUBTITLE.**

24 REVISOR'S NOTE: This section is new language added to incorporate by reference
 25 general provisions relating to the revocation and suspension of local licenses.

26 Defined terms: "County" § 13-101
 27 "License" § 1-101
 28 "Local licensing board" § 1-101

1 **13-2102. NOTICE OF COMPLAINT INITIATING LICENSE REVOCATION OR**
2 **SUSPENSION PROCEDURES.**

3 (A) IN GENERAL.

4 IN ADDITION TO PROCEDURES UNDER § 4-603 OF THIS ARTICLE, THE BOARD
5 SHALL NOTIFY THE LICENSE HOLDER OF THE COMPLAINT BY:

6 (1) PERSONAL SERVICE ON THE LICENSE HOLDER OR ANY ADULT
7 EMPLOYEE OF THE LICENSE HOLDER; OR

8 (2) ANY OTHER METHOD OF SERVICE OF NOTICE THAT CONFORMS
9 WITH MARYLAND RULES 2-121 AND 2-122.

10 (B) NOTICE GIVEN TO EMPLOYEE.

11 IF NOTICE IS GIVEN TO AN ADULT EMPLOYEE OF THE LICENSE HOLDER UNDER
12 SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL MAIL A COPY OF THE NOTICE
13 OR A LETTER DESCRIBING THE CONTENTS OF THE NOTICE TO THE HOME OR
14 BUSINESS ADDRESS OF THE LICENSE HOLDER WITHIN 72 HOURS AFTER THE NOTICE
15 IS GIVEN TO THE ADULT EMPLOYEE.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-403(c)(2) and (3).

18 In the introductory language of subsection (a) and in subsection (b) of this
19 section, the references to "the Board" are added to clarify that the Board is
20 required to fulfill notification requirements.

21 Also in the introductory language of subsection (a) and in subsection (b) of this
22 section, the former references to the "service of" notice are deleted as
23 surplusage.

24 In the introductory language of subsection (a) of this section, the phrase "[i]n
25 addition to the procedures under § 4-603 of this article," is added for clarity.

26 Also in the introductory language of subsection (a) of this section, the former
27 reference to the "charges of" complaint is deleted as surplusage.

28 In subsection (b) of this section, the reference to within 72 hours "after the
29 notice is given" is substituted for the former reference to within 72 hours "of
30 the day service is given" for clarity.

1 Former Art. 2B, § 10-403(c)(1), as it related to applying former Art. 2B, §
2 10-403(c) to Baltimore County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: "Board" § 13-101
5 "License holder" § 1-101

6 **13-2103. NUDITY AND SEXUAL DISPLAYS.**

7 **(A) "ADULT ENTERTAINMENT" DEFINED.**

8 **IN THIS SECTION, "ADULT ENTERTAINMENT":**

9 **(1) MEANS PERFORMANCES AT LICENSED PREMISES THAT ARE**
10 **COMMONLY CALLED "GO-GO DANCING", "MALE REVUES", "FEMALE REVUES", OR**
11 **"EXOTIC DANCING"; AND**

12 **(2) INCLUDES PERFORMANCES BY INDIVIDUALS WHO PERFORM IN**
13 **ANY MANNER WHILE IN A STATE OF DRESS IN WHICH CLOTHING COVERS NO MORE**
14 **THAN THE GENITALS, PUBIC REGION, AND AREOLA OF THE FEMALE BREAST, AS**
15 **WELL AS PORTIONS OF THE BODY COVERED BY SUPPORTING STRAPS AND DEVICES.**

16 **(B) SCOPE OF SECTION.**

17 **THIS SECTION DOES NOT APPLY TO:**

18 **(1) A LICENSE HOLDER THAT OFFERED ADULT ENTERTAINMENT ON**
19 **LICENSED PREMISES FOR AT LEAST 5 CALENDAR DAYS BETWEEN MARCH 8, 1996,**
20 **AND APRIL 8, 1996;**

21 **(2) A TRANSFEREE OF A LICENSE FROM A LICENSE HOLDER**
22 **DESCRIBED IN ITEM (1) OF THIS SUBSECTION AS LONG AS THE TRANSFEREE**
23 **CONTINUES TO OFFER ADULT ENTERTAINMENT ON THE SAME LICENSED PREMISES;**
24 **OR**

25 **(3) A LICENSE HOLDER THAT OPERATES A THEATER, A CONCERT**
26 **HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS**
27 **PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES, WHEN THE**
28 **PERFORMANCES EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC,**
29 **OR POLITICAL VALUE.**

30 **(C) ADULT ENTERTAINMENT PROHIBITED.**

1 **A LICENSE HOLDER MAY NOT ALLOW ADULT ENTERTAINMENT ON LICENSED**
2 **PREMISES OR ON PROPERTY ADJACENT TO THE LICENSED PREMISES OVER WHICH**
3 **THE LICENSE HOLDER HAS OWNERSHIP OR CONTROL.**

4 **(D) PENALTY.**

5 **IF THE BOARD FINDS THAT A VIOLATION OF THIS SECTION HAS OCCURRED,**
6 **THE BOARD SHALL REVOKE OR SUSPEND THE LICENSE FOR THE PREMISES WHERE**
7 **THE VIOLATION OCCURRED OR IMPOSE A FINE ON THE LICENSE HOLDER OR BOTH.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 12-204(d).

10 In subsection (c) of this section, the former reference to "any class of alcoholic
11 beverages" license is deleted as included in the defined term "license holder".

12 In subsection (d) of this section, the former reference to the license holder "for
13 the premises where the violation occurred" is deleted as surplusage.

14 Defined terms: "Board" § 13-101

15 "License" § 1-101

16 "License holder" § 1-101

17 **SUBTITLE 22. EXPIRATION OF LICENSES.**

18 **13-2201. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **SECTION 4-702(A) ("ON DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS**
21 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

22 **(B) EXCEPTIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL**
24 **LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

25 **(1) § 4-702(B) ("AFTER VACATION OF OR EVICTION FROM**
26 **PREMISES");**

27 **(2) § 4-703 ("PENDING OR APPROVED TRANSFERS OR CONTINUATION**
28 **OF BUSINESS");**

1 **(3) § 4-704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);**
 2 **AND**

3 **(4) § 4-705 (“POSTPONEMENT TO AVOID HARDSHIP”).**

4 REVISOR’S NOTE: Subsection (a) of this section is new language added for clarity.

5 Subsection (b) of this section is new language derived without substantive
 6 change from the first phrase of the first sentence of former Art. 2B, §
 7 10-504(a). It is revised in standard language used throughout this article to
 8 incorporate by reference the general provisions relating to the expiration of
 9 local licenses.

10 Defined terms: “County” § 13-101

11 “License” § 1-101

12 “License holder” § 1-101

13 **13-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.**

14 **(A) 180-DAY RULE.**

15 **A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE**
 16 **BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT**
 17 **THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:**

18 **(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER**
 19 **LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN**
 20 **APPROVED OR IS PENDING;**

21 **(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A**
 22 **RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS**
 23 **TITLE HAS BEEN APPROVED OR IS PENDING; OR**

24 **(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER**
 25 **SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.**

26 **(B) APPLICATION FOR HARDSHIP EXTENSION.**

27 **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION:**

28 **(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED**
 29 **PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE**
 30 **LICENSE DUE TO HARDSHIP;**

1 **(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS**
2 **AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING**
3 **OF BUSINESS OPERATIONS; AND**

4 **(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE**
5 **BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC**
6 **BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS**
7 **HELD.**

8 **(C) START AND RESTART OF UNEXPIRED PERIOD.**

9 **(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED**
10 **UNEXPIRED:**

11 **(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS**
12 **OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND**

13 **(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR**
14 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

15 **(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF**
16 **THE FOLLOWING EVENTS:**

17 **(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A**
18 **REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;**

19 **(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION**
20 **DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;**

21 **(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL**
22 **REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY**
23 **SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR**

24 **(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE**
25 **BOARD'S ACTION.**

26 **(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A)**
27 **OR (B) OF THIS SECTION IS WITHDRAWN:**

28 **(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE**
29 **MAY NOT BE SUSPENDED; AND**

1 **(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS**
2 **IF IT HAD NOT BEEN FILED.**

3 **(D) CLOSURE BECAUSE OF CASUALTY LOSS.**

4 **IF A LICENSED PREMISES IS FORCED TO CLOSE BECAUSE OF A CASUALTY**
5 **LOSS, THE BOARD, WITHOUT CIRCUIT COURT APPROVAL, MAY EXTEND THE LICENSE**
6 **FOR NOT MORE THAN 2 YEARS AFTER THE CLOSING.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 10-504(e)(2), (3), (4), (6), (7), and the second
9 sentence of (5).

10 In the introductory language of subsection (a) and in subsection (b)(3) of this
11 section, the references to stopping alcoholic beverages operations "at the
12 premises" for which the license is held are substituted for the former
13 references to stopping alcoholic beverages business operations "of the
14 business" for which the license is held to conform to terminology used
15 throughout this article.

16 In subsection (a)(2) of this section, the reference to "a certificate of permission
17 or a renewal license for continuation of business" is added for clarity.

18 In subsection (b)(1) and (2) of this section, the former references to "undue"
19 hardship are deleted as surplusage.

20 In subsection (b)(3) of this section, the requirement that an extension does not
21 "prolong the life of the license beyond 360 days" after the closing or stopping
22 of business operations is substituted for the former reference to a request for
23 an extension "for a time period of no more than a cumulative period of 360
24 days" after the closing or stopping of business for brevity.

25 In the introductory language of subsection (c)(1) of this section, the reference
26 to the period "for which a license may be considered unexpired" is added for
27 clarity.

28 Also in the introductory language of subsection (c)(1) of this section, the former
29 reference to a "time" period is deleted as surplusage.

30 In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that
31 may or may not be "suspended" are substituted for the former references to a
32 period that may or may not be "toll[ed]" for clarity.

33 In the introductory language of subsection (c)(2) of this section, the former
34 phrase "cumulatively to the time period before the filing of the application or
35 request" is deleted as implicit in the word "resumes".

1 In subsection (c)(2)(iii) of this section, the reference to judicial review being
 2 “granted” is substituted for the former reference to judicial review being
 3 “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates
 4 to “dismissal” of a petition for judicial review.

5 Former Art. 2B, § 10–504(e)(1)(i), which stated that former Art. 2B, §
 6 10–504(e) applied only in Baltimore County, is deleted as unnecessary in light
 7 of the reorganization of this revised article.

8 Former Art. 2B, § 10–504(e)(1)(ii), which defined “Board” to mean the Board
 9 of License Commissioners for Baltimore County or the Office of the
 10 Comptroller, whichever is the issuing party, is deleted in light of the term
 11 “Board” that is defined in § 13–101 of this title.

12 The first sentence of former Art. 2B, § 10–504(e)(5), which stated the intent
 13 for the total period of time for which a license may be deemed unexpired, is
 14 deleted as unnecessary in light of subsections (a) and (b) of this section.

15 Defined terms: “Alcoholic beverage” § 1–101

16 “Board” § 13–101

17 “License” § 1–101

18 “License holder” § 1–101

19 “Person” § 1–101

20 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

21 **13–2301. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE**
 24 **HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 25 **EXCEPTION OR VARIATION:**

26 **(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE**
 27 **HOLDER”);**

28 **(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

29 **(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
 30 **RESTRICTION”); AND**

31 **(4) § 4–806 (“REFUND”).**

1 **(B) VARIATION.**

2 **SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
3 **CONTINUATION OF BUSINESS”)** OF DIVISION I OF THIS ARTICLE APPLIES IN THE
4 **COUNTY, SUBJECT TO § 13-2302 OF THIS SUBTITLE.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to the death of a local license holder.

7 Defined terms: “County” § 13-101

8 “License” § 1-101

9 “License holder” § 1-101

10 **13-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
11 **PARTNERSHIP OR CORPORATION.**

12 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
13 **SURVIVING OFFICER.**

14 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
15 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**
16 **CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED**
17 **TO:**

18 **(I) THE SURVIVING SPOUSE;**

19 **(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE**
20 **PARTNERSHIP; OR**

21 **(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION**
22 **FOR THE BENEFIT OF THE CORPORATION.**

23 **(2) THE NEW LICENSE SHALL BE ISSUED:**

24 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

25 **(II) WITHOUT FURTHER PROCEEDINGS.**

26 **(B) RENEWAL LICENSE.**

27 **A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE**
28 **QUALIFIED TO HOLD THE LICENSE:**

29 **(1) THE SURVIVING SPOUSE;**

1 **(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

2 **(3) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE**
3 **BENEFIT OF THE CORPORATION.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10–506(b)(2).

6 In the introductory language of subsection (a)(1) of this section, the former
7 phrase “[n]otwithstanding any provisions to the contrary in this article” is
8 deleted as surplusage.

9 Also in the introductory language of subsection (a)(1) of this section, the
10 former reference to an application to “the Comptroller ..., as the case may be,
11 that granted the license” is deleted as surplusage.

12 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
13 officer “of the corporation” is added for clarity.

14 In subsection (a)(2)(i) of this section, the former reference to the “current”
15 license year is deleted as implicit.

16 In subsection (a)(2)(ii) of this section, the former reference to “the necessity of”
17 further proceedings is deleted as surplusage.

18 In the introductory language of subsection (b) of this section, the former
19 reference to being qualified to hold the license “under this article” is deleted
20 as surplusage.

21 In subsection (b)(2) of this section, the reference to the surviving “partners” of
22 a partnership is substituted for the former reference to the surviving
23 “members” of a partnership for accuracy.

24 In subsection (b)(3) of this section, the reference to the “senior surviving officer
25 of a corporation for the benefit of the corporation” is substituted for the former
26 reference to the “surviving members of a ... corporation” for accuracy and for
27 consistency with subsection (a) of this section.

28 Defined terms: “Board” § 13–101

29 “License” § 1–101

30 “License holder” § 1–101

31 **SUBTITLE 24. JUDICIAL REVIEW.**

32 **13–2401. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
 2 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
 4 general provisions relating to the appeal of the decisions of the Board.

5 Defined term: “County” § 13–101

6 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

7 **13–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 8 **BEVERAGES.**

9 **(A) SCOPE OF SECTION.**

10 **THIS SECTION:**

11 **(1) APPLIES TO AN ESTABLISHMENT THAT:**

12 **(I) IS NOT LICENSED UNDER THIS TITLE; AND**

13 **(II) SERVES OR GIVES ALCOHOLIC BEVERAGES TO A CUSTOMER**
 14 **OR ALLOWS A CUSTOMER TO CONSUME ALCOHOLIC BEVERAGES THAT ARE FROM**
 15 **SUPPLIES THAT THE CUSTOMER PREVIOUSLY PURCHASED OR RESERVED; AND**

16 **(2) DOES NOT APPLY TO AN ESTABLISHMENT LICENSED UNDER THIS**
 17 **TITLE.**

18 **(B) IN GENERAL.**

19 **AFTER LEGAL CLOSING HOURS FOR LICENSED PREMISES UNDER §§ 13–2004**
 20 **AND 13–2005 OF THIS TITLE, AN UNLICENSED ESTABLISHMENT MAY NOT SERVE,**
 21 **KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES, SETUPS, OR OTHER**
 22 **COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS AT A LOCATION UNDER ITS**
 23 **CONTROL OR POSSESSION.**

24 **(C) PENALTY.**

25 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 26 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 27 **NOT EXCEEDING \$10,000 OR BOTH.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 20–103(a), (c), and (d).

3 Throughout this section, the references to an “establishment” are substituted
4 for the former references to a “bottle club” to conform to the terminology used
5 throughout this article.

6 Subsection (a) of this section is revised as a substantive provision and not as
7 a definition for clarity.

8 In subsection (a)(1)(ii) of this section, the references to “customer” are
9 substituted for the former references to “patrons” for clarity.

10 In subsection (b) of this section, the reference to closing hours for “licensed
11 premises” is substituted for the former reference to closing hours for
12 “establishments” for clarity and accuracy.

13 Also in subsection (b) of this section, the former references to “giv[ing]” and
14 “dispens[ing]” are deleted as included in the reference to “serv[ing]”.

15 Also in subsection (b) of this section, the former reference to the “premises” of
16 an establishment is deleted as included in the reference to a “location under
17 its control or possession”.

18 Former Art. 2B, § 20–103(b), which provided that former Art. 2B, § 20–103
19 applied only in Baltimore County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
22 the General Assembly, that in subsection (b) of this section the prohibition
23 against an unlicensed establishment from “keep[ing]” alcoholic beverages
24 after legal closing hours for licensed establishments would prove burdensome.
25 The unlicensed establishment would have to rid itself of alcoholic beverages
26 at closing time each day, yet reacquire them in time for the next day’s opening
27 hour. In addition, the Alcoholic Beverages Article Review Committee notes,
28 for consideration by the General Assembly, that the prohibition against
29 unlicensed establishments serving, keeping, or allowing to be consumed
30 “setups or other component parts of mixed alcoholic drinks” seems overly
31 broad. The prohibition may include such items as ice cubes and ginger ale.

32 Defined terms: “Alcoholic beverage” § 1–101
33 “Person” § 1–101

34 **13–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
35 **BEVERAGES IS PROHIBITED.**

36 **(A) PROHIBITION AGAINST INDIVIDUAL.**

1 FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME
2 ALCOHOLIC BEVERAGES IN:

3 (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

4 (2) A PLACE OF PUBLIC ENTERTAINMENT; OR

5 (3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF
6 MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE
7 BUSINESS REGULATION ARTICLE.

8 (B) PROHIBITION AGAINST OWNER OR MANAGER.

9 AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN
10 SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF
11 ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF
12 THIS SECTION.

13 (C) PENALTY.

14 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
15 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
18 (2).

19 In subsection (a)(1) of this section, the reference to an "establishment" open to
20 the public is substituted for the former reference to "premises" to avoid the
21 implication that the establishment is licensed.

22 In subsection (b) of this section, the former reference to an "operator" is deleted
23 as included in the reference to a "manager".

24 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
25 to conform to the statement of legislative policy in § 14-102 of the Criminal
26 Law Article, which sets forth the general rule that, notwithstanding a
27 statutory minimum penalty, a court may impose a lesser penalty of the same
28 character.

29 Defined terms: "Alcoholic beverage" § 1-101

30 "Person" § 1-101

31 13-2503. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.

1 **(A) BRINGING, CONSUMING, OR TRANSFERRING ALCOHOLIC BEVERAGES.**

2 **ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT INTO AN ESTABLISHMENT**
3 **AND CONSUMED OR TRANSFERRED IF THE ESTABLISHMENT IS A PLACE OF ADULT**
4 **ENTERTAINMENT OF THE TYPE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

5 **(B) PENALTY.**

6 **(1) A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT**
7 **WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION ON THE PREMISES IS**
8 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
9 **EXCEEDING \$5,000 FOR EACH VIOLATION.**

10 **(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A**
11 **SEPARATE VIOLATION.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11-304(e)(3).

14 In subsection (a) of this section, the references to "establishment" are
15 substituted for the former references to "premises" to avoid the implication
16 that the establishment is licensed.

17 In subsections (a) and (b) of this section, the references to "adult"
18 entertainment are substituted for the former references to "public"
19 entertainment for clarity.

20 Former Art. 2B, § 11-304(e)(1), which provided that former Art. 2B, §
21 11-304(e) applied only in Baltimore County, is deleted as unnecessary in light
22 of the organization of this revised article.

23 Defined terms: "Alcoholic beverage" § 1-101
24 "Person" § 1-101

25 **SUBTITLE 26. ENFORCEMENT.**

26 **13-2601. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

28 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
29 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
30 **VARIATION:**

1 (1) § 6-202 (“INSPECTIONS”);

2 (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND
3 QUALITY OF ALCOHOLIC BEVERAGES”);

4 (3) § 6-204 (“POWER TO SUMMON WITNESSES”);

5 (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
6 ALCOHOLIC BEVERAGE”);

7 (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
8 EVIDENCE OF SALE”);

9 (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
10 ALCOHOL IN PUBLIC PLACES”);

11 (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
12 CONSUMPTION”); AND

13 (8) § 6-211 (“FINES AND FORFEITURES”).

14 (B) EXCEPTIONS.

15 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF
16 DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

17 (1) § 6-205 (“PEACE OFFICERS”); AND

18 (2) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY
19 INTOXICATION LAWS”), WHICH IS SUPERSEDED BY § 13-2602 OF THIS SUBTITLE.

20 REVISOR’S NOTE: Subsections (a) and (b)(2) of this section are new language added
21 to incorporate by reference general provisions relating to enforcement.

22 Subsection (b)(1) of this section is new language derived without substantive
23 change from the fourth sentence of former Art. 2B, § 16-401.

24 Defined terms: “Alcoholic beverage” § 1-101

25 “County” § 13-101

26 “State” § 1-101

27 **13-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

28 **THE COUNTY MAY:**

1 **(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE**
2 **PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS**
3 **ARTICLE; AND**

4 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
5 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
6 **HIGHWAY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 19-103(a)(3).

9 In item (1) of this section, the reference to "the prohibition against disorderly
10 intoxication under § 6-320 of this article" is substituted for the former obsolete
11 reference to "this subheading".

12 In item (2) of this section, the former reference to the public "in general" is
13 deleted as surplusage.

14 Defined terms: "Alcoholic beverage" § 1-101
15 "County" § 13-101

16 **13-2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

17 **(A) IN GENERAL.**

18 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
19 **ESTABLISHMENT.**

20 **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

21 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
22 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

23 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
24 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
25 **CASE PENDING BEFORE THE COURT.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 16-410(c)(1)(iii), (2), and (3).

28 In subsections (a) and (b)(1) of this section, the former references to "papers"
29 are deleted as included in the references to "records" and "record".

1 In subsection (b)(1) of this section, the phrase “may petition” is substituted for
2 the former phrase “shall report the fact to” for clarity.

3 Also in subsection (b)(1) of this section, the former phrase “for the county” is
4 deleted as surplusage.

5 In subsection (b)(2) of this section, the phrase “may proceed” is substituted for
6 the former phrase “shall proceed” for clarity.

7 Also in subsection (b)(2) of this section, the former phrase “in all respects” is
8 deleted as surplusage.

9 Defined term: “Board” § 13–101

10 **SUBTITLE 27. PROHIBITED ACTS.**

11 **13–2701. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
14 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
15 **VARIATION:**

16 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

17 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
18 **INDIVIDUAL”);**

19 **(3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
20 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

21 **(4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
22 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
23 **YEARS”);**

24 **(5) § 6–310 (“PROVIDING FREE FOOD”);**

25 **(6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
26 **DEALER”);**

27 **(7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

1 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
2 CONTAINER”);

3 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
4 DETACHABLE METAL TAB”);

5 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
6 REGULAR LABEL PRESUMED ILLICIT”);

7 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

8 (12) § 6-320 (“DISORDERLY INTOXICATION”);

9 (13) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
10 PUBLIC”);

11 (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
12 MACHINE”);

13 (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
14 BEVERAGES”);

15 (16) § 6-327 (“TAX EVASION”);

16 (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

17 (18) § 6-329 (“PERJURY”).

18 **(B) EXCEPTION.**

19 SECTION 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES
20 NOT PURCHASED FROM LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE DOES
21 NOT APPLY IN THE COUNTY.

22 **(C) VARIATIONS.**

23 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
24 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

25 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
26 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 13-2702 OF THIS
27 SUBTITLE;

1 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
 2 **INTOXICATED INDIVIDUAL”)**, SUBJECT TO § 13-2703 OF THIS SUBTITLE; AND

3 **(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”)**, SUBJECT TO §
 4 **13-2704 OF THIS SUBTITLE.**

5 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
 6 incorporate by reference general provisions relating to prohibited acts.

7 Subsection (b) of this section is new language derived without substantive
 8 change from former Art. 2B, § 8-601(b).

9 Defined terms: “Alcoholic beverage” § 1-101

10 “County” § 13-101

11 “License holder” § 1-101

12 “Retail dealer” § 1-101

13 “State” § 1-101

14 **13-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
 15 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

16 **(A) SUMMONS; BAIL.**

17 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 18 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

19 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 20 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 21 **EMPLOYEE; AND**

22 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 23 **COURT IN THE STATE.**

24 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
 26 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

27 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
 28 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
 29 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
 30 **OF 21 YEARS; AND**

31 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

1 **(C) BAR TO ADMINISTRATIVE ACTION.**

2 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
3 **VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
4 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
5 **BEFORE JUDGMENT FOR, THE VIOLATION.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

8 In subsection (a)(2) of this section, the former reference to bail "bond" is
9 deleted as surplusage.

10 In subsection (b)(1) of this section, the reference to the "finder of fact" is
11 substituted for the former reference to the "jury or the court sitting as a jury"
12 for brevity.

13 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
14 as surplusage.

15 In subsection (c) of this section, the reference to the "Board" is substituted for
16 the former reference to "any alcoholic beverage law enforcement or licensing
17 authorities" to conform to terminology used throughout this title.

18 Also in subsection (c) of this section, the reference to probation before
19 "judgment" is substituted for the former reference to a probation "without a
20 verdict" to conform to current terminology.

21 Also in subsection (c) of this section, the former phrase "[e]xcept as otherwise
22 provided in this section" is deleted as unnecessary in light of the organization
23 of this revised article.

24 Defined terms: "Board" § 13-101

25 "License holder" § 1-101

26 "State" § 1-101

27 **13-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
28 **INDIVIDUAL — CRIMINAL PROCEDURE.**

29 **(A) SUMMONS; BAIL.**

30 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
31 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

1 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 2 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 3 **EMPLOYEE; AND**

4 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 5 **COURT IN THE STATE.**

6 **(B) BAR TO ADMINISTRATIVE ACTION.**

7 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
 8 **VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
 9 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
 10 **BEFORE JUDGMENT FOR, THE VIOLATION.**

11 REVISOR’S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

13 In subsection (a)(2) of this section, the former reference to bail “bond” is
 14 deleted as surplusage.

15 In subsection (b) of this section, the reference to the “Board” is substituted for
 16 the former reference to “any alcoholic beverage law enforcement or licensing
 17 authorities” to conform to terminology used throughout this title.

18 Also in subsection (b) of this section, the reference to probation before
 19 “judgment” is substituted for the former reference to a probation “without a
 20 verdict” to conform to current terminology.

21 Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise
 22 provided in this section” is deleted as unnecessary in light of the organization
 23 of this revised article.

24 Defined terms: “Board” § 13–101

25 “License holder” § 1–101

26 “State” § 1–101

27 **13–2704. POSSESSION OF OPEN CONTAINER — MOTORCYCLES.**

28 **IN ADDITION TO THE PROHIBITIONS LISTED IN § 6–322 OF THIS ARTICLE, AN**
 29 **INDIVIDUAL MAY NOT POSSESS IN AN OPEN CONTAINER AN ALCOHOLIC BEVERAGE**
 30 **WHILE ON A MOTORCYCLE LOCATED IN THE PLACES LISTED IN § 6–322, UNLESS**
 31 **AUTHORIZED.**

32 REVISOR’S NOTE: This section is new language derived without substantive
 33 change from former Art. 2B, § 19–303(2).

1 Defined term: "Alcoholic beverage" § 1-101

2 **SUBTITLE 28. PENALTIES.**

3 **13-2801. APPLICATION OF GENERAL PROVISION.**

4 **SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE**
5 **APPLIES IN THE COUNTY.**

6 REVISOR'S NOTE: This section is new language added to incorporate by reference
7 general provisions relating to imposing a penalty for a violation for which no
8 specific penalty is provided.

9 Defined term: "County" § 13-101

10 **13-2802. PENALTY IMPOSED BY BOARD.**

11 **FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OR REVOCATION OF A**
12 **LICENSE, AFTER HOLDING A PUBLIC HEARING AND FINDING THAT A PERSON HAS**
13 **VIOLATED AN ALCOHOLIC BEVERAGES LAW OR REGULATION, THE BOARD MAY:**

14 **(1) IMPOSE A FINE NOT EXCEEDING \$2,000;**

15 **(2) SUSPEND OR REVOKE THE LICENSE; OR**

16 **(3) IMPOSE A FINE AND SUSPEND OR REVOKE THE LICENSE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 16-507(e).

19 In the introductory language of this section, the former reference to "rules" is
20 deleted as included in the reference to an "regulation".

21 Also in the introductory language of this section, the former reference to
22 violating the alcoholic beverages laws "affecting Baltimore County" is deleted
23 as surplusage.

24 Defined terms: "Alcoholic beverage" § 1-101

25 "Board" § 13-101

26 "License" § 1-101

27 "Person" § 1-101

28 **TITLE 14. CALVERT COUNTY.**

1 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

2 **14-101. DEFINITIONS.**

3 **(A) IN GENERAL.**

4 **IN THIS TITLE:**

5 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
6 **EXCEPTION OR VARIATION; AND**

7 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

8 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
9 by reference terms defined for the entire article.

10 Item (2) of this subsection is new language added as the standard introductory
11 language to a definition section.

12 **(B) BOARD.**

13 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CALVERT**
14 **COUNTY.**

15 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
16 full reference to the “Board of License Commissioners for Calvert County”.

17 **(C) COUNTY.**

18 **“COUNTY” MEANS CALVERT COUNTY.**

19 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
20 full reference to “Calvert County”.

21 **(D) LIGHT WINE.**

22 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
23 **ALCOHOL BY VOLUME.**

24 REVISOR'S NOTE: This subsection is new language derived without substantive
25 change from former Art. 2B, § 4-101(a) and (f).

26 The defined term “wine” is substituted for the former reference to “a fermented
27 beverage” to conform to the terminology used throughout this article.

1 Defined term: “Wine” § 1–101

2 **14–102. SCOPE OF TITLE.**

3 **THIS TITLE APPLIES ONLY IN CALVERT COUNTY.**

4 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
5 organization of this revised article.

6 **14–103. COPY OF LEGISLATION.**

7 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
8 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
9 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
10 **MARYLAND 21401.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 18–103.

13 The reference to the “County Commissioners” is substituted for the former
14 reference to the “local governing body” for clarity.

15 The reference to this “title” is substituted for the former reference to this
16 “subtitle” to conform to the organization of this revised article. Under the
17 former law, each local governing body derived its authority to enact alcoholic
18 beverages legislation from a common subtitle. Under this revised article, each
19 local governing body derives its authority from the title dedicated to the
20 jurisdiction of the local governing body.

21 Defined terms: “Alcoholic beverage” § 1–101
22 “County” § 14–101

23 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

24 **14–201. ESTABLISHED.**

25 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CALVERT COUNTY.**

26 REVISOR’S NOTE: This section is new language added to state expressly what was
27 only implied in the former law, that an entity known as the Board of License
28 Commissioners for Calvert County exists.

29 The name “Board of License Commissioners for Calvert County” is used
30 instead of the commonly used name “Calvert County Liquor Board” for clarity

1 and consistency with the terminology used throughout this article to refer to
2 local licensing boards.

3 **14-202. MEMBERSHIP.**

4 (A) COMPOSITION; APPOINTMENT OF REGULAR AND SUBSTITUTE
5 MEMBERS.

6 (1) THE GOVERNOR SHALL APPOINT THREE REGULAR MEMBERS AND
7 ONE SUBSTITUTE MEMBER TO THE BOARD.

8 (2) THE APPOINTMENTS SHALL BE MADE:

9 (I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND
10 CONSENT OF THE SENATE; OR

11 (II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR
12 ALONE.

13 (B) QUALIFICATIONS.

14 (1) EACH MEMBER OF THE BOARD SHALL BE:

15 (I) A RESIDENT AND VOTER OF THE COUNTY; AND

16 (II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND
17 OF RECOGNIZED BUSINESS CAPACITY.

18 (2) ONE REGULAR MEMBER OF THE BOARD SHALL ALWAYS BE A
19 MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL
20 ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES THROUGHOUT THE
21 STATE FOR THAT OFFICE.

22 (C) SUBSTITUTE MEMBER.

23 (1) THE SUBSTITUTE MEMBER SERVES ON THE BOARD IN THE
24 ABSENCE OF A REGULAR MEMBER.

25 (2) WHEN SERVING ON THE BOARD, THE SUBSTITUTE MEMBER HAS
26 ALL OF THE POWERS AND RESPONSIBILITIES OF A REGULAR MEMBER.

27 (D) TENURE.

1 **THE TERM OF A MEMBER IS 2 YEARS.**

2 **(E) VACANCIES.**

3 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
4 **FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL**
5 **ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

6 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
7 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
8 **QUALIFIES.**

9 **(F) REMOVAL.**

10 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
11 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

12 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
13 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
14 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

15 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
16 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
17 **MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (f)(1) and (2)(i),
20 (iii), and (iv) and 15–110(a).

21 In subsections (a)(1) and (c) of this section, the references to a “substitute”
22 member are substituted for the former references to an “alternate” member to
23 conform to the terminology used throughout this subtitle. Similarly, in the
24 introductory language of subsection (b)(1) of this section, the reference to
25 “[e]ach member of the Board” is substituted for the former reference to “[t]he
26 commissioners”.

27 In subsection (a)(1) of this section, the defined term “Board” is substituted for
28 the former reference to “persons who shall constitute and be styled ‘The Board
29 of License Commissioners for Baltimore City or ... County’, as the case may
30 be” because this title applies only to the Board of License Commissioners for
31 Calvert County.

32 Also in subsection (a)(1) of this section, the former phrase “[f]or the
33 jurisdictions in which this section is effective,” is deleted as unnecessary in
34 light of the organization of this revised article.

1 In subsection (a)(2)(i) of this section, the former reference to “by and” with the
2 advice and consent of the Senate is deleted as surplusage.

3 In subsection (b)(1)(i) of this section, the defined term “County” is substituted
4 for the former reference to “Baltimore City or the respective counties, as the
5 case may be” because this title applies only to Calvert County.

6 In subsection (b)(1)(ii) of this section, the reference to an “individual” is
7 substituted for the former reference to “persons” because only a human being
8 and not the other entities included in the definition of “person” may serve as
9 a member of a board of license commissioners.

10 Subsection (e) of this section is standard language substituted for the former
11 reference to the duty of the Governor, if a vacancy occurs on the Board when
12 the General Assembly is not in session, to appoint an eligible individual to fill
13 the vacancy for the remainder of the term. The standard language is intended
14 to correct a gap in the former law, which was silent as to the procedure to be
15 followed if a vacancy occurs when the General Assembly is in session.

16 In subsection (f)(1) of this section, the former reference to a member “of any
17 board of license commissioners appointed by him under the provisions of this
18 article” is deleted as surplusage.

19 In subsection (f)(2) of this section, the former phrase “in his own defense” is
20 deleted as surplusage.

21 Former Art. 2B, § 15–101(f)(2)(ii), which required that the alternate Board
22 member’s term run concurrently with the terms of the regular members
23 serving in office on July 1, 1986, is deleted as obsolete.

24 Defined terms: “Board” § 14–101

25 “County” § 14–101

26 “State” § 1–101

27 **14–203. CHAIR.**

28 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
29 **FROM AMONG THE REGULAR MEMBERS OF THE BOARD.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 15–101(a)(2).

32 The defined term “Board” is substituted for the former reference to “Baltimore
33 City and each of the counties” because this section applies only to the Board

1 of License Commissioners for Calvert County. Correspondingly, the former
2 phrase “of the respective boards” is deleted.

3 The reference to a “chair” is substituted for the former reference to a
4 “chairman” because SG § 2–1238 requires the use of words that are neutral as
5 to gender to the extent practicable.

6 The reference to “regular members” is substituted for the former reference to
7 “appointees” for clarity and to conform to the terminology used throughout
8 this subtitle.

9 Defined term: “Board” § 14–101

10 **14–204. COMPENSATION; STAFF.**

11 **(A) COMPENSATION.**

12 **(1) THE CHAIR OF THE BOARD SHALL RECEIVE \$4,200 ANNUALLY**
13 **FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.**

14 **(2) EACH REGULAR MEMBER OF THE BOARD SHALL RECEIVE \$3,600**
15 **ANNUALLY FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE**
16 **OFFICE.**

17 **(3) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE \$200**
18 **FOR EACH MEETING OF THE BOARD ATTENDED AS AN ACTING REGULAR MEMBER**
19 **FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.**

20 **(B) STAFF.**

21 **SUBJECT TO § 14–205 OF THIS SUBTITLE, THE BOARD:**

22 **(1) MAY EMPLOY:**

23 **(I) A SECRETARY;**

24 **(II) INSPECTORS; AND**

25 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

26 **(2) SHALL SET THE COMPENSATION OF THE EMPLOYEES.**

27 **(C) CLERK AND ATTORNEY.**

1 **THE BOARD MAY APPOINT A CLERK AND AN ATTORNEY AT SALARIES THAT THE**
 2 **COUNTY COMMISSIONERS SET.**

3 **(D) PAYMENT OF BOARD SALARIES AND EXPENSES.**

4 **THE BOARD OF COUNTY COMMISSIONERS SHALL PAY THE SALARIES AND**
 5 **EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, §§ 15–109(f), 15–112(a)(2) and (f)(2)(i), and the
 8 first sentence of 10–204(f).

9 In subsection (a)(1) of this section, the reference to the “chair” is substituted
 10 for the former reference to the “chairman” because SG § 2–1238 requires the
 11 use of words that are neutral as to gender to the extent practicable.

12 In subsection (a)(3) of this section, the reference to a “substitute” member is
 13 substituted for the former reference to an “alternate” member to conform to
 14 the terminology used throughout this subtitle.

15 Also in subsection (a)(3) of this section, the former reference to receiving \$200
 16 “compensation ... to compensate” for expenses is deleted as surplusage.

17 In subsection (b)(1)(iii) of this section, the reference to “assistants” is
 18 substituted for the former reference to “assistance” for clarity.

19 Former Art. 2B, § 15–112(f)(1), which provided that “[t]his subsection applies
 20 only in Calvert County”, is deleted as unnecessary in light of the organization
 21 of this revised article.

22 Defined terms: “Board” § 14–101
 23 “County” § 14–101

24 **14–205. INSPECTORS.**

25 **WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, THE BOARD MAY**
 26 **APPOINT FULL–TIME OR PART–TIME INSPECTORS WHO:**

27 **(1) SHALL HAVE THEIR SALARIES SET BY THE COUNTY**
 28 **COMMISSIONERS ON AN ANNUAL OR PER DIEM BASIS; AND**

29 **(2) SHALL BE PAID REASONABLE EXPENSES RELATED TO**
 30 **PERFORMANCE OF THEIR DUTIES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–112(f)(2)(ii).

3 In the introductory language of this section, the former reference to “alcoholic
4 beverages” inspectors is deleted as surplusage.

5 Defined terms: “Board” § 14–101
6 “County” § 14–101

7 **14–206. REGULATIONS.**

8 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 16–301(a), as it related to the authority of the
11 Board to adopt regulations.

12 The defined term “Board” is substituted for the former reference to “the board
13 of license commissioners from any county or Baltimore City, respectively,”
14 because this section applies only to the Board of License Commissioners for
15 Calvert County.

16 The former phrase “[i]n addition to the powers otherwise provided by this
17 article,” is deleted as surplusage.

18 The reference to the Board “adopt[ing] regulations to carry out” this article is
19 substituted for the former reference to the Board “hav[ing] full power and
20 authority to adopt such reasonable rules and regulations as they may deem
21 necessary to enable them effectively to discharge the duties imposed upon
22 them by” this article for brevity.

23 Defined term: “Board” § 14–101

24 **SUBTITLE 3. LIQUOR CONTROL.**

25 **14–301. LIQUOR CONTROL — NOT APPLICABLE.**

26 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
27 **IN THE COUNTY.**

28 REVISOR'S NOTE: This section is new language added to clarify that there is no
29 liquor control board or department of liquor control in the County.

30 Defined term: “County” § 14–101

31 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

1 **14-401. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
4 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
5 **EXCEPTION OR VARIATION:**

6 (1) **§ 2-201 (“ISSUANCE BY COMPTROLLER”);**

7 (2) **§ 2-202 (“CLASS 1 DISTILLERY LICENSE”);**

8 (3) **§ 2-204 (“CLASS 2 RECTIFYING LICENSE”);**

9 (4) **§ 2-205 (“CLASS 3 WINERY LICENSE”);**

10 (5) **§ 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);**

11 (6) **§ 2-207 (“CLASS 5 BREWERY LICENSE”);**

12 (7) **§ 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);**

13 (8) **§ 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);**

14 (9) **§ 2-210 (“CLASS 8 FARM BREWERY LICENSE”);**

15 (10) **§ 2-211 (“RESIDENCY REQUIREMENT”);**

16 (11) **§ 2-212 (“ADDITIONAL LICENSES”);**

17 (12) **§ 2-213 (“ADDITIONAL FEES”);**

18 (13) **§ 2-214 (“SALE OR DELIVERY RESTRICTED”);**

19 (14) **§ 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES**
20 **AND RETAILERS”);**

21 (15) **§ 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
22 **PROHIBITED PRACTICES”); AND**

23 (16) **§ 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
24 **RETAILERS — PROHIBITED”).**

1 **(B) EXCEPTIONS.**

2 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 3 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

4 **(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND**

5 **(2) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER**
 6 **PROHIBITED”).**

7 REVISOR’S NOTE: Subsection (a) of this section is new language added to
 8 incorporate by reference general provisions relating to the issuance of
 9 manufacturer’s licenses.

10 Subsection (b)(1) of this section is new language derived without substantive
 11 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
 12 implicit in the former law, that a limited distillery license may not be issued
 13 in the County.

14 Subsection (b)(2) of this section is new language derived without substantive
 15 change from the introductory language of former Art. 2B, § 12–112(a), as it
 16 limited to specific jurisdictions, not including Calvert County, the application
 17 of the general prohibition against beer sale on credit to retail dealers revised
 18 in § 2–215 of Division I of this article. No substantive change is intended.

19 Former Art. 2B, § 2–208(b)(2)(vi), which provided that a Class 7
 20 micro–brewery license shall be issued in the County, is deleted as unnecessary
 21 in light of the organization of this revised article.

22 Defined terms: “County” § 14–101
 23 “Manufacturer’s license” § 1–101

24 **14–402. HOURS AND DAYS OF SALE OR DELIVERY.**

25 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
 26 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 27 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

28 REVISOR’S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 11–101(b)(4).

30 Defined terms: “Alcoholic beverage” § 1–101
 31 “Manufacturer’s license” § 1–101

1 **(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
2 **PROHIBITED PRACTICES”); AND**

3 **(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS**
4 **AND RETAILERS — PROHIBITED”).**

5 **(B) EXCEPTION.**

6 **SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)**
7 **OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

8 REVISOR’S NOTE: Subsection (a) of this section is new language added to
9 incorporate by reference general provisions relating to the issuance of
10 wholesaler’s licenses.

11 Subsection (b) of this section is new language derived without substantive
12 change from the introductory language of former Art. 2B, § 12-112(a), as it
13 limited to specific jurisdictions, not including Calvert County, the application
14 of the general prohibition against beer sale on credit to retail dealers revised
15 in § 2-314 of this article. No substantive change is intended.

16 Defined terms: “County” § 14-101
17 “Wholesaler’s license” § 1-101

18 **14-502. HOURS AND DAYS OF SALE OR DELIVERY.**

19 **EXCEPT AS PROVIDED § 14-503 OF THIS SUBTITLE, A HOLDER OF A**
20 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
21 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
22 **SUNDAY.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 11-102(a).

25 Defined terms: “Alcoholic beverage” § 1-101
26 “Wholesaler’s license” § 1-101

27 **14-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

28 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

29 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
30 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
31 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
32 **RETURNS ON THE SAME DAY.**

1 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

2 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
 3 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
 4 **REQUIRED TO DISPENSE DRAFT BEER.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 11–102(b).

7 In subsection (a) of this section, the reference to a “per diem” license is
 8 substituted for the former reference to a “special 1–day” license to conform to
 9 the terminology used throughout this article.

10 Also in subsection (a) of this section, the reference to a per diem license issued
 11 “under Subtitle 13 of this title” is substituted for the former reference to a
 12 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
 13 of material relating to per diem licenses in titles for each applicable
 14 jurisdiction in this revision.

15 Also in subsection (a) of this section, the reference to delivery of beer on the
 16 “effective date of the per diem license” is substituted for the former reference
 17 to delivery on the “effective day of the license” for clarity.

18 Also in subsection (a) of this section, the former reference to accepting returns
 19 on the same day “of delivery” is deleted as surplusage.

20 In subsection (b) of this section, the language that the “agreement entered into
 21 under subsection (a) of this section shall include [the type of equipment to
 22 dispense draft beer]” is substituted for the former language that the “parties
 23 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

24 Defined terms: “Beer” § 1–101

25 “Wholesaler’s license” § 1–101

26 **SUBTITLE 6. BEER LICENSES.**

27 **14–601. CLASS A BEER LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS A BEER LICENSE.**

30 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
2 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

3 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
4 **PACKAGE OR CONTAINER.**

5 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
6 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

7 **(C) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$150.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 3–101(f) and (a)(1).

11 In subsection (a) of this section, the former reference to a license being “issued
12 by the license issuing authority of the county in which the place of business is
13 located” is deleted as surplusage.

14 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
15 as implicit in the word “sell”.

16 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
17 deleted as surplusage.

18 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
19 the former reference to “deliver[ing]” for clarity and accuracy.

20 Defined terms: “Beer” § 1–101

21 “Consumer” § 1–101

22 **14–602. CLASS B BEER LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS B BEER LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
27 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
28 **ON– AND OFF–PREMISES CONSUMPTION.**

29 **(C) SPECIAL EVENT FESTIVAL PERMIT.**

1 **THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL**
2 **PERMIT UNDER § 14-906 OF THIS TITLE.**

3 **(D) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$250.**

5 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
6 derived without substantive change from former Art. 2B, § 3-201(f) and (a)(1).

7 Subsection (c) of this section is new language added for clarity.

8 In subsection (a) of this section, the former reference to a license being "issued
9 by the license issuing authority of the county in which the place of business is
10 located" is deleted as surplusage.

11 In subsection (b) of this section, the reference to "on- and off-premises
12 consumption" is substituted for the former reference to "consumption on the
13 premises or elsewhere" for clarity.

14 Also in subsection (b) of this section, the former phrase "keep for sale" is
15 deleted as implicit in the word "sell".

16 Defined terms: "Beer" § 1-101

17 "Hotel" § 1-101

18 "Restaurant" § 1-101

19 **14-603. CLASS C BEER LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS C BEER LICENSE.**

22 **(B) SCOPE OF AUTHORIZATION.**

23 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
24 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
25 **LICENSE FOR ON-PREMISES CONSUMPTION.**

26 **(C) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$50.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 3-301(f) and (a)(1).

3 In subsection (a) of this section, the former reference to a license being "issued
4 by the local licensing authority of the county in which the place of business is
5 located" is deleted as surplusage.

6 In subsection (b) of this section, the former phrase "keep for sale" is deleted as
7 implicit in the word "sell".

8 Also in subsection (b) of this section, the former reference to "bona fide"
9 members is deleted as surplusage.

10 Defined terms: "Beer" § 1-101
11 "Club" § 1-101

12 **14-604. CLASS D BEER LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS D BEER LICENSE.**

15 **(B) SCOPE OF AUTHORIZATION.**

16 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
17 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
18 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

19 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

20 **(C) SPECIAL EVENT FESTIVAL PERMIT.**

21 **THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL**
22 **PERMIT UNDER § 14-906 OF THIS TITLE.**

23 **(D) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$1,000.**

25 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
26 derived without substantive change from former Art. 2B, § 3-401(f) and (a)(1).

27 Subsection (c) of this section is new language added for clarity.

1 In subsection (a) of this section, the former reference to a license being “issued
2 by the license issuing authority of the county in which the place of business is
3 located” is deleted as surplusage.

4 In subsection (b)(1) of this section, the reference to “on- and off-premises”
5 consumption is substituted for the former reference to consumption “on the
6 premises or elsewhere” for clarity.

7 Also in subsection (b)(1) of this section, the former phrase “keep for sale” is
8 deleted as implicit in the word “sell”.

9 Defined term: “Beer” § 1–101

10 **SUBTITLE 7. LIGHT WINE LICENSES.**

11 **14–701. CLASS A LIGHT WINE LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

14 **(B) AUTHORIZED HOLDER.**

15 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY**
16 **LICENSE.**

17 **(C) SCOPE OF AUTHORIZATION.**

18 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
19 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE**
20 **WINERY.**

21 **(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR**
22 **CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE**
23 **LICENSED PREMISES.**

24 **(D) FEE.**

25 **THE ANNUAL LICENSE FEE IS \$50.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 4–201(a)(3), (b)(1), (c)(1), and (d)(1).

1 In subsection (b) of this section, the reference to a “Class 4 limited winery
2 license” is substituted for the former reference to a “Class 4 manufacturer’s
3 license” to conform to the terminology used throughout this article.

4 Also in subsection (b) of this section, the former reference to a license being
5 issued “by the license issuing authority of the county in which the place of
6 business is located” is deleted as surplusage.

7 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
8 as implicit in the word “sell”.

9 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
10 any consumer” is deleted as surplusage.

11 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
12 former reference to “delivered” to conform to the terminology used throughout
13 this article.

14 Defined terms: “County” § 14–101
15 “Light wine” § 14–101

16 SUBTITLE 8. BEER AND LIGHT WINE LICENSES.

17 14–801. CLASS A BEER AND LIGHT WINE LICENSE.

18 (A) ESTABLISHED.

19 THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.

20 (B) SCOPE OF AUTHORIZATION.

21 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
22 AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

23 (2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN
24 A SEALED PACKAGE OR CONTAINER.

25 (3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
26 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT
27 WINE IS SOLD.

28 (C) FEE.

29 THE ANNUAL LICENSE FEE IS \$300.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5–101(f) and (a)(1).

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (a) of this section, the former reference to the license being
6 “issued by the license issuing authority of the county in which the place of
7 business is located” is deleted as surplusage.

8 In subsection (b)(1) of this section, the former reference to “keep[ing] for sale”
9 is deleted as implicit in the reference to “sell[ing]”.

10 In subsection (b)(2) of this section, the word “sell” is substituted for the former
11 word “deliver” to conform to the terminology used throughout this article.

12 Defined terms: “Beer” § 1–101

13 “Light wine” § 14–101

14 **14–802. CLASS B BEER AND LIGHT WINE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

17 **(B) SCOPE OF AUTHORIZATION.**

18 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
19 **WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE**
20 **LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

21 **(C) SPECIAL EVENT FESTIVAL PERMIT.**

22 **THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL**
23 **PERMIT UNDER § 14–906 OF THIS TITLE.**

24 **(D) FEE.**

25 **THE ANNUAL LICENSE FEE IS \$250.**

26 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
27 derived without substantive change from former Art. 2B, § 5–201(f) and (a)(1).

28 Subsection (c) of this section is new language added for clarity.

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In subsection (a) of this section, the former reference to the license being
4 “issued by the license issuing authority of the county in which the place of
5 business is located” is deleted as surplusage.

6 In subsection (b) of this section, the reference to “on- and off-premises
7 consumption” is substituted for the former reference to “consumption on the
8 premises or elsewhere” for clarity.

9 Also in subsection (b) of this section, the former reference to “keep[ing] for
10 sale” is deleted as implicit in the reference to “sell[ing]”.

11 Defined terms: “Beer” § 1-101
12 “Hotel” § 1-101
13 “Light wine” § 14-101
14 “Restaurant” § 1-101

15 **14-803. CLASS C BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

16 **A CLASS C BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE**
17 **COUNTY.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 5-301(f).

20 Defined terms: “Beer” § 1-101
21 “County” § 14-101
22 “Light wine” § 14-101

23 **14-804. CLASS D BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

24 **A CLASS D BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE**
25 **COUNTY.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 5-401(f).

28 Defined terms: “Beer” § 1-101
29 “County” § 14-101
30 “Light wine” § 14-101

31 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

32 **14-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

3 (B) SCOPE OF AUTHORIZATION.

4 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
5 WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

6 (2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR
7 LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS
8 CONTENTS CONSUMED ON THE LICENSED PREMISES.

9 (C) DRUGSTORE PROHIBITION; EXCEPTION.

10 A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:

11 (1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN
12 THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR
13 THE LICENSE;

14 (2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1
15 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION
16 APPLIED FOR; OR

17 (3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT
18 LEAST 3 YEARS.

19 (D) FEE.

20 THE ANNUAL LICENSE FEE IS \$1,000.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 6–101(f) and (a)(1) and (3).

23 Subsection (a) of this section is revised in standard language used throughout
24 this title to establish a license.

25 In subsection (b)(1) of this section, the phrase “to sell” is substituted for the
26 former phrase “to keep for sale and to sell” for brevity.

27 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
28 deleted as unnecessary.

1 In subsection (b)(2) of this section, the phrase “beer, wine, or liquor” is
2 substituted for the former phrase “alcoholic beverages” for clarity.

3 Defined terms: “Beer” § 1–101
4 “Wine” § 1–101

5 **14–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

8 **(B) AUTHORIZED HOLDER.**

9 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

10 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
11 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

12 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

13 **(3) CONTAINS:**

14 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

15 **(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE**
16 **PUBLIC; AND**

17 **(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND**
18 **SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
21 **LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE**
22 **LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

23 **(D) FEE.**

24 **THE ANNUAL LICENSE FEE IS:**

25 **(1) \$1,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL**
26 **MIDNIGHT; OR**

1 **(2) \$2,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL 2 A.M.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 6–201(a)(1) and (3)(i) and (f)(2).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (b) of this section, the former phrase “[e]xcept in Montgomery
7 County or in the case of a contrary provision in this subtitle” is deleted as
8 unnecessary in light of the organization of this revised article.

9 In subsection (b)(3)(iii) of this section, the reference to “individuals” is
10 substituted for the former reference to “persons” because this subsection refers
11 only to human beings.

12 Former Art. 2B, § 6–201(f)(1), which stated that former Art. 2B, § 6–201(f)
13 applied only in Calvert County, is deleted as unnecessary in light of the
14 organization of this revised article.

15 Defined terms: “Beer” § 1–101

16 “Board” § 11–101

17 “Hotel” § 1–101

18 “Restaurant” § 1–101

19 “Wine” § 1–101

20 **14–903. CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
25 **LIQUOR IN A RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
26 **ON-PREMISES CONSUMPTION WITH MEALS.**

27 **(C) HOURS AND DAYS OF SALE.**

28 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
29 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
30 **UNDER § 14–2004(B) OF THIS TITLE.**

1 **(D) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$500.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 6–201(f)(3).

5 In subsection (c) of this section, the reference to “a Class B beer, wine, and
6 liquor license” is substituted for the former reference to “other Calvert County
7 Class B licensees” for clarity.

8 In subsection (d) of this section, the former phrase “for each license” is deleted
9 as surplusage.

10 Defined terms: “Beer” § 1–101

11 “Restaurant” § 1–101

12 “Wine” § 1–101

13 **14–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

16 **(B) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

18 **(1) A COUNTRY CLUB;**

19 **(2) A POST HOME OF A POST OF THE AMERICAN LEGION OR**
20 **VETERANS OF FOREIGN WARS; OR**

21 **(3) A YACHT CLUB THAT IS APPROVED BY THE BOARD.**

22 **(C) SCOPE OF AUTHORIZATION.**

23 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
24 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT**
25 **THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

26 **(2) A LICENSE FOR USE IN A POST HOME ALLOWS FOR THE SALE OF**
27 **LIQUOR ONLY BY THE DRINK.**

1 **(D) FEE.**

2 **THE ANNUAL LICENSE FEE:**

3 **(1) FOR A COUNTRY CLUB IS \$1,000;**

4 **(2) FOR A POST HOME IS \$500; AND**

5 **(3) FOR A YACHT CLUB IS \$500.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 6–301(a)(1) and (f)(2).

8 Subsection (a) of this section is revised in standard language used throughout
9 this article to establish a license.

10 In subsection (b)(2) of this section, the former reference to a “[b]ona fide” post
11 home is deleted as surplusage. Similarly, in subsection (b)(3) of this section,
12 the former reference to a “[b]ona fide” yacht club is deleted.

13 In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is
14 substituted for the former reference to “all alcoholic beverages” for clarity.

15 Also in subsection (c)(1) of this section, the former reference to “keep[ing] for
16 sale” is deleted as implicit in the reference to “sell[ing]”.

17 Also in subsection (c)(1) of this section, the former reference to selling “at
18 retail” is deleted as unnecessary in light of the phrase “for on–premises
19 consumption”.

20 Also in subsection (c)(1) of this section, the former reference to consumption
21 “only” on the licensed premises is deleted as surplusage.

22 In subsection (c)(2) of this section, the former phrase “on the premises” is
23 deleted as unnecessary in light of subsection (c)(1) of this section.

24 Former Art. 2B, § 6–301(f)(1), which stated that former Art. 2B, § 6–301(f)
25 applied only in Calvert County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of
28 this title.

29 Defined terms: “Beer” § 1–101

30 “Board” § 14–101

31 “Club” § 1–101

1 “Wine” § 1–101

2 **14–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

5 **(B) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
7 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
8 **OFF-PREMISES CONSUMPTION.**

9 **(C) DRUGSTORE PROHIBITION.**

10 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

11 **(D) FEE.**

12 **THE ANNUAL LICENSE FEE IS:**

13 **(1) \$1,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL**
14 **MIDNIGHT; OR**

15 **(2) \$2,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL 2 A.M.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 6–401(a)(1) and (f)(3).

18 Subsection (a) of this section is revised in standard language used throughout
19 this title to establish a license.

20 In subsection (b) of this section, the reference to “on- and off-premises
21 consumption” is substituted for the former reference to “consumption on the
22 premises or elsewhere” for clarity.

23 Also in subsection (b) of this section, the phrase “at the place described in the
24 license” is substituted for the former phrase “at the place described in it” for
25 clarity.

26 In subsection (d) of this section, the references to “licensed premises” are
27 substituted for the former references to “place of business” to conform to the
28 terminology used throughout this article.

1 Former Art. 2B, § 6–401(f)(1), which stated that former Art. 2B, § 6–401(f)
2 applied only in Calvert County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Former Art. 2B, § 6–401(f)(2), which stated that the license may be issued in
5 the entire County, is deleted as unnecessary because it is simply a statement
6 of common practice.

7 Defined terms: “Beer” § 1–101

8 “Wine” § 1–101

9 **14–906. SPECIAL EVENT FESTIVAL BEER, WINE, AND LIQUOR PERMIT.**

10 **(A) ESTABLISHED.**

11 **THERE IS SPECIAL EVENT FESTIVAL BEER, WINE, AND LIQUOR PERMIT.**

12 **(B) AUTHORIZED HOLDER.**

13 **THE BOARD MAY ISSUE THE PERMIT TO A LICENSE HOLDER OF A CLASS B OR**
14 **CLASS D LICENSE.**

15 **(C) REQUIREMENTS FOR ISSUANCE.**

16 **BEFORE THE BOARD ISSUES THE PERMIT, THE APPLICANT SHALL:**

17 **(1) DEMONSTRATE A REASONABLE EXPECTATION OF ATTRACTING AT**
18 **LEAST 750 CUSTOMERS TO THE SPECIAL EVENT; AND**

19 **(2) COMMIT TO PROVIDE ANY ADDITIONAL SECURITY PERSONNEL**
20 **REQUIRED TO BE AT THE EVENT FOR TRAFFIC, PARKING, AND PATROL PURPOSES.**

21 **(D) SCOPE OF AUTHORIZATION.**

22 **SUBJECT TO THE DISCRETION OF THE BOARD, THE PERMIT AUTHORIZES THE**
23 **HOLDER TO OPERATE ADDITIONAL BARS OR SERVICE COUNTERS FOR THE SALE AND**
24 **SERVICE OF ALCOHOLIC BEVERAGES THAT ARE ALLOWED UNDER THE HOLDER’S**
25 **LICENSE:**

26 **(1) INSIDE OR OUTSIDE THE LICENSED PREMISES; AND**

27 **(2) FOR AT LEAST 1 DAY AND NOT MORE THAN 3 CONSECUTIVE DAYS.**

28 **(E) FEE.**

1 **THE PERMIT FEE IS \$100.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 8–205.1(b) through (e).

4 In subsection (d) of this section, the reference to alcoholic beverages “that are
5 allowed under the holder’s license” is added for clarity.

6 Former Art. 2B § 8–205.1(a), which stated that former Art. 2B § 8–205.1
7 applied only in Calvert County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Former Art. 2B, § 8–205.1(f), which stated that the Board may adopt
10 regulations to implement this section, is deleted as unnecessary because the
11 Board has the power to adopt regulations under § 14–206 of this title.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Beer” § 1–101

14 “Board” § 14–101

15 “Wine” § 1–101

16 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

17 **14–1001. CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

22 **(1) IS COMPOSED OF RESIDENTS OF A CONTINUING CARE**
23 **RETIREMENT COMMUNITY THAT HAS OBTAINED A CERTIFICATE OF REGISTRATION**
24 **FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN**
25 **SERVICES ARTICLE; AND**

26 **(2) HAS AT LEAST 50 MEMBERS PAYING AVERAGE DUES OF AT LEAST**
27 **\$5 PER YEAR PER MEMBER.**

28 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
2 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE TO A MEMBER OR A**
3 **GUEST WHEN ACCOMPANIED BY A MEMBER.**

4 **(D) HOURS AND DAYS OF SALE.**

5 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
6 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
7 **UNDER § 14–2004 OF THIS TITLE.**

8 **(E) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$500.**

10 REVISOR’S NOTE: Subsections (a) through (c) and (e) of this section are new
11 language derived without substantive change from former Art. 2B, §
12 6–301(f)(3).

13 Subsection (d) of this section is new language added to provide a
14 cross–reference to the hours and days of sale provision that applies to a Class
15 C beer, wine, and liquor license in Calvert County.

16 In the introductory language of subsection (b) of this section, the reference to
17 the “Board” is added to state expressly what was only implied in the former
18 law, that the Board is the unit that issues licenses.

19 In subsection (b)(2) of this section, the former reference to “bona fide” members
20 is deleted as surplusage.

21 In subsection (c) of this section, the former reference to “keep[ing] for sale” is
22 deleted as implicit in the reference to “sell[ing]”.

23 Defined terms: “Beer” § 1–101

24 “Board” § 14–101

25 “Club” § 1–101

26 “Wine” § 1–101

27 **14–1002. ORGANIZATIONAL LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS AN ORGANIZATIONAL LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A FRATERNAL ORGANIZATION,**
2 **VOLUNTEER FIRE DEPARTMENT, OR VOLUNTEER RESCUE SQUAD FOR USE ON THE**
3 **PREMISES THAT THE ORGANIZATION, FIRE DEPARTMENT, OR RESCUE SQUAD OWNS**
4 **OR REGULARLY USES TO HOLD FUNCTIONS.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR BY**
7 **THE DRINK FOR ON-PREMISES CONSUMPTION.**

8 **(D) HOURS AND DAYS OF SALE.**

9 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
10 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
11 **UNDER § 14-2004 OF THIS TITLE.**

12 **(E) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$500.**

14 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
15 language derived without substantive change from former Art. 2B, §
16 6-301(f)(4).

17 Subsection (d) of this section is new language added to provide a
18 cross-reference to the hours and days of sale provision that applies to a Class
19 C beer, wine, and liquor license in Calvert County.

20 In subsection (b) of this section, the reference to the "Board" is added to state
21 expressly what was only implied in the former law, that the Board is the unit
22 that issues licenses.

23 Defined terms: "Beer" § 1-101

24 "Board" § 14-101

25 "Wine" § 1-101

26 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

27 **14-1101. APPLICATION OF GENERAL PROVISIONS.**

28 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 2 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 3 **EXCEPTION OR VARIATION:**

4 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
 5 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

6 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
 7 **FROM LICENSED PREMISES”).**

8 **(B) EXCEPTION.**

9 **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
 10 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

11 **(C) VARIATION.**

12 **SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
 13 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14–1102 OF**
 14 **THIS SUBTITLE.**

15 REVISOR’S NOTE: This section is new language added to incorporate by reference
 16 general provisions relating to additional privileges of license holders.

17 Defined terms: “Beer” § 1–101

18 “County” § 14–101

19 “License” § 1–101

20 “License holder” § 1–101

21 “Wine” § 1–101

22 **14–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

23 **(A) AUTHORIZED HOLDER.**

24 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
 25 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

26 **(B) APPLICATION FORM.**

27 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
 28 **BOARD PROVIDES.**

29 **(C) HOURS OF SALE.**

1 **THE HOURS OF SALE FOR THE PERMIT:**

2 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
 3 **LICENSE; AND**

4 **(2) END AT MIDNIGHT.**

5 **(D) REGULATIONS.**

6 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

7 **(E) FEES.**

8 **THE ANNUAL PERMIT FEES ARE:**

9 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
 10 **PRIVILEGE; AND**

11 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
 12 **OFF-SALE PRIVILEGE.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 8-205(c)(2), (5)(i), (7), and (9).

15 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

16 In subsection (c)(1) of this section, the reference to the "underlying license" is
 17 substituted for the former reference to the "license already held by the person
 18 to whom the refillable container permit is issued" for brevity.

19 Former Art. 2B, § 8-205(a), which stated that former Art. 2B, § 8-205 applied
 20 only in the County, is deleted as unnecessary in light of the organization of
 21 this revised article.

22 Former Art. 2B, § 8-205(b), which defined the term "Board" to mean the Board
 23 of License Commissioners, is deleted as redundant of the defined term "Board"
 24 in § 14-101 of this title.

25 Former Art. 2B, § 8-205(c)(1), (3), (4), (5)(ii), (6), and (8) are deleted as
 26 unnecessary because they merely repeated provisions concerning refillable
 27 container permits that appear in § 4-1104 of this article.

28 Defined terms: "Board" § 14-101

29 "License" § 1-101

30 "Off-sale" § 1-101

1 **SUBTITLE 12. CATERER’S LICENSES.**

2 **14-1201. RESERVED.**

3 **SUBTITLE 13. TEMPORARY LICENSES.**

4 **PART I. IN GENERAL.**

5 **14-1301. APPLICATION OF GENERAL PROVISIONS.**

6 **(A) WITHOUT EXCEPTION OR VARIATION.**

7 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
8 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
9 **EXCEPTION OR VARIATION:**

10 **(1) § 4-1202 (“PER DIEM LICENSES”);**

11 **(2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
12 **AND WINE LICENSES”);**

13 **(3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
14 **LICENSE”);**

15 **(4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**

16 **(5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

17 **(6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**

18 **(7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

19 **(B) EXCEPTION.**

20 **SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT**
21 **APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14-1308 OF THIS SUBTITLE.**

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
23 the general provisions relating to local temporary licenses.

24 Defined term: “County” § 14-101

25 **14-1302. RESERVED.**

1 14-1303. RESERVED.

2 PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

3 14-1304. WINE FESTIVAL LICENSE.

4 (A) ESTABLISHED.

5 THERE IS A WINE FESTIVAL (WF) LICENSE.

6 (B) AUTHORIZED HOLDER.

7 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE
8 AUTHORIZING THE SALE OF WINE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY
9 LICENSE.

10 (C) SCOPE OF AUTHORIZATION.

11 THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.

12 (D) TIME AND CONDITIONS FOR DISPLAY AND SALE.

13 A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:

14 (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

15 (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE
16 FESTIVAL.

17 (E) TIME AND LOCATION OF FESTIVAL.

18 FOR THE WINE FESTIVAL, THE BOARD SHALL CHOOSE:

19 (1) 1 WEEKEND EACH YEAR; AND

20 (2) A LOCATION THAT IS NOT ALREADY LICENSED.

21 (F) HOLDING ANOTHER LICENSE ALLOWED.

22 THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS
23 OR NATURE.

1 **(G) FEE.**

2 **THE LICENSE FEE IS \$15.**

3 **(H) REGULATIONS.**

4 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8–305.

7 Throughout this section, the former references to a “special” license are
8 deleted as surplusage.

9 Subsection (a) of this section is revised in standard language used throughout
10 this article to establish a license.

11 In subsection (b) of this section, the former phrase “[n]otwithstanding any
12 other provision to the contrary,” is deleted as unnecessary in light of the
13 organization of this revised article.

14 Also in subsection (b) of this section, the reference to a “retail license” is
15 substituted for the former reference to an “existing retail alcoholic beverages
16 license issued in the State” for brevity.

17 In the introductory language of subsection (d) of this section, the reference to
18 the requirement that a “license holder shall” display and sell is substituted for
19 the former reference to a “license entitl[ing] the holder to” display and sell for
20 clarity and consistency with terminology used throughout this article.

21 In subsections (d)(2) and (e)(2) of this section, the former references to the
22 festival or location “in Calvert County” are deleted as surplusage.

23 In subsection (e)(2) of this section, the reference to a location “that is not
24 already licensed” is substituted for the former reference to a location “which
25 does not hold an alcoholic beverages license” for consistency with terminology
26 used throughout this article.

27 In subsection (f) of this section, the reference to a license holder who “may
28 hold” another license is substituted for the former statement that “[t]he
29 provisions of this section may not prohibit the licensee from holding” another
30 license for clarity.

31 Defined terms: “Board” § 14–101

32 “License” § 1–101

33 “License holder” § 1–101

1 “Wine” § 1-101

2 **14-1305. BEER, WINE, AND LIQUOR TASTING LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.**

5 **(B) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND**
7 **WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

8 **(C) SCOPE OF AUTHORIZATION.**

9 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
10 **AUTHORIZES THE HOLDER OF:**

11 **(I) A CLASS A BEER AND WINE LICENSE TO HOLD TASTINGS OF:**

12 **1. WINE; OR**

13 **2. BEER AND WINE; AND**

14 **(II) A CLASS A BEER, WINE, AND LIQUOR LICENSE TO HOLD**
15 **TASTINGS OF:**

16 **1. WINE;**

17 **2. BEER AND WINE; OR**

18 **3. BEER, WINE, AND LIQUOR.**

19 **(2) TO HOLD A TASTING, THE HOLDER OF THE LICENSE SHALL**
20 **PROVIDE ALCOHOLIC BEVERAGES TO CONSUMERS AT NO CHARGE.**

21 **(3) IN ADDITION TO THE PRIVILEGES STATED IN PARAGRAPH (1) OF**
22 **THIS SUBSECTION, THE LICENSE:**

23 **(I) AUTHORIZES THE HOLDER TO HOLD A TASTING EVERY DAY**
24 **OF THE YEAR; BUT**

25 **(II) RESTRICTS A SINGLE TASTING TO NOT MORE THAN 3 HOURS.**

1 **(D) LICENSE APPLICATION.**

2 **(1) AN APPLICANT SHALL SUBMIT TO THE BOARD AN APPLICATION**
3 **ON THE FORM THAT THE BOARD PROVIDES.**

4 **(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

5 **(3) THE LICENSE MAY BE RENEWED ONLY WHEN THE CLASS A BEER**
6 **AND WINE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

7 **(E) LIMIT ON SERVINGS.**

8 **AN INDIVIDUAL MAY CONSUME BEER, WINE, AND LIQUOR COVERED BY THE**
9 **LICENSE IN A QUANTITY OF NOT MORE THAN:**

10 **(1) 1 OUNCE FROM A EACH OFFERING OF BEER OR WINE; AND**

11 **(2) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR.**

12 **(F) FEE.**

13 **THE ANNUAL LICENSE FEE IS:**

14 **(1) \$200, IF THE LICENSE IS USED FOR WINE;**

15 **(2) \$250, IF THE LICENSE IS USED FOR BEER OR WINE; AND**

16 **(3) \$300, IF THE LICENSE IS USED FOR BEER, WINE, AND LIQUOR.**

17 **REVISOR'S NOTE:** This section is new language derived without substantive
18 change from former Art. 2B, § 8-404.1A(b) through (h).

19 Subsection (a) of this section is revised in standard language used throughout
20 this article to establish a license.

21 In subsection (a) of this section, the former reference to a "special" license is
22 deleted as surplusage.

23 In subsection (c)(3)(i) of this section, the reference to "every day" of the year is
24 substituted for the former reference to "365 days" for clarity.

25 In the introductory language of subsection (e) of this section, the reference to
26 an "individual" is substituted for the former, overly broad reference to a
27 "person" for clarity.

1 Also in the introductory language in subsection (e) of this section, the
2 reference to “beer, wine, and liquor” is substituted for the former reference to
3 the broader term “alcoholic beverages” in accordance with the scope of this
4 section.

5 In subsection (e)(1) and (2) of this section, the references to “each offering” are
6 substituted for the former references to “a single brand” for clarity.

7 In subsection (e)(2) of this section, the reference to “liquor” is substituted for
8 the former, broader phrase “any other alcoholic beverage” in accordance with
9 the scope of this section.

10 Former Art. 2B, § 8–404.1A(a), which stated that former Art. 2B, §
11 8–404.1A applied only in Calvert County, is deleted as unnecessary in light of
12 the organization of this revised article.

13 Defined terms: “Alcoholic beverage” § 1–101

14 “Beer” § 1–101

15 “Board” § 14–101

16 “Consumer” § 1–101

17 “License” § 1–101

18 “Wine” § 1–101

19 **14–1306. RESERVED.**

20 **14–1307. RESERVED.**

21 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

22 **14–1308. FEES.**

23 **(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
24 **LICENSES.**

25 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM**
26 **BEER AND WINE LICENSE IS \$5 PER DAY.**

27 **(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

28 **THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:**

29 **(1) \$15 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR**
30 **VETERANS’, CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND**

1 **(2) \$25 PER DAY FOR ANY OTHER LICENSE HOLDER.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 7–101(d)(5) and (b)(1)(ii).

4 In subsection (b)(1) of this section, the former reference to a “bona fide”
5 religious organization is deleted as surplusage.

6 Also in subsection (b)(1) of this section, the reference to a hospital “supporting”
7 organization is added for clarity, reflecting the terminology used in the
8 Internal Revenue Code.

9 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

10 **14–1401. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
13 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
14 **WITHOUT EXCEPTION OR VARIATION:**

15 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
16 **BOARD”);**

17 **(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

18 **(3) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
19 **COMPANY”);**

20 **(4) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

21 **(5) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

22 **(6) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN**
23 **GENERAL”);**

24 **(7) § 4–110 (“REQUIRED INFORMATION ON APPLICATION —**
25 **PETITION OF SUPPORT”);**

26 **(8) § 4–111 (“PAYMENT OF LICENSE FEES”); AND**

27 **(9) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

1 **(B) EXCEPTION.**

2 **SECTION 4-113 (“REFUND OF LICENSE FEES”) OF DIVISION I OF THIS**
3 **ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14-1406 OF**
4 **THIS SUBTITLE.**

5 **(C) VARIATIONS.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
7 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

8 **(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
9 **IN ADDITION TO § 14-1404 OF THIS SUBTITLE;**

10 **(2) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §**
11 **14-1403 OF THIS SUBTITLE; AND**

12 **(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
13 **14-1405 OF THIS SUBTITLE.**

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to applications for local licenses.

16 Defined term: “County” § 14-101

17 **14-1402. APPLICATION FEE.**

18 **IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN**
19 **ADMINISTRATIVE FEE OF \$250 SHALL BE CHARGED FOR AN APPLICATION FOR A NEW**
20 **LICENSE.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10-104(f)(3), as it related to the issuance of a
23 new license.

24 The reference to an “administrative” fee is added for clarity.

25 Former Art. 2B, § 10-104(f)(1), which stated that former Art. 2B, § 10-104(f)
26 applied only in Calvert County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Defined term: “License” § 1-101

29 **14-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

1 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
 2 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 10-103(b)(13)(xi)1A, as it related to an
 5 application for a new license.

6 Defined terms: "Board" § 14-101
 7 "Central Repository" § 1-101
 8 "License" § 1-101

9 **14-1404. APPLICATION ON BEHALF OF CORPORATION.**

10 **(1) THE NAME OF THE PERSON WHO OWNS THE GREATEST NUMBER**
 11 **OF SHARES IN THE CORPORATION FOR WHICH AN APPLICATION FOR A LICENSE IS**
 12 **MADE SHALL APPEAR ON THE APPLICATION AS AN APPLICANT.**

13 **(2) AN APPLICANT FOR A CORPORATION WHO IS A RESIDENT OF THE**
 14 **COUNTY SHALL OWN AT LEAST 10% OF THE CORPORATION.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 9-101(m)(2) and (3).

17 In paragraph (1) of this section, the former reference to "names" is deleted in
 18 light of the reference to a "name" and GP § 1-202, which provides that the
 19 singular generally includes the plural. Similarly, the former reference to
 20 "persons" is deleted in light of the reference to a "person".

21 Former Art. 2B, § 9-101(m)(1), which stated that the provisions of former Art.
 22 2B, § 9-101(m) applied only in Calvert County, is deleted as unnecessary in
 23 light of the organization of this revised article.

24 Former Art. 2B, § 9-901(m)(4), which provided that the requirements under
 25 former Art. 2B, § 9-101(m) were in addition to other requirements, is deleted
 26 as unnecessary in light of the organization of this revised article.

27 Defined term: "County" § 14-101

28 **14-1405. PAYMENT OF LICENSE FEES.**

29 **(A) FOR PREMISES IN MUNICIPALITY.**

30 **IF A LICENSED PREMISES IS LOCATED IN A MUNICIPALITY:**

1 **(1) 50% OF THE NET LICENSE FEES SHALL BE PAID TO THE**
2 **MUNICIPALITY; AND**

3 **(2) 50% OF THE NET LICENSE FEES SHALL BE PAID TO THE COUNTY**
4 **FOR THE PURPOSES OF THE COUNTY.**

5 **(B) FOR PREMISES OUTSIDE MUNICIPALITY.**

6 **IF A LICENSED PREMISES IS LOCATED OUTSIDE A MUNICIPALITY, ALL OF THE**
7 **NET LICENSE FEES SHALL BE PAID TO THE COUNTY.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from the second sentence of former Art. 2B, § 10–204(f).

10 The term “licensed premises” is substituted for the former references to
11 “licensed place of business” and “places of business” for clarity.

12 In subsection (b) of this section, the phrase “to the County” is substituted for
13 the former phrase “for the purposes of the county” for brevity.

14 Defined terms: “County” § 14–101

15 “License” § 1–101

16 **14–1406. REFUNDS PROHIBITED.**

17 **A RETAIL LICENSE HOLDER IS NOT ENTITLED TO A REFUND FOR A LICENSE**
18 **ISSUED IN THE COUNTY.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–205(c).

21 Defined terms: “County” § 14–101

22 “License” § 1–101

23 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

24 **14–1501. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
27 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
28 **WITHOUT EXCEPTION OR VARIATION:**

29 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

- 1 (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- 2 (3) § 4–207 (“LICENSES ISSUED TO MINORS”);
- 3 (4) § 4–209 (“HEARING”);
- 4 (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- 5 (6) § 4–212 (“LICENSE NOT PROPERTY”);
- 6 (7) § 4–213 (“REPLACEMENT LICENSES”); AND
- 7 (8) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE
- 8 APPLICATIONS”).

9 **(B) VARIATIONS.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**

11 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- 12 (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT
- 13 TO § 14–1502 OF THIS SUBTITLE;
- 14 (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
- 15 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 14–1503 OF THIS SUBTITLE
- 16 AND SUBTITLE 13, PART III OF THIS TITLE;
- 17 (3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
- 18 FOR SAME PREMISES”), SUBJECT TO § 14–1503 OF THIS SUBTITLE;
- 19 (4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),
- 20 SUBJECT TO § 14–1504 OF THIS SUBTITLE; AND
- 21 (5) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”),
- 22 SUBJECT TO § 14–1505 OF THIS SUBTITLE.

23 REVISOR’S NOTE: This section is new language added to incorporate by reference

24 general provisions relating to the issuance of local licenses.

25 Defined terms: “County” § 14–101

26 “License” § 1–101

27 “Local licensing board” § 1–101

1 **14-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

2 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
3 **LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT**
4 **HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 9-102(b-3)(5), as it related to Calvert County
7 and except as it related to the renewal of a license by a person that holds an
8 out-of-state license.

9 The reference to "[t]he Board" is added for clarity.

10 The reference to an "out-of-state" license is substituted for the former
11 reference to a license "in any other state or in Washington, D.C." for brevity.

12 The former reference to a "corporation, or limited liability company" is deleted
13 as included in the reference to a "person".

14 Defined terms: "Alcoholic beverage" § 1-101

15 "Beer" § 1-101

16 "Board" § 14-101

17 "Light wine" § 14-101

18 "Person" § 1-101

19 "State" § 1-101

20 "Wine" § 11-101

21 **14-1503. BOWLING ESTABLISHMENTS.**

22 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
23 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
24 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

25 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**
26 **WINE LICENSES; AND**

27 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
28 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 9-102(b-1)(1)(i).

31 In item (1) of this section, the reference to "Class D beer or Class D beer and
32 light wine licenses" is substituted for the former reference to licenses issued
33 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

1 In item (2) of this section, the former reference to the premises “operated as”
2 a bowling establishment is deleted as surplusage.

3 Defined terms: “Beer” § 1–101
4 “License” § 1–101
5 “Light wine” § 14–101

6 **14–1504. NOTICE OF LICENSE APPLICATION.**

7 **(A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

8 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS**
9 **ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE**
10 **AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE**
11 **THE APPLICATION HEARING.**

12 **(B) CONTENTS OF POSTING.**

13 **A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR**
14 **WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE**
15 **BOARD FOR AN APPLICATION HEARING.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10–202(b)(1)(i)5 and (ii).

18 In subsection (a) of this section, the reference to the “location” is substituted
19 for the former reference to the “premises” for consistency with terminology
20 used throughout this article.

21 Also in subsection (a) of this section, the reference to “post[ing] a suitable
22 notice ... for” at least 10 days is substituted for the former reference to
23 “caus[ing] a suitable sign or notice to be posted and to remain posted for a
24 period of” at least 10 days for brevity.

25 Also in subsection (a) of this section, the reference to the “application hearing”
26 is substituted for the former reference to “action upon the application” for
27 consistency with subsection (b) of this section.

28 In subsection (b) of this section, the reference to the “date” for an application
29 hearing is added for clarity.

30 Defined terms: “Board” § 14–101
31 “License” § 1–101

32 **14–1505. LICENSE EXPIRATION DATE.**

1 **A LICENSE SHALL EXPIRE ON THE NEXT JUNE 30 AFTER ITS ISSUANCE.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from the first sentence of former Art. 2B, § 10–206(c).

4 The second sentence of former Art. 2B, § 10–206(c), which provided that
5 “licenses issued on April 30, 1975 are valid until June 30, 1976” is deleted as
6 obsolete.

7 Defined term: “License” § 1–101

8 **14–1506. ADDITIONAL BARS AND SERVING COUNTERS.**

9 **(A) IN GENERAL.**

10 **THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL**
11 **BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN**
12 **BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE**
13 **HOLDER.**

14 **(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

15 **THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN**
16 **ADDITIONAL BAR OR SERVING COUNTER.**

17 **(C) ADDITIONAL LICENSE NOT REQUIRED.**

18 **AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR**
19 **SERVING COUNTER.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 9–102(b–9)(2).

22 In subsections (a) and (b) of this section, the references to the defined term
23 “Board” are substituted for the former broad references to “alcoholic beverages
24 licensing authority” and “licensing authority” for clarity.

25 In subsection (a) of this section, the reference to the main building “of the
26 premises served by the ... license holder” is added for clarity.

27 Also in subsection (a) of this section, the former phrase “[n]otwithstanding any
28 other provisions of this article,” is deleted as surplusage.

29 In subsections (b) and (c) of this section, the references to “an additional bar
30 or serving counter” are added for clarity.

1 In subsection (c) of this section, the former phrase “, if the authorization is
2 granted,” is deleted as surplusage.

3 Former Art. 2B, § 9–102(b–9)(1)(i), which stated that the provisions of former
4 Art. 2B, § 9–102(b–9) applied in Calvert County, is deleted as unnecessary in
5 light of the organization of this revised article.

6 Defined terms: “Board” § 14–101
7 “License” § 1–101

8 **14–1507. EXCHANGE OF LICENSE.**

9 **A LICENSE HOLDER MAY EXCHANGE THE LICENSE FOR ANY OTHER LICENSE**
10 **FOR THE SAME PREMISES BY COMPLYING WITH THE APPLICATION PROCEDURES OF**
11 **THIS TITLE AND PAYING THE LICENSE FEES.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 9–102(c), as it related to Calvert County.

14 The reference to the authority of a holder of a license to “exchange the license
15 for any other license” is substituted for the former reference to the authority
16 of a licensee “to obtain any type of license under this article” for clarity.

17 The reference to the “license fees” is substituted for the former reference to
18 “fees herein prescribed for each class of license”.

19 Defined terms: “License” § 1–101
20 “License holder” § 1–101

21 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**
22 **PART I. LICENSING CONDITIONS.**

23 **14–1601. RESERVED.**

24 **14–1602. RESERVED.**

25 **PART II. MULTIPLE LICENSING PLANS.**

26 **14–1603. CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS BLX LICENSE FOR LUXURY–TYPE RESTAURANTS IN THE**
29 **27TH LEGISLATIVE DISTRICT OF THE COUNTY.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT**
3 **THAT HAS:**

4 **(I) A CAPITAL INVESTMENT OF AT LEAST \$500,000 FOR THE**
5 **DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF**
6 **LAND, BUILDINGS, OR LEASES; AND**

7 **(II) SEATING FOR AT LEAST 150 INDIVIDUALS.**

8 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
9 **WINE, AND LIQUOR FOR ON- AND OFF-PREMISES CONSUMPTION IF SOLD IN SEALED**
10 **CONTAINERS.**

11 **(C) FOUR LICENSE LIMIT.**

12 **A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN MORE THAN**
13 **FOUR CLASS B AND CLASS BLX LICENSES IN ANY COMBINATION.**

14 **(D) PRESUMPTION OF INDIRECT INTEREST.**

15 **AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION**
16 **OF PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

17 **(1) A COMMON PARENT COMPANY;**

18 **(2) A FRANCHISE AGREEMENT;**

19 **(3) A LICENSING AGREEMENT;**

20 **(4) A CONCESSION AGREEMENT;**

21 **(5) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY**
22 **OWNED AND OPERATED;**

23 **(6) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR**
24 **MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR**
25 **MEMBERS OF PARENTS OR SUBSIDIARIES;**

26 **(7) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE**
27 **SALE OF ALCOHOLIC BEVERAGES; OR**

1 **(8) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO OR**
 2 **THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

3 **(E) BOARD TO DEFINE “LUXURY-TYPE RESTAURANT”.**

4 **SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE**
 5 **BOARD SHALL DEFINE “LUXURY-TYPE RESTAURANT” BY REGULATION.**

6 **(F) FEE.**

7 **THE LICENSE FEE IS \$2,400.**

8 REVISOR’S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 6–201(f)(4)(i) and (iii) through (vii).

10 In subsection (b)(1)(ii) of this section, the former reference to seating
 11 “capacity” is deleted as surplusage.

12 In subsection (b)(2) of this section, the statement that the license authorizes
 13 the license holder to “sell beer, wine, and liquor for on- and off-premises
 14 consumption if sold in sealed containers” is added to state expressly what was
 15 only implicit in the former law.

16 In subsection (c) of this section, the former phrase “[n]otwithstanding any
 17 other provision of this article” is deleted as unnecessary in light of the
 18 organization of this revised article.

19 Also in subsection (c) of this section, the defined term “person” is substituted
 20 for the former phrase “an individual, corporation, limited liability company,
 21 partnership, limited partnership, joint venture, association, or other person or
 22 combination of persons” for brevity. Similarly, in the introductory language of
 23 subsection (d) of this section, the word “persons” is substituted for the former
 24 reference to “individuals, corporations, limited liability companies,
 25 partnerships, limited partnerships, joint ventures, associations, or other
 26 persons”.

27 In subsection (e) of this section, the phrase “[s]ubject to the requirements of
 28 subsection (b) of this section” is added for clarity.

29 Former Art. 2B, § 6–201(f)(4)(ii), which stated that the license shall be applied
 30 for in the same manner as other classes of licenses, is deleted as an
 31 unnecessary statement of common practice.

32 Defined terms: “Alcoholic beverage” § 1–101
 33 “Board” § 14–101

1 “County” § 14-101

2 “Person” § 1-101

3 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

4 **14-1701. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
7 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
8 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

9 **(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
10 **LICENSE AND INVENTORY”);**

11 **(2) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

12 **(3) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
13 **REQUIRED”); AND**

14 **(4) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

15 **(B) VARIATION.**

16 **SECTION 4-305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS**
17 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14-1703 OF THIS SUBTITLE.**

18 REVISOR’S NOTE: Subsection (a) of this section is new language derived without
19 substantive change from former Art. 2B, § 10-503(f).

20 Subsection (b) of this section is new language added to incorporate by
21 reference general provisions relating to the transfer of licenses that apply in
22 the County with variation.

23 Defined terms: “County” § 14-101

24 “License” § 1-101

25 **14-1702. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

26 **AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND**
27 **NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-103(b)(13)(xi)1A, as it related to an
3 applicant for a transfer of a license.

4 The requirements for a State and national criminal history records check for
5 an applicant for a transfer of a license are identical to the requirements for an
6 applicant for the issuance of a license. The cross-reference to "§ 4-107 of this
7 article", in which those requirements appear in the applications for local
8 licenses, is substituted for a listing of those requirements, to avoid
9 unnecessary repetition.

10 Defined terms: "License" § 1-101
11 "State" § 1-101

12 **14-1703. APPLICATION FEE.**

13 **IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN**
14 **ADMINISTRATIVE FEE OF \$250 SHALL BE CHARGED FOR AN APPLICATION FOR A**
15 **TRANSFER OF A LICENSE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-104(f)(3), as it related to the transfer of
18 licenses.

19 The phrase "administrative fee" is added for clarity.

20 Defined term: "License" § 1-101

21 **14-1704. WAIVER OF RESIDENCY REQUIREMENT.**

22 **THE BOARD MAY WAIVE THE 2 YEARS RESIDENCE REQUIREMENT FOR**
23 **APPLICANTS FOR A LICENSE IF THE APPLICANT FOR THE TRANSFER:**

24 **(1) IS THE PURCHASER AND PROPRIETOR OF THE ESTABLISHMENT**
25 **FOR WHICH THE TRANSFER IS SOUGHT; AND**

26 **(2) CAN SUBMIT TO THE SATISFACTION OF THE BOARD:**

27 **(I) PROPER PERSONS WHO KNOW THE APPLICANT AND CAN**
28 **VOUCH FOR THE GOOD CHARACTER OF THE APPLICANT; OR**

29 **(II) OTHER EVIDENCE THAT THE APPLICANT IS A FIT AND**
30 **PROPER PERSON TO HOLD THE LICENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–104(f)(2).

3 In the introductory language of this section, the former phrase “contained in
4 § 10–103 hereinabove” is deleted as surplusage.

5 In item (1) of this section, the former phrase “in any case” is deleted as
6 surplusage.

7 Also in item (1) of this section, the reference to an “establishment” is
8 substituted for the former reference to a “going business” to conform to the
9 terminology used throughout this article.

10 Also in item (1) of this section, the former reference to a “bona fide” purchaser
11 is deleted as surplusage.

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
13 the General Assembly, that in the introductory language of this section, the
14 2–year residency requirement that is referenced may violate the equal
15 protection guarantees of the Fourteenth Amendment to the United States
16 Constitution and Article 24 of the Maryland Declaration of Rights. Maryland
17 courts look unfavorably on legislation that classify persons by geography,
18 which may be accomplished by residency or registration requirements, if the
19 primary purpose of the legislation is economic. *See Verzi v. Baltimore County*,
20 333 Md. 411 (1994).

21 Defined terms: “Board” § 14–101

22 “License” § 1–101

23 “Person” § 1–101

24 SUBTITLE 18. RENEWAL OF LICENSES.

25 14–1801. APPLICATION OF GENERAL PROVISIONS.

26 (A) WITHOUT EXCEPTION OR VARIATION.

27 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL
28 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
29 EXCEPTION OR VARIATION:

30 (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);

31 (2) § 4–403 (“RENEWAL APPLICATION”);

32 (3) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);

1 (4) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);

2 (5) § 4-409 (“MULTIPLE LICENSES”); AND

3 (6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

4 (B) EXCEPTION.

5 SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION
6 I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §
7 14-1802 OF THIS SUBTITLE.

8 (C) VARIATIONS.

9 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL
10 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

11 (1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §
12 14-1803 OF THIS SUBTITLE; AND

13 (2) § 4-406 (“PROTESTS”), SUBJECT TO § 14-1804 OF THIS SUBTITLE.

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to the renewal of local licenses.

16 Defined terms: “County” § 14-101

17 “License” § 1-101

18 **14-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

19 (A) TIME FOR FILING.

20 TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN
21 APPLICATION WITH THE BOARD BETWEEN APRIL 1 AND MAY 1, INCLUSIVE.

22 (B) LATE FILING FINES.

23 A LICENSE RENEWAL APPLICATION THAT THE BOARD RECEIVES ON OR AFTER
24 JULY 1 IS SUBJECT TO A LATE FINE OF \$50 FOR EACH DAY THE APPLICATION IS
25 LATE, UP TO A MAXIMUM AMOUNT OF \$500.

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10-301(n)(2).

1 In subsection (a) of this section, the reference requiring filing of a renewal
2 application “annually” is substituted for the former reference establishing that
3 “[t]he term of a license is 1 year” for clarity, brevity, and consistency within
4 this revision.

5 Also in subsection (a) of this section, the reference to a renewal period
6 “between April 1 and May 1, inclusive” is substituted for the former reference
7 to a renewal period “at any time beginning on April 1 and ending on May 1”
8 for clarity, brevity, and consistency within this revision.

9 Also in subsection (a) of this section, the former reference to an application
10 “for license renewal” is deleted as included in the introductory reference to
11 filing an application “[t]o renew a license”.

12 Also in subsection (a) of this section, the former reference to license renewal
13 “at any time” is deleted as unnecessary.

14 In subsection (b) of this section, the reference to “a maximum amount” of \$500
15 in fines is added for clarity and consistency within this revision.

16 Defined terms: “Board” § 14–101

17 “License” § 1–101

18 “License holder” § 1–101

19 **14–1803. CONTENTS OF RENEWAL APPLICATION.**

20 **(A) IN GENERAL.**

21 **AN APPLICATION FOR LICENSE RENEWAL SHALL BE ACCOMPANIED BY:**

22 **(1) A STATEMENT OF THE HOURS OF OPERATION OF THE LICENSED**
23 **PREMISES;**

24 **(2) A STATEMENT OF THE NAME OF THE MANAGER OF THE LICENSED**
25 **PREMISES; AND**

26 **(3) A COPY OF THE CURRENT STATEMENT FOR THE LICENSED**
27 **BUSINESS THAT SHOWS THAT ALL APPLICABLE TAXES ARE PAID.**

28 **(B) CLASS B LICENSES.**

29 **IN ADDITION TO THE STATEMENTS REQUIRED UNDER SUBSECTION (A) OF THIS**
30 **SECTION, AN APPLICATION FOR RENEWAL OF A CLASS B LICENSE SHALL BE**
31 **ACCOMPANIED BY A STATEMENT OF THE AVERAGE MONTHLY SALES OF FOOD AND**
32 **ALCOHOLIC BEVERAGES FOR THE LICENSED PREMISES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–301(n)(3) and (4).

3 In subsection (a)(2) of this section, the reference to the manager “of the
4 licensed premises” is added for clarity.

5 Former Art. 2B, § 10–301(n)(1), which stated that former Art. 2B, § 10–301(n)
6 applied only in Calvert County, is deleted as unnecessary in light of the
7 organization of this revised article.

8 The Alcoholic Beverages Article Review Committee notes, for consideration by
9 the General Assembly, that it is not clear whether the reference in subsection
10 (a)(3) of this section to “all applicable taxes” includes federal taxes and, if so,
11 whether it may be impossible to obtain a statement that shows that all federal
12 taxes for the licensed premises have been paid.

13 Defined terms: “Alcoholic beverage” § 1–101
14 “License” § 1–101

15 **14–1804. BASIS OF PROTEST; OATH REQUIRED.**

16 **A PROTEST OF A LICENSE RENEWAL SHALL:**

17 **(1) SPECIFY THE BASIS ON WHICH THE PROTEST IS MADE; AND**

18 **(2) BE FILED UNDER OATH.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–301(a)(1)(iii)2, as it related to protests of
21 license renewals in Calvert County.

22 In the introductory language of this section, the reference to a protest “of a
23 license renewal” is added for clarity.

24 Defined term: “License” § 1–101

25 **14–1805. HOLDERS OF OUT-OF-STATE LICENSES.**

26 **NOTWITHSTANDING § 14–1502 OF THIS TITLE, THE BOARD MAY RENEW A**
27 **CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**
28 **WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
29 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 9–102(b–3)(5), as it related to Calvert County

1 and to the renewal of a license by a person who holds an
2 out-of-state license.

3 The phrase “[n]otwithstanding § 14-1502 of this title,” is added to clarify that
4 this section is an exception to § 14-1502.

5 The reference to an “out-of-state” license is substituted for the former
6 reference to a license “in any other state or in Washington, D.C.” for brevity.

7 The reference to the authority of “the Board” to “renew” a license “originally
8 issued to a holder of an out-of-state” license is substituted for the former
9 reference to the “except[ion] by way of renewal, to a person, corporation, or
10 limited liability company holding” an out-of-state license for clarity and to
11 avoid the implication that a licensee can obtain an out-of-state license after
12 obtaining the original license and continue to renew the original license.

13 Defined terms: “Alcoholic beverage” § 1-101

14 “Beer” § 1-101

15 “Board” § 14-101

16 “State” § 1-101

17 “Wine” § 1-101

18 **14-1806. LICENSE EXPIRATION DATE.**

19 **A LICENSE SHALL EXPIRE ON THE NEXT JUNE 30 AFTER ITS RENEWAL.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from the first sentence of former Art. 2B, § 10-206(c).

22 The reference to the expiration of a license “renewal” is added for clarity and
23 accuracy.

24 Defined term: “License” § 1-101

25 **14-1807. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE** 26 **RENEWALS.**

27 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
28 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 10-103(b)(13)(xi)2.

31 Defined term: “License” § 1-101

32 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

1 **14-1901. APPLICATION OF GENERAL PROVISIONS.**

2 **TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF**
3 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
4 **VARIATION.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to the conduct of local license holders.

7 Defined terms: “County” § 14-101
8 “License holder” § 1-101

9 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

10 **14-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

11 **(A) IN GENERAL.**

12 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
13 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
14 **PREMISES LICENSED UNDER THIS TITLE.**

15 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
16 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
17 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

18 **(B) PENALTY.**

19 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
20 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 11-304(a)(1) and, as it related to Calvert
23 County, (2).

24 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in
25 this title” is added for clarity.

26 Also in subsection (a)(1) of this section, the reference to an “individual” is
27 substituted for the former reference to a “person” because the prohibition
28 against consumption applies only to human beings.

29 Also in subsection (a)(1) of this section, the reference to “a premises licensed
30 under this title” is substituted for the former reference to “any premises open

1 to the general public, any place of public entertainment, or any place at which
2 setups or other component parts of mixed alcoholic drinks are sold under any
3 license issued under the provisions of the Business Regulation Article” for
4 brevity.

5 In subsection (a)(2) of this section, the reference to “a premises licensed under
6 this title” is substituted for the former reference to “the premises” for
7 consistency with the terminology used in subsection (a)(1) of this section.

8 In subsection (b) of this section, the reference to a person who “violates this
9 section” is substituted for the former reference to a person who is “found
10 consuming any alcoholic beverage on any premises open to the general public,
11 and any owner, operator or manager of those premises or places who
12 knowingly permits consumption between the hours provided by this section”
13 for brevity.

14 Also in subsection (b) of this section, the phrase “[e]xcept as provided in this
15 section” is deleted as unnecessary in light of subsection (a)(1) of this section.

16 Also in subsection (b) of this section, the former reference to a fine “not less
17 than \$5” is deleted to conform to the statement of legislative policy in §
18 14–102 of the Criminal Law Article, which sets forth the general rule that,
19 notwithstanding a statutory minimum penalty, a court may impose a lesser
20 penalty of the same character.

21 Defined terms: “Alcoholic beverage” § 1–101
22 “Person” § 1–101

23 **14–2002. BEER LICENSES.**

24 **(A) CLASS A BEER LICENSE.**

25 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY**
26 **THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

27 **(B) CLASS B BEER LICENSE.**

28 **A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY**
29 **THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

30 **(C) CLASS C BEER LICENSE.**

31 **A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY**
32 **THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

33 **(D) CLASS D BEER LICENSE.**

1 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY**
2 **THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 11-505.

5 Throughout this section, the references to "beer" are substituted for the former
6 broad references to "alcoholic beverages authorized by their licenses" for
7 clarity in light of the fact that this section concerns only beer.

8 Former Art. 2B, § 11-403(a)(1)(i), which stated that former Art. 2B, §
9 11-403(a)(1) did not apply in Calvert County, is deleted as unnecessary.
10 Former Art. 2B, § 11-403(a)(1) prohibited a holder of a Class B or Class C
11 license from selling any alcoholic beverage at a bar or counter on Sunday.
12 Because this prohibition does not apply in Calvert County, it is simply not
13 stated here. As a consequence, the exemption from the prohibition is
14 unnecessary.

15 Defined term: "Beer" § 1-101

16 **14-2003. BEER AND LIGHT WINE LICENSES.**

17 **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

18 **A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND**
19 **LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING**
20 **DAY.**

21 **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

22 **A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND**
23 **LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING**
24 **DAY.**

25 **(C) CLASS C BEER AND LIGHT WINE LICENSE.**

26 **A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND**
27 **LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING**
28 **DAY.**

29 **(D) CLASS D BEER AND LIGHT WINE LICENSE.**

1 **A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND**
2 **LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING**
3 **DAY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 11-505.

6 Throughout this section, the references to "beer and light wine" are
7 substituted for the former broad references to "alcoholic beverages authorized
8 by their licenses" for clarity in light of the fact that this section concerns only
9 beer and light wine.

10 Defined terms: "Beer" § 1-101
11 "Wine" § 1-101

12 **14-2004. BEER, WINE, AND LIQUOR LICENSES.**

13 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

14 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
15 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE**
16 **FOLLOWING DAY.**

17 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

18 **A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
19 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE**
20 **FOLLOWING DAY.**

21 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

22 **A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
23 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE**
24 **FOLLOWING DAY.**

25 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

26 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
27 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE**
28 **FOLLOWING DAY.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 11-505.

1 Throughout this section, the references to “beer, wine, and liquor” are
2 substituted for the former broad references to “alcoholic beverages authorized
3 by their licenses” for clarity in light of the fact that this section concerns beer,
4 wine, and liquor.

5 Defined terms: “Beer” § 1–101
6 “Wine” § 1–101

7 **14–2005. HOURS FOR JANUARY 1.**

8 **A LICENSE HOLDER MAY NOT BE REQUIRED TO CLOSE THE LICENSED**
9 **PREMISES AT ANY TIME ON JANUARY 1.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 11–402(f)(2).

12 The former reference to January 1 “of any year” is deleted as surplusage.

13 The former language that authorized the license holder to sell alcoholic
14 beverages that are authorized by the license at any time on January 1 is
15 deleted as implicit in the prohibition against requiring a license holder to close
16 the licensed premises at any time on January 1.

17 Former Art. 2B, § 11–402(f)(1), which stated that former Art. 2B, § 11–402(f)
18 applied only in Calvert County, is deleted as unnecessary in light of the
19 organization of this revised article.

20 Defined term: “License holder” § 1–101

21 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

22 **14–2101. APPLICATION OF GENERAL PROVISIONS.**

23 **TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”)**
24 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
25 **VARIATION.**

26 REVISOR’S NOTE: This section is new language added to incorporate by reference
27 general provisions relating to the revocation and suspension of local licenses.

28 Former Art. 2B, § 10–405(a)(3), which stated that former Art. 2B, § 10–405,
29 which related to nudity and sexual displays, applied in Calvert County, is
30 deleted as unnecessary in light of the organization of this revised article.

31 Defined terms: “County” § 14–101
32 “License” § 1–101

1 **SUBTITLE 22. EXPIRATION OF LICENSES.**

2 **14-2201. APPLICATION OF GENERAL PROVISIONS.**

3 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
4 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 the general provisions relating to the expiration of local licenses.

7 Defined terms: “County” § 14-101
8 “License” § 1-101

9 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

10 **14-2301. APPLICATION OF GENERAL PROVISIONS.**

11 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
12 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to the death of a local license holder.

15 Defined terms: “County” § 14-101
16 “License holder” § 1-101

17 **SUBTITLE 24. JUDICIAL REVIEW.**

18 **14-2401. APPLICATION OF GENERAL PROVISIONS.**

19 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
20 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to the appeal of the decisions of the Board.

23 Defined term: “County” § 14-101

24 **14-2402. COURT MAY REMAND.**

25 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
26 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
27 **REMAND THE PROCEEDINGS TO THE BOARD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16–101(e)(4)(ii)3.

3 The reference to the “circuit court for the County” is substituted for the former
4 reference to the “court” for clarity.

5 Defined terms: “Board” § 14–101
6 “County” § 14–101

7 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

8 **14–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
9 **BEVERAGES.**

10 **(A) “BOTTLE CLUB” DEFINED.**

11 **IN THIS SECTION, “BOTTLE CLUB” IS EXPLICITLY DEFINED AS AND LIMITED TO**
12 **AN ESTABLISHMENT THAT IS:**

13 **(1) A RESTAURANT THAT ACCOMMODATES THE PUBLIC AND IS**
14 **EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING**
15 **REGULAR MEALS; OR**

16 **(2) A NIGHTCLUB THAT OFFERS TO THE PUBLIC MUSIC, DANCING, OR**
17 **OTHER NIGHTTIME ENTERTAINMENT.**

18 **(B) IN GENERAL.**

19 **AN ESTABLISHMENT THAT IS A BOTTLE CLUB NOT LICENSED BY THE BOARD,**
20 **AT A LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT,**
21 **MAY NOT:**

22 **(1) SERVE OR KEEP ALCOHOLIC BEVERAGES; OR**

23 **(2) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED.**

24 **(C) EXCEPTIONS.**

25 **A VOLUNTEER FIRE DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL**
26 **SERVICES ORGANIZATION MAY CONDUCT NOT MORE THAN FOUR EVENTS EACH YEAR**
27 **TO WHICH AN INDIVIDUAL MAY BRING ALCOHOLIC BEVERAGES TO BE CONSUMED ON**
28 **A LOCATION UNDER THE CONTROL OR POSSESSION OF THE VOLUNTEER FIRE**
29 **DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL SERVICES ORGANIZATION.**

1 **(D) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 3 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 4 **NOT EXCEEDING \$10,000 OR BOTH.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 20–103.1(b), (c), and (d).

7 Throughout this section, the references to “location” are substituted for the
 8 former references to “premises” because in this article “premises” is reserved
 9 to denote a location that is licensed.

10 In the introductory language of subsection (b)(1) of this section, the former
 11 phrase “on its premises” is deleted as included in the reference to “at a location
 12 under the control or possession of the establishment”. Similarly, in subsection
 13 (c) of this section, the former phrase “on the premises” is deleted as included
 14 in the reference to “a location under the control or possession of the volunteer
 15 fire department, rescue squad, or emergency medical services organization”.

16 In subsection (b)(1) of this section, the former references to “give” and
 17 “dispense” are deleted as included in the reference to “serve”.

18 Former Art. 2B, § 20–103.1(a), which stated that former Art. 2B, § 20–103.1
 19 applied only in Calvert County, is deleted as unnecessary in light of the
 20 organization of this revised article.

21 Defined terms: “Alcoholic beverage” § 1–101

22 “Board” § 14–101

23 “Person” § 1–101

24 “Restaurant” § 1–101

25 **14–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 26 **BEVERAGES IS PROHIBITED.**

27 **(A) PROHIBITION AGAINST INDIVIDUAL.**

28 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
 29 **ALCOHOLIC BEVERAGES IN:**

30 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

31 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

1 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
 2 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
 3 **BUSINESS REGULATION ARTICLE.**

4 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

5 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
 6 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
 7 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
 8 **THIS SECTION.**

9 **(C) PENALTY.**

10 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 11 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
 14 (2).

15 In this section, the references to "establishment" are substituted for the former
 16 references to "premises" to avoid the implication that the establishment is
 17 licensed.

18 In subsection (b) of this section, the former reference to an "operator" is deleted
 19 as included in the reference to a "manager".

20 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
 21 to conform to the statement of legislative policy in § 14-102 of the Criminal
 22 Law Article, which sets forth the general rule that, notwithstanding a
 23 statutory minimum penalty, a court may impose a lesser penalty of the same
 24 character.

25 Defined terms: "Alcoholic beverage" § 1-101
 26 "Person" § 1-101

27 **SUBTITLE 26. ENFORCEMENT.**

28 **14-2601. APPLICATION OF GENERAL PROVISIONS.**

29 **(A) WITHOUT EXCEPTION OR VARIATION.**

30 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
 31 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
 32 **VARIATION:**

1 (1) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND
2 QUALITY OF ALCOHOLIC BEVERAGES”);

3 (2) § 6-204 (“POWER TO SUMMON WITNESSES”);

4 (3) § 6-205 (“PEACE OFFICERS”);

5 (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
6 ALCOHOLIC BEVERAGE”);

7 (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
8 EVIDENCE OF SALE”);

9 (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
10 ALCOHOL IN PUBLIC PLACES”);

11 (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
12 CONSUMPTION”);

13 (8) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY
14 INTOXICATION LAWS”); AND

15 (9) § 6-211 (“FINES AND FORFEITURES”).

16 **(B) VARIATION.**

17 **SECTION 6-202 (“INSPECTIONS”) OF DIVISION I OF THIS ARTICLE APPLIES IN**
18 **THE COUNTY, SUBJECT TO § 14-2602 OF THIS SUBTITLE.**

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to enforcement.

21 Defined terms: “Alcoholic beverage” § 1-101

22 “County” § 14-101

23 “State” § 1-101

24 **14-2602. SEMI-ANNUAL INSPECTIONS ALLOWED.**

25 **THE BOARD OR ITS DESIGNEE MAY INSPECT EACH LICENSED PREMISES AT**
26 **LEAST ONCE EVERY 6 MONTHS.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 16-402.

1 Defined term: "Board" § 14-101

2 **SUBTITLE 27. PROHIBITED ACTS.**

3 **14-2701. APPLICATION OF GENERAL PROVISIONS.**

4 (A) **WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 ("PROHIBITED ACTS")**
6 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
7 **VARIATION:**

8 (1) **§ 6-305 ("PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES");**

9 (2) **§ 6-306 ("DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
10 **INDIVIDUAL");**

11 (3) **§ 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF**
12 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**

13 (4) **§ 6-309 ("ALLOWING ON-PREMISES CONSUMPTION OR**
14 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
15 **YEARS");**

16 (5) **§ 6-310 ("PROVIDING FREE FOOD");**

17 (6) **§ 6-311 ("RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
18 **DEALER");**

19 (7) **§ 6-312 ("BEVERAGE MISREPRESENTATION");**

20 (8) **§ 6-313 ("TAMPERING WITH ALCOHOLIC BEVERAGE**
21 **CONTAINER");**

22 (9) **§ 6-314 ("SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
23 **DETACHABLE METAL TAB");**

24 (10) **§ 6-315 ("ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
25 **REGULAR LABEL PRESUMED ILLICIT");**

26 (11) **§ 6-316 ("MAXIMUM ALCOHOL CONTENT");**

1 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
2 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

3 (13) § 6-320 (“DISORDERLY INTOXICATION”);

4 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
5 PUBLIC”);

6 (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);

7 (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
8 MACHINE”);

9 (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
10 BEVERAGES”);

11 (18) § 6-327 (“TAX EVASION”);

12 (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

13 (20) § 6-329 (“PERJURY”).

14 **(B) VARIATIONS.**

15 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
16 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

17 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
18 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 14-2702 OF THIS
19 SUBTITLE; AND

20 (2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
21 INTOXICATED INDIVIDUAL”), SUBJECT TO § 14-2703 OF THIS SUBTITLE.

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
23 general provisions relating to prohibited acts.

24 Defined terms: “Alcoholic beverage” § 1-101

25 “County” § 14-101

26 “License holder” § 1-101

27 “Retail dealer” § 1-101

28 **14-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
29 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

1 **(A) SUMMONS; BAIL.**

2 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
3 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

4 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
5 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
6 **EMPLOYEE; AND**

7 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
8 **COURT IN THE STATE.**

9 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

10 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
11 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

12 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
13 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
14 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
15 **OF 21 YEARS; AND**

16 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

17 **(C) PENALTY.**

18 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO VIOLATES**
19 **§ 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
20 **SUBJECT TO:**

21 **(1) IF THE CONVICTED INDIVIDUAL IS A LICENSE HOLDER, A FINE NOT**
22 **EXCEEDING \$200; AND**

23 **(2) IF THE CONVICTED INDIVIDUAL IS AN EMPLOYEE OF A LICENSE**
24 **HOLDER, A FINE NOT EXCEEDING \$250.**

25 **(D) BAR TO ADMINISTRATIVE ACTION.**

26 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
27 **VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
28 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
29 **BEFORE JUDGMENT FOR, THE VIOLATION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 12–108(a)(2) and (3)(i)2, (ii), and (iv).

3 In subsection (a)(2) of this section, the former reference to bail “bond” is
4 deleted as surplusage.

5 In subsection (b)(1) of this section, the reference to the “finder of fact” is
6 substituted for the former reference to the “jury or the court sitting as a jury”
7 for brevity.

8 Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted
9 as surplusage.

10 In subsection (d) of this section, the reference to the “Board” is substituted for
11 the former reference to “any alcoholic beverage law enforcement or licensing
12 authorities” to conform to terminology used throughout this title.

13 Also in subsection (d) of this section, the reference to probation before
14 “judgment” is substituted for the former reference to a probation “without a
15 verdict” to conform to current terminology.

16 Also in subsection (d) of this section, the former phrase “[e]xcept as otherwise
17 provided in this section” is deleted as unnecessary in light of the organization
18 of this revised article.

19 Defined terms: “Board” § 14–101

20 “License holder” § 1–101

21 “State” § 1–101

22 **14–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
23 **INDIVIDUAL — CRIMINAL PROCEDURE.**

24 **(A) SUMMONS; BAIL.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
26 **CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

27 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
28 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
29 **EMPLOYEE; AND**

30 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
31 **COURT IN THE STATE.**

1 **(B) PENALTY.**

2 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO VIOLATES**
 3 **§ 6–307 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
 4 **SUBJECT TO:**

5 **(1) IF THE CONVICTED INDIVIDUAL IS A LICENSE HOLDER, A FINE NOT**
 6 **EXCEEDING \$200; AND**

7 **(2) IF THE CONVICTED INDIVIDUAL IS AN EMPLOYEE OF A LICENSE**
 8 **HOLDER, A FINE NOT EXCEEDING \$250.**

9 **(C) BAR TO ADMINISTRATIVE ACTION.**

10 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
 11 **VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
 12 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
 13 **BEFORE JUDGMENT FOR, THE VIOLATION.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 12–108(a)(2) and (3)(i)2 and (iv).

16 In subsection (a)(2) of this section, the former reference to bail “bond” is
 17 deleted as surplusage.

18 In subsection (c) of this section, the reference to the “Board” is substituted for
 19 the former reference to “any alcoholic beverage law enforcement or licensing
 20 authorities” to conform to terminology used throughout this title.

21 Also in subsection (c) of this section, the reference to probation before
 22 “judgment” is substituted for the former reference to a probation “without a
 23 verdict” to conform to current terminology.

24 Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise
 25 provided in this section” is deleted as unnecessary in light of the organization
 26 of this revised article.

27 Defined terms: “Board” § 14–101

28 “License holder” § 1–101

29 “State” § 1–101

30 **SUBTITLE 28. PENALTIES.**

31 **14–2801. APPLICATION OF GENERAL PROVISION.**

1 **SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE**
2 **APPLIES IN THE COUNTY.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to imposing a penalty for a violation for which no
5 specific penalty is provided.

6 Defined term: “County” § 14-101

7 **14-2802. PENALTY IMPOSED BY BOARD.**

8 **(A) IN GENERAL.**

9 **SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD MAY:**

10 **(1) EXCEPT FOR A VIOLATION REGARDING AN UNLICENSED**
11 **ESTABLISHMENT, IMPOSE A FINE NOT EXCEEDING:**

12 **(I) \$1,000 FOR A VIOLATION OF STATE LAW; OR**

13 **(II) \$500 FOR A VIOLATION OF THE REGULATIONS OF THE**
14 **BOARD; OR**

15 **(2) SUSPEND A LICENSE FOR A VIOLATION OF ANY ALCOHOLIC**
16 **BEVERAGES LAW THAT APPLIES IN THE COUNTY.**

17 **(B) PENALTY FOR LICENSE HOLDER OR EMPLOYEE SELLING ALCOHOLIC**
18 **BEVERAGES TO UNDERAGE INDIVIDUAL.**

19 **IF A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER SELLS**
20 **ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, THE**
21 **BOARD MAY:**

22 **(1) FOR A FIRST OFFENSE, IMPOSE A FINE NOT EXCEEDING \$500 OR**
23 **SUSPEND THE LICENSE FOR NOT MORE THAN 3 DAYS OR BOTH; AND**

24 **(2) FOR AN OFFENSE OCCURRING WITHIN 3 YEARS AFTER A PRIOR**
25 **OFFENSE, IMPOSE A FINE NOT EXCEEDING \$1,000 OR SUSPEND THE LICENSE FOR**
26 **NOT MORE THAN 30 DAYS OR BOTH.**

27 **(C) CONSIDERATIONS IN SETTING LENGTH OF SUSPENSION.**

28 **IN DETERMINING THE LENGTH OF A SUSPENSION UNDER SUBSECTION (B)(2)**
29 **OF THIS SECTION, THE BOARD SHALL CONSIDER:**

- 1 **(1) THE CLASS OF LICENSE; AND**
- 2 **(2) THE ECONOMIC IMPACT THE SUSPENSION WILL HAVE ON:**
- 3 **(I) THE BUSINESS OF THE LICENSE HOLDER; AND**
- 4 **(II) EMPLOYEES OF THE LICENSE HOLDER.**
- 5 **(D) CONSIDERATIONS IN SETTING AMOUNT OF FINE.**

6 **A FINE UNDER THIS SECTION SHALL BE IMPOSED SUBJECT TO § 10-1001 OF**
 7 **THE STATE GOVERNMENT ARTICLE.**

8 **(E) DISPOSITION OF FINES.**

9 **FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL**
 10 **FUND OF THE COUNTY.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 16-507(f)(2) through (6).

13 In subsection (a) of this section, the former phrase "[n]otwithstanding any
 14 other provision of this article" is deleted as surplusage.

15 Also in subsection (a) of this section, the reference to "unlicensed
 16 establishment" is substituted for the former reference to "bottle club" for
 17 consistency with the terminology used throughout this article.

18 Also in subsection (a) of this section, the former reference to "rules" is deleted
 19 as included in the reference to "regulations".

20 In subsection (e) of this section, the reference to "[f]ines" is substituted for the
 21 former reference to "money" for clarity.

22 Former Art. 2B, § 16-507(f)(1), which stated that the provisions of former Art.
 23 2B, § 16-507(f) applied only in Calvert County, is deleted as unnecessary in
 24 light of the organization of this revised article.

25 Defined terms: "Alcoholic beverage" § 1-101

26 "Board" § 14-101

27 "County" § 14-101

28 "License" § 1-101

29 "License holder" § 1-101

30 "State" § 1-101

1 **TITLE 15. CAROLINE COUNTY.**

2 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

3 **15-101. DEFINITIONS.**

4 **(A) IN GENERAL.**

5 **IN THIS TITLE:**

6 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
7 **EXCEPTION OR VARIATION; AND**

8 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

9 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
10 by reference terms defined for the entire article.

11 Item (2) of this subsection is new language added as the standard introductory
12 language to a definition section.

13 **(B) BOARD.**

14 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CAROLINE**
15 **COUNTY.**

16 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
17 full reference to the “Board of License Commissioners for Caroline County”.

18 **(C) COUNTY.**

19 **“COUNTY” MEANS CAROLINE COUNTY.**

20 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
21 full reference to “Caroline County”.

22 **15-102. SCOPE OF TITLE.**

23 **THIS TITLE APPLIES ONLY IN CAROLINE COUNTY.**

24 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
25 organization of this revised article.

1 **15-103. COPY OF LEGISLATION.**

2 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
3 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
4 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
5 **MARYLAND 21401.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 18-103.

8 The reference to the "County Commissioners" is substituted for the former
9 reference to the "local governing body" for clarity.

10 The reference to this "title" is substituted for the former reference to this
11 "subtitle" to conform to the organization of this revised article. Under the
12 former law, each local governing body derived its authority to enact alcoholic
13 beverages legislation from a common subtitle. Under this revised article, each
14 local governing body derives its authority from the title dedicated to the
15 jurisdiction of the local governing body.

16 Defined terms: "Alcoholic beverage" § 1-101
17 "County" § 15-101

18 **GENERAL REVISOR'S NOTE TO SUBTITLE**

19 Throughout this title, the references to "wine" are substituted for the former
20 references to "light wine" to reflect that license holders in the County may sell wine
21 with a maximum alcohol content of 22%, which is above the traditional maximum
22 level of 15.5% for light wine.

23 Correspondingly, former Art. 2B, § 4-101(g), which defined "light wine" in the
24 County as a fermented beverage that contains not in excess of 22% of alcohol by
25 volume, is deleted because the definition is not used in this title.

26 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

27 **15-201. ESTABLISHED.**

28 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CAROLINE COUNTY.**

29 REVISOR'S NOTE: This section is new language added to state expressly what was
30 only implied in the former law, that an entity known as the Board of License
31 Commissioners for Caroline County exists.

32 **15-202. MEMBERSHIP.**

1 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

2 **(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE**
3 **BOARD.**

4 **(2) THE APPOINTMENTS SHALL BE MADE:**

5 **(I) IF THE HOUSE OF DELEGATES IS IN SESSION, WITH THE**
6 **ADVICE AND CONSENT OF THE HOUSE OF DELEGATES; OR**

7 **(II) IF THE HOUSE OF DELEGATES IS NOT IN SESSION, BY THE**
8 **GOVERNOR ALONE.**

9 **(3) AN APPOINTMENT MADE UNDER PARAGRAPH (2)(II) OF THIS**
10 **SUBSECTION SHALL CONTINUE IN FORCE UNTIL THE END OF THE NEXT SESSION OF**
11 **THE GENERAL ASSEMBLY.**

12 **(B) QUALIFICATIONS.**

13 **EACH MEMBER OF THE BOARD SHALL BE:**

14 **(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

15 **(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF**
16 **RECOGNIZED BUSINESS CAPACITY.**

17 **(C) TENURE.**

18 **(1) THE TERM OF A REGULAR MEMBER IS 3 YEARS.**

19 **(2) THE TERMS OF THE REGULAR MEMBERS ARE STAGGERED AS**
20 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,**
21 **2016.**

22 **(D) VACANCIES.**

23 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
24 **FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL**
25 **ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

1 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
 2 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
 3 **QUALIFIES.**

4 **(E) REMOVAL.**

5 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
 6 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

7 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
 8 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
 9 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

10 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
 11 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
 12 **MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, §§ 15–101(a)(3), (4), and, except as it related to
 15 the Senate being in session, (1), and (g)(3) and (4) and 15–110(a).

16 In subsection (a)(1) of this section, the defined term “Board” is substituted for
 17 the former reference to “persons who shall constitute and be styled ‘The Board
 18 of License Commissioners for Baltimore City or ... County’, as the case may
 19 be” because this title applies only to the Board of License Commissioners for
 20 Caroline County.

21 Also in subsection (a)(1) of this section, the former phrase “[f]or the
 22 jurisdictions in which this section is effective” is deleted as unnecessary in
 23 light of the organization of this revised article.

24 In the introductory language of subsection (b) of this section, the reference to
 25 “[e]ach member of the Board” is substituted for the former reference to “[t]he
 26 commissioners” to conform to the terminology used throughout this subtitle.

27 In subsection (b)(1) of this section, the defined term “County” is substituted
 28 for the former reference to “Baltimore City or the respective counties, as the
 29 case may be” because this title applies only to Caroline County.

30 In subsection (b)(2) of this section, the reference to an “individual” is
 31 substituted for the former reference to “persons” because only a human being
 32 and not the other entities included in the definition of “person” may serve as
 33 a member of a board of license commissioners.

34 In subsection (c) of this section, the references to “regular” members of the
 35 Board are added for clarity.

1 In subsection (c)(2) of this section, the former reference to the requirement
2 that the Governor “biennially” appoint persons to the Board is deleted as
3 included in the requirement that the terms of the members of the Board be
4 staggered as required on July 1, 2016. This substitution is not intended to
5 alter the term of any member of the Board of License Commissioners for
6 Caroline County.

7 Subsection (d) of this section is standard language substituted for the former
8 reference to the duty of the Governor, if a vacancy occurs on the Board when
9 the General Assembly is not in session, to appoint an eligible individual to fill
10 the vacancy for the remainder of the term. The standard language is intended
11 to correct a gap in the former law, which was silent as to the procedure to be
12 followed if a vacancy occurs when the General Assembly is in session.

13 In subsection (e)(1) of this section, the former reference to a member “of any
14 board of license commissioners appointed by him under the provisions of this
15 article” is deleted as surplusage.

16 In subsection (e)(2) of this section, the former phrase “in his own defense” is
17 deleted as surplusage.

18 Former Art. 2B, § 15–101(g)(1), which provided that former Art. 2B, §
19 15–101(g) applied only in Caroline County, is deleted as unnecessary in light
20 of the organization of this revised article.

21 Former Art. 2B, § 15–101(g)(2), which stated that the members of the Liquor
22 Control Board constitute the Board of License Commissioners, is deleted as
23 obsolete. There no longer is a Liquor Control Board in Caroline County.

24 Defined terms: “Board” § 15–101

25 “County” § 15–101

26 **15–203. SUBSTITUTE MEMBER.**

27 **(A) APPOINTMENT BY GOVERNOR.**

28 **(1) THE GOVERNOR SHALL APPOINT ONE SUBSTITUTE MEMBER TO**
29 **THE BOARD.**

30 **(2) THE APPOINTMENT SHALL BE MADE:**

31 **(i) IF THE HOUSE OF DELEGATES IS IN SESSION, WITH THE**
32 **ADVICE AND CONSENT OF THE HOUSE OF DELEGATES; OR**

1 **(II) IF THE HOUSE OF DELEGATES IS NOT IN SESSION, BY THE**
2 **GOVERNOR ALONE.**

3 **(3) AN APPOINTMENT MADE UNDER PARAGRAPH (2)(II) OF THIS**
4 **SUBSECTION SHALL CONTINUE IN FORCE UNTIL THE END OF THE NEXT SESSION OF**
5 **THE GENERAL ASSEMBLY.**

6 **(B) TENURE.**

7 **THE TERM OF THE SUBSTITUTE MEMBER IS 3 YEARS AND BEGINS ON THE**
8 **FIRST MONDAY IN MAY.**

9 **(C) WHEN SUBSTITUTE MAY SERVE.**

10 **IF A REGULAR MEMBER OF THE BOARD BECOMES INCAPACITATED FROM ANY**
11 **CAUSE OR IF A VACANCY OCCURS ON THE BOARD FOR ANY REASON, THE**
12 **SUBSTITUTE MEMBER, ON REQUEST OF THE CHAIR OR THE MAJORITY OF THE**
13 **BOARD, SHALL SERVE ON THE BOARD UNTIL THE INCAPACITY ENDS OR THE**
14 **VACANCY IS FILLED.**

15 **(D) POWERS AND DUTIES.**

16 **WHILE SERVING ON THE BOARD, THE SUBSTITUTE MEMBER HAS ALL THE**
17 **POWERS AND DUTIES OF A REGULAR MEMBER.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 15-101(g)(5).

20 In subsection (c) of this section, the reference to a vacancy "occur[ing]" on the
21 Board is added for clarity.

22 Also in subsection (c) of this section, the reference to a vacancy "for any reason"
23 is substituted to the former reference to a vacancy "from any cause" for clarity.

24 Also in subsection (c) of this section, the requirement to serve "on the Board"
25 is substituted for the former requirement to serve "in the place of the regular
26 member" for brevity.

27 Also in subsection (c) of this section, the former reference to the "temporary or
28 permanent" incapacity of a member is deleted as surplusage.

29 Also in subsection (c) of this section, the former reference to the "regularly
30 constituted" Board is deleted as surplusage.

1 Also in subsection (c) of this section, the former reference to the regular
2 member “so incapacitated or causing the vacancy” is deleted as surplusage.

3 In subsection (d) of this section, the former reference to the “authority” of the
4 substitute member is deleted as included in the reference to the “powers and
5 duties” of the substitute member.

6 Also in subsection (d) of this section, the former reference to duties “imposed
7 by law” is deleted as unnecessary.

8 Also in subsection (d) of this section, the former reference to the substitute
9 member being “subject to” the duties of a regular member is deleted as
10 surplusage.

11 The term of the substitute member serving on October 1, 2016, ends on May
12 5, 2017.

13 Defined term: “Board” § 15–101

14 **15–204. CHAIR.**

15 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
16 **FROM AMONG THE REGULAR MEMBERS OF THE BOARD.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 15–101(a)(2).

19 The defined term “Board” is substituted for the former reference to “Baltimore
20 City and each of the counties” because this section applies only to the Board
21 of License Commissioners for Caroline County. Correspondingly, the former
22 phrase “of the respective boards” is deleted.

23 The reference to a “chair” is substituted for the former reference to a
24 “chairman” because SG § 2–1238 requires the use of words that are neutral as
25 to gender to the extent practicable.

26 The reference to “regular members” is substituted for the former reference to
27 “appointees” for clarity and to conform to the terminology used throughout
28 this subtitle.

29 Defined term: “Board” § 15–101

30 **15–205. COMPENSATION; STAFF.**

31 **(A) COMPENSATION.**

1 **(1) (I) THE REGULAR MEMBERS OF THE BOARD SHALL RECEIVE**
 2 **ANNUAL SALARIES AS DETERMINED BY THE COUNTY COMMISSIONERS, BUT NOT**
 3 **LESS THAN:**

4 **1. \$3,000 FOR THE CHAIR OF THE BOARD; AND**

5 **2. \$2,500 FOR EACH OTHER REGULAR MEMBER OF THE**
 6 **BOARD.**

7 **(II) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE**
 8 **\$100 PER MEETING ATTENDED BUT NOT MORE THAN \$2,000 IN ANY 1-YEAR PERIOD.**

9 **(2) THE CHAIR, OTHER REGULAR MEMBERS, AND THE SUBSTITUTE**
 10 **MEMBER OF THE BOARD SHALL BE REIMBURSED FOR EXPENSES INCURRED IN THE**
 11 **PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH THE STANDARD STATE**
 12 **TRAVEL REGULATIONS.**

13 **(B) STAFF.**

14 **(1) THE BOARD MAY:**

15 **(I) EMPLOY:**

16 **1. A SECRETARY; AND**

17 **2. CLERICAL AND OTHER ASSISTANTS AS ARE**
 18 **NECESSARY; AND**

19 **(II) SET THE COMPENSATION OF THE EMPLOYEES.**

20 **(2) (I) THE BOARD MAY APPOINT AN ATTORNEY FOR THE BOARD.**

21 **(II) THE COUNTY COMMISSIONERS SHALL SET THE**
 22 **COMPENSATION FOR THE ATTORNEY.**

23 **(III) THE ATTORNEY IS SUBJECT TO THE COUNTY ETHICS**
 24 **ORDINANCE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, §§ 15–109(g) and 15–112(g)(3) and, except as it
 27 related to the authority of the Board to employ inspectors, (a)(2).

28 In the introductory language of subsection (a)(1)(i) of this section, the
 29 reference to the “regular” members of the Board is added for clarity.

1 In subsection (a)(1)(i)1 and (2) of this section, the references to the “chair” are
2 substituted for the former references to the “chairman” because SG § 2–1238
3 requires the use of words that are neutral as to gender to the extent
4 practicable.

5 In subsection (a)(1)(ii) of this section, the reference to the substitute member
6 receiving \$100 per meeting “attended” is added to reflect the long-standing
7 practice of the Board.

8 In subsection (a)(2) of this section, the reference to the chair, other regular
9 members, and the substitute member “of the Board” is added for clarity.

10 Also in subsection (a)(2) of this section, the reference to “other regular”
11 members is substituted for the former reference to “associate” members to
12 conform to the terminology used throughout this subtitle.

13 In subsection (b)(1) of this section, the former phrase “except as otherwise
14 provided by this article” is deleted as unnecessary.

15 In subsection (b)(1)(i)2 of this section, the reference to “assistants” is
16 substituted for the former reference to “assistance” for clarity.

17 Former Art. 2B, § 15–112(g)(1), which provided that “[t]his subsection applies
18 only in Caroline County”, is deleted as unnecessary in light of the organization
19 of this revised article.

20 Defined terms: “Board” § 15–101
21 “County” § 15–101

22 **15–206. INSPECTOR.**

23 **(A) COUNTY CODES ADMINISTRATOR AS INSPECTOR.**

24 **THE COUNTY CODES ADMINISTRATOR IS THE INSPECTOR FOR THE BOARD.**

25 **(B) DUTIES.**

26 **THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTOR, INCLUDING THE**
27 **ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS OF**
28 **THE COUNTY.**

29 **(C) SALARY.**

30 **THE SALARY OF THE INSPECTOR SHALL AS BE PROVIDED IN THE COUNTY**
31 **BUDGET.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15-112(g)(2).

3 In subsection (b) of this section, the former reference to the "proper"
4 administration and enforcement of the alcoholic beverages laws is deleted as
5 surplusage.

6 Defined terms: "Alcoholic beverage" § 1-101
7 "Board" § 15-101
8 "County" § 15-101

9 **15-207. REGULATIONS.**

10 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 16-301(a), as it related to the authority of the
13 Board to adopt regulations.

14 The defined term "Board" is substituted for the former reference to "the board
15 of license commissioners from any county or Baltimore City, respectively"
16 because this section applies only to the Board of License Commissioners for
17 Caroline County.

18 The reference to the Board "adopt[ing] regulations to carry out" this article is
19 substituted for the former reference to the Board "hav[ing] full power and
20 authority to adopt such reasonable rules and regulations as they may deem
21 necessary to enable them effectively to discharge the duties imposed upon
22 them by" this article for brevity.

23 The former phrase "[i]n addition to the powers otherwise provided by this
24 article," is deleted as surplusage.

25 Defined term: "Board" § 15-101

26 **SUBTITLE 3. LIQUOR CONTROL.**

27 **15-301. LIQUOR CONTROL — NOT APPLICABLE.**

28 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
29 **IN THE COUNTY.**

30 REVISOR'S NOTE: This section is new language added to clarify that there is no
31 liquor control board or department of liquor control in the County.

1 Defined term: "County" § 15-101

2 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

3 **15-401. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
6 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
7 **EXCEPTION OR VARIATION:**

8 **(1) § 2-201 ("ISSUANCE BY COMPTROLLER");**

9 **(2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**

10 **(3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**

11 **(4) § 2-205 ("CLASS 3 WINERY LICENSE");**

12 **(5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**

13 **(6) § 2-207 ("CLASS 5 BREWERY LICENSE");**

14 **(7) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**

15 **(8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**

16 **(9) § 2-211 ("RESIDENCY REQUIREMENT");**

17 **(10) § 2-212 ("ADDITIONAL LICENSES");**

18 **(11) § 2-213 ("ADDITIONAL FEES");**

19 **(12) § 2-214 ("SALE OR DELIVERY RESTRICTED");**

20 **(13) § 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER**
21 **PROHIBITED");**

22 **(14) § 2-216 ("INTERACTION BETWEEN MANUFACTURING ENTITIES**
23 **AND RETAILERS");**

24 **(15) § 2-217 ("DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
25 **PROHIBITED PRACTICES"); AND**

1 **(16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
 2 **RETAILERS — PROHIBITED”).**

3 **(B) EXCEPTIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 5 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

6 **(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND**

7 **(2) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”).**

8 REVISOR’S NOTE: Subsection (a)(1) through (6) and (8) through (16) of this section
 9 are new language added to incorporate by reference general provisions
 10 relating to the issuance of manufacturer’s licenses.

11 Subsection (a)(7) of this section is new language derived without substantive
 12 change from former Art. 2B, § 2–208(b)(2)(vii).

13 Subsection (b)(1) of this section is new language derived without substantive
 14 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
 15 implicit in the former law, that a limited distillery license may not be issued
 16 in the County.

17 Subsection (b)(2) of this section is new language derived without substantive
 18 change from former Art. 2B, § 2–207(a)(4)(ii).

19 Defined terms: “County” § 15–101
 20 “Manufacturer’s license” § 1–101

21 **15–402. HOURS AND DAYS OF SALE OR DELIVERY.**

22 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
 23 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 24 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 11–101(a).

27 The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted
 28 as unnecessary.

29 Defined terms: “Alcoholic beverage” § 1–101
 30 “Manufacturer’s license” § 1–101

1 **SUBTITLE 5. WHOLESALER'S LICENSES.**

2 **15-501. APPLICATION OF GENERAL PROVISIONS.**

3 **TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS**
4 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

5 REVISOR'S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to the issuance of wholesaler's licenses.

7 Defined terms: "County" § 15-101
8 "Wholesaler's license" § 1-101

9 **15-502. HOURS AND DAYS OF SALE OR DELIVERY.**

10 **EXCEPT AS PROVIDED IN § 15-503 OF THIS SUBTITLE, A HOLDER OF A**
11 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
12 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
13 **SUNDAY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 11-102(a).

16 Defined terms: "Alcoholic beverage" § 1-101
17 "Wholesaler's license" § 1-101

18 **15-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

19 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

20 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
21 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
22 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
23 **RETURNS ON THE SAME DAY.**

24 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

25 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
26 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
27 **REQUIRED TO DISPENSE DRAFT BEER.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 11-102(b).

1 In subsection (a) of this section, the reference to a “per diem” license is
2 substituted for the former reference to a “special 1–day” license to conform to
3 the terminology used throughout this article.

4 Also in subsection (a) of this section, the reference to a per diem license issued
5 “under Subtitle 13 of this title” is substituted for the former reference to a
6 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
7 of material relating to per diem licenses in titles for each applicable
8 jurisdiction in this revision.

9 Also in subsection (a) of this section, the reference to delivery of beer on the
10 “effective date of the per diem license” is substituted for the former reference
11 to delivery on the “effective day of the license” for clarity.

12 Also in subsection (a) of this section, the former reference to accepting returns
13 on the same day “of delivery” is deleted as surplusage.

14 In subsection (b) of this section, the language that the “agreement entered into
15 under subsection (a) of this section shall include the type of equipment ... to
16 dispense draft beer” is substituted for the former language that the “parties
17 shall agree upon the type of equipment ... for the dispensing of draft beer” for
18 clarity.

19 Defined terms: “Beer” § 1–101
20 “Wholesaler’s license” § 1–101

21 **SUBTITLE 6. BEER LICENSES.**

22 **15–601. CLASS A BEER LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS A BEER LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
27 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

28 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
29 **PACKAGE OR CONTAINER.**

30 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
31 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

1 **(C) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$250.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 3-101(g) and (a)(1).

5 In subsection (a) of this section, the former reference to a license being "issued
6 by the license issuing authority of the county in which the place of business is
7 located" is deleted as surplusage.

8 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
9 as implicit in the word "sell".

10 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
11 deleted as surplusage.

12 In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for
13 the former reference to "deliver[ing]" for clarity and accuracy.

14 Defined terms: "Beer" § 1-101
15 "Consumer" § 1-101

16 **15-602. CLASS B BEER LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS B BEER LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
21 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
22 **ON- AND OFF-PREMISES CONSUMPTION.**

23 **(C) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$250.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 3-201(g) and (a)(1).

27 In subsection (a) of this section, the former reference to a license being "issued
28 by the license issuing authority of the county in which the place of business is
29 located" is deleted as surplusage.

1 In subsection (b) of this section, the reference to “on- and off-premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 Also in subsection (b) of this section, the former phrase “keep for sale” is
5 deleted as implicit in the word “sell”.

6 Defined terms: “Beer” § 1-101
7 “Hotel” § 1-101
8 “Restaurant” § 1-101

9 **15-603. CLASS C BEER LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS C BEER LICENSE.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
14 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
15 **LICENSE FOR ON-PREMISES CONSUMPTION.**

16 **(C) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$250.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 3-301(g) and (a)(1).

20 In subsection (a) of this section, the former reference to a license being “issued
21 by the local licensing authority of the county in which the place of business is
22 located” is deleted as surplusage.

23 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
24 implicit in the word “sell”.

25 Also in subsection (b) of this section, the former reference to “bona fide”
26 members is deleted as surplusage.

27 Defined terms: “Beer” § 1-101
28 “Club” § 1-101

29 **15-604. CLASS D BEER LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A CLASS D BEER LICENSE.

3 (B) SCOPE OF AUTHORIZATION.

4 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE
5 AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE
6 DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

7 (2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.

8 (C) FEE.

9 THE ANNUAL LICENSE FEE IS \$300.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 3-401(g) and (a)(1).

12 In subsection (a) of this section, the former reference to a license being "issued
13 by the license issuing authority of the county in which the place of business is
14 located" is deleted as surplusage.

15 In subsection (b)(1) of this section, the reference to "on- and off-premises"
16 consumption is substituted for the former reference to consumption "on the
17 premises or elsewhere" for clarity.

18 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
19 deleted as implicit in the word "sell".

20 Defined term: "Beer" § 1-101

21 SUBTITLE 7. WINE LICENSES.

22 15-701. CLASS A WINE LICENSE.

23 (A) ESTABLISHED.

24 THERE IS A CLASS A WINE LICENSE IN THE COUNTY.

25 (B) AUTHORIZED HOLDER.

26 THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY
27 LICENSE.

1 **(C) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
3 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE**
4 **WINERY.**

5 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
6 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

7 **(D) FEE.**

8 **THE ANNUAL LICENSE FEE SHALL BE SET BY THE BOARD OF LICENSE**
9 **COMMISSIONERS WITH THE APPROVAL OF THE BOARD OF COUNTY**
10 **COMMISSIONERS.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 4-201(a)(4), (b)(5), (c)(1), and (d)(1).

13 Throughout this section, the references to "wine" are substituted for the
14 former references to "light wine" to reflect that license holders in the County
15 may sell wine with an alcohol content of 22%, which is above the traditional
16 maximum level of 15.5% for light wine.

17 In subsection (b) of this section, the reference to a "Class 4 limited winery
18 license" is substituted for the former reference to a "Class 4 manufacturer's
19 license" to conform to the terminology used throughout this article.

20 Also in subsection (b) of this section, the former reference to a license being
21 issued "by the license issuing authority of the county in which the place of
22 business is located" is deleted as surplusage.

23 In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted
24 as implicit in the word "sell".

25 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
26 any consumer" is deleted as surplusage.

27 In subsection (c)(2) of this section, the reference to "sold" is substituted for the
28 former reference to "delivered" to conform to the terminology used throughout
29 this article.

30 Defined terms: "County" § 15-101

31 "Wine" § 1-101

32 **SUBTITLE 8. BEER AND WINE LICENSES.**

1 **15-801. CLASS A BEER AND WINE LICENSE.**

2 **(A) ESTABLISHED.**

3 **THERE IS:**

4 **(1) A CLASS A BEER AND WINE 6-DAY LICENSE; AND**

5 **(2) A CLASS A BEER AND WINE 7-DAY LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
8 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

9 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
10 **SEALED PACKAGE OR CONTAINER.**

11 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
12 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
13 **SOLD.**

14 **(C) FEES.**

15 **THE ANNUAL LICENSE FEES ARE:**

16 **(1) \$600 FOR A 6-DAY LICENSE; AND**

17 **(2) \$900 FOR A 7-DAY LICENSE.**

18 **REVISOR'S NOTE:** This section is new language derived without substantive
19 change from former Art. 2B, § 5-101(a)(1) and (g)(2) and (3).

20 In this section and throughout this subtitle, the references to "wine" are
21 substituted for the former references to "light wine" to reflect that license
22 holders in the County may sell wine with an alcohol content of 22%, which is
23 above the traditional maximum level of 15.5% for light wine.

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

26 In subsection (a) of this section and throughout this subtitle, the former
27 references to the license being "issued by the license issuing authority of the
28 county in which the place of business is located" are deleted as surplusage.

1 In subsection (b)(1) of this section and throughout this subtitle, the former
2 references to “keep[ing] for sale” are deleted as implicit in the references to
3 “sell[ing]”.

4 In subsection (b)(1) of this section, the former reference to selling beer and
5 wine “in any quantity to any consumers,” is deleted as surplusage.

6 In subsection (b)(2) of this section, the word “sell” is substituted for the former
7 word “deliver” to conform to the terminology used throughout this article.

8 Former Art. 2B, § 5–101(g)(1), which stated that former Art. 2B, § 5–101(g)
9 applied only in Caroline County, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Defined terms: “Beer” § 1–101
12 “7–day license” § 1–101
13 “6–day license” § 1–101
14 “Wine” § 1–101

15 **15–802. CLASS B BEER AND WINE LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS B BEER AND WINE LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
20 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
21 **FOR ON– AND OFF–PREMISES CONSUMPTION.**

22 **(C) FEE.**

23 **THE ANNUAL LICENSE FEE IS \$500.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 5–201(g) and (a)(1).

26 Subsection (a) of this section is revised in standard language used throughout
27 this article to establish a license.

28 In subsection (b) of this section, the reference to “on– and off–premises
29 consumption” is substituted for the former reference to “consumption on the
30 premises or elsewhere” for clarity.

31 Defined terms: “Beer” § 1–101

1 "Hotel" § 1-101
2 "Restaurant" § 1-101
3 "Wine" § 1-101

4 **15-803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

5 **A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 5-301(g).

8 Defined terms: "Beer" § 1-101
9 "County" § 15-101
10 "Wine" § 1-101

11 **15-804. CLASS D BEER AND WINE LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS D BEER AND WINE LICENSE.**

14 **(B) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
16 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
17 **OFF-PREMISES CONSUMPTION.**

18 **(C) DRUGSTORE PROHIBITION.**

19 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

20 **(D) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$500.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 5-401(g) and (a)(1).

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

26 In subsection (b) of this section, the reference to "on- and off-premises
27 consumption" is substituted for the former reference to "consumption on the
28 premises or elsewhere" for clarity.

1 Defined terms: "Beer" § 1-101
2 "Wine" § 1-101

3 **15-805. CLASS H BEER AND WINE LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS H BEER AND WINE LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
8 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
9 **FOR ON-PREMISES CONSUMPTION.**

10 **(C) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$500.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 5-202(e) and (b)(1).

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 Former Art. 2B, § 5-202(a)(2), which stated that former Art. 2B, § 5-202
17 applied in Caroline County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Defined terms: "Beer" § 1-101
20 "Hotel" § 1-101
21 "Restaurant" § 1-101

22 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

23 **15-901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

24 **(A) ESTABLISHED.**

25 **THERE IS:**

26 **(1) A 6-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE; AND**

27 **(2) A 7-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL**
3 **BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

4 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
5 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
6 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

7 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

8 **THE 6-DAY OR 7-DAY LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE**
9 **UNLESS THE APPLICANT:**

10 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
11 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
12 **THE LICENSE;**

13 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
14 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
15 **APPLIED FOR; OR**

16 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
17 **LEAST 3 YEARS.**

18 **(D) FEE.**

19 **THE ANNUAL LICENSE FEE IS:**

20 **(1) \$1,250 FOR A 6-DAY LICENSE; AND**

21 **(2) \$1,600 FOR A 7-DAY LICENSE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 6-101(a)(1) and (3) and (g)(2) and (3).

24 Subsection (a) of this section is revised in standard language used throughout
25 this title to establish a license.

26 In subsection (b) of this section, the reference to "sell" is substituted for the
27 former reference to "deliver" to conform to the terminology used throughout
28 this article.

1 Also in subsection (b) of this section, references to the phrase “beer, wine, or
2 liquor” are substituted for the references to the phrase “alcoholic beverages”
3 for clarity.

4 In subsection (b)(1) of this section, the former phrase “in any quantity” is
5 deleted as unnecessary.

6 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
7 of the application for the license” is substituted for the former phrase “that
8 length of time” for clarity.

9 In subsection (c)(3) of this section, the former reference to “actually” engaged
10 is deleted as surplusage.

11 Former Art. 2B, § 6–101(g)(1), which stated that former Art. 2B, § 6–101(g)
12 applied only in Caroline County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Defined terms: “Beer” § 1–101
15 “7–day license” § 1–101
16 “6–day license” § 1–101
17 “Wine” § 1–101

18 **15–902. CLASS B BEER, WINE, AND LIQUOR LICENSES.**

19 **(A) ESTABLISHED.**

20 **THERE IS:**

21 **(1) A 6–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE; AND**

22 **(2) A 7–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

25 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
26 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

27 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

28 **(3) CONTAINS:**

29 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

1 (II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE
2 PUBLIC; AND

3 (III) A DINING ROOM WITH FACILITIES FOR PREPARING AND
4 SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.

5 (C) SCOPE OF AUTHORIZATION.

6 EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
7 LIQUOR BY THE DRINK AT A HOTEL OR RESTAURANT AS DEFINED BY THE BOARD AT
8 THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

9 (D) FEE.

10 THE ANNUAL LICENSE FEE IS:

11 (1) \$1,000 FOR A 6-DAY LICENSE; AND

12 (2) \$1,250 FOR A 7-DAY LICENSE.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from the former Art. 2B, § 6-201(a)(1) and (3)(i) and (g)(2) and (3).

15 Subsection (a) of this section is revised in standard language used throughout
16 this article to establish a license.

17 In subsection (b)(3)(iii) of this section, the reference to "individuals" is
18 substituted for the former reference to "persons" because this subsection refers
19 only to human beings.

20 Subsection (c) of this section states expressly what was only implicit in the
21 former law, that the Board is the issuing authority.

22 In subsection (c) of this section, the former reference to a "[b]ona fide" hotel
23 and restaurant is deleted as vague.

24 Former Art. 2B, § 6-201(g)(1), which stated that former Art. 2B, § 6-201(g)
25 applied only in Caroline County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: "Beer" § 1-101

28 "Board" § 15-101

29 "Hotel" § 1-101

30 "Restaurant" § 1-101

1 "7-day license" § 1-101

2 "6-day license" § 1-101

3 "Wine" § 1-101

4 **15-903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

7 **(B) AUTHORIZED HOLDER.**

8 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

9 **(I) A NONPROFIT COUNTRY CLUB;**

10 **(II) A NONPROFIT YACHT CLUB; OR**

11 **(III) A VETERANS' ORGANIZATION COMPOSED ONLY OF**
12 **MEMBERS.**

13 **(2) THE CLUB OR ORGANIZATION SHALL:**

14 **(I) OPERATE ONLY FOR THE USE OF ITS MEMBERS AND GUESTS**
15 **ACCOMPANIED BY MEMBERS;**

16 **(II) MEET IN A CLUBHOUSE THAT IS USED EXCLUSIVELY FOR ITS**
17 **MEMBERS AND GUESTS; AND**

18 **(III) 1. HAVE AT LEAST 100 MEMBERS PAYING THE DUES**
19 **THAT WERE REQUIRED IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH**
20 **THE LICENSE IS ISSUED; OR**

21 **2. FOR ORGANIZATIONS AFFILIATED WITH A NATIONAL**
22 **ORGANIZATION AND COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVE IN THE**
23 **ARMED FORCES OF THE UNITED STATES, HAVE AT LEAST 50 MEMBERS PAYING THE**
24 **DUES THAT WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE YEAR**
25 **IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.**

26 **(C) SCOPE OF AUTHORIZATION.**

27 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
28 **LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
29 **ON-PREMISES CONSUMPTION.**

1 **(D) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$1,000.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 6-301(a)(1) and (g)(2) through (4).

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (b)(2)(ii) of this section, the reference to a clubhouse that is used
8 “exclusively for its members and guests” is substituted for the former phrase
9 “for no other purpose” for clarity.

10 In subsection (b)(2)(iii) of this section, the former references to “bona fide”
11 members are deleted as surplusage.

12 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
13 substituted for the former reference to “all alcoholic beverages” for clarity.

14 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
15 is deleted as implicit in the reference to “sell[ing]”.

16 Also in subsection (c) of this section, the former reference to consumption
17 “only” on the licensed premises is deleted as surplusage.

18 Former Art. 2B, § 6-301(g)(1), which stated that former Art. 2B, § 6-301(g)
19 applied only in Caroline County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Defined terms: “Beer” § 1-101

22 “Board” § 15-101

23 “Club” § 1-101

24 “Wine” § 1-101

25 **15-904. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

26 **(A) ESTABLISHED.**

27 **THERE IS:**

28 **(1) A 6-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE; AND**

29 **(2) A 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 3 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
 4 **CONSUMPTION.**

5 **(C) DRUGSTORE PROHIBITION.**

6 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

7 **(D) FEE.**

8 **THE ANNUAL LICENSE FEE IS:**

9 **(1) \$1,250 FOR A 6-DAY LICENSE; AND**

10 **(2) \$1,600 FOR A 7-DAY LICENSE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 6-401(a)(1) and (g)(2) through (5).

13 Subsection (a) of this section is revised in standard language used throughout
 14 this title to establish a license.

15 In subsection (b) of this section, the phrase "at the place described in the
 16 license" is substituted for the former phrase "at the place described in it" for
 17 clarity.

18 Former Art. 2B, § 6-401(g)(1), which stated that former Art. 2B, § 6-401(g)
 19 applied only in Caroline County, is deleted as unnecessary in light of the
 20 organization of this revised article.

21 Defined terms: "Beer" § 1-101

22 "7-day license" § 1-101

23 "6-day license" § 1-101

24 "Wine" § 1-101

25 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

26 **15-1001. GOLF COURSE LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

1 **(B) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE THAT:**

3 **(1) IS OPEN TO THE PUBLIC;**

4 **(2) IS OPERATED FOR PROFIT;**

5 **(3) OWNS REAL ESTATE IN THE COUNTY; AND**

6 **(4) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
9 **WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON THE LAND AND IN THE**
10 **BUILDINGS, INCLUDING THE CLUBHOUSE, THAT ARE USED FOR GOLFING PURPOSES.**

11 **(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

12 **(D) HOURS AND DAYS OF SALE.**

13 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY**
14 **THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

15 **(E) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$1,600.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 8-507.1(b) through (g).

19 In subsection (a) of this section, the former reference to a "7-day" license is
20 deleted for consistency in license names throughout this article.

21 In subsection (d) of this section, the reference to the authority of the "license
22 holder" to "sell beer, wine, and liquor" is substituted for the former reference
23 to the "hours and days for sale ... are" for clarity and consistency with similar
24 provisions on hours and days of sale in this article.

25 Former Art. 2B, § 8-507.1(a), which stated that the provisions of former Art.
26 2B, § 8-507.1 applied only in Caroline County, is deleted as unnecessary in
27 light of the organization of this revised article.

28 Defined terms: "Beer" § 1-101

1 “Board” § 15–101
 2 “County” § 15–101
 3 “Wine” § 1–101

4 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

5 **15–1101. APPLICATION OF GENERAL PROVISIONS.**

6 **(A) WITHOUT EXCEPTION OR VARIATION.**

7 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 8 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 9 **EXCEPTION OR VARIATION:**

10 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
 11 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

12 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
 13 **FROM LICENSED PREMISES”).**

14 **(B) EXCEPTIONS.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 16 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

17 **(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**
 18 **AND**

19 **(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

20 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
 21 general provisions relating to additional privileges of license holders.

22 Defined terms: “Beer” § 1–101
 23 “County” § 15–101
 24 “License” § 1–101
 25 “License holder” § 1–101
 26 “Wine” § 1–101

27 **SUBTITLE 12. CATERER’S LICENSES.**

28 **15–1201. LOCAL CATERER’S LICENSE.**

29 **(A) ESTABLISHED.**

1 **THERE IS A LOCAL CATERER'S LICENSE.**

2 **(B) AUTHORIZED HOLDER.**

3 **THE BOARD MAY ISSUE THE LICENSE TO A PERSON TO CONTRACT WITH A**
4 **SPONSOR OF A PUBLIC OR PRIVATE EVENT TO PROVIDE FOOD AND ALCOHOLIC**
5 **BEVERAGES IF THE PERSON HOLDS:**

6 **(1) AN ALCOHOLIC BEVERAGES LICENSE ISSUED IN THE COUNTY;**
7 **AND**

8 **(2) A CATERER'S LICENSE ISSUED BY THE COUNTY HEALTH**
9 **DEPARTMENT.**

10 **(C) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES A HOLDER TO:**

12 **(1) SELL OR PROVIDE ALCOHOLIC BEVERAGES ON THE PREMISES OF**
13 **A CATERED EVENT DURING THE EVENT; AND**

14 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
15 **HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL**
16 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

17 **(D) FOOD REQUIREMENT.**

18 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
19 **CATERED EVENT.**

20 **(E) FEE.**

21 **THE BOARD SHALL SET THE FEE FOR THE LICENSE.**

22 **(F) EFFECT OF SECTION.**

23 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
24 **HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL**
25 **CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B**
26 **LICENSE IS ISSUED.**

1 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 2 expressly what was only implied in the former law, that a local caterer's
 3 license exists in Caroline County.

4 Subsections (b) through (f) of this section are new language derived without
 5 substantive change from former Art. 2B, § 6–702.1(b) through (f).

6 In subsection (c)(2) of this section, the former phrase “in Caroline County” is
 7 deleted as surplusage.

8 In subsection (d) of this section, the former reference to providing food “as well
 9 as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1)
 10 of this section.

11 In subsection (f) of this section the reference to a “local” caterer's license is
 12 added for clarity.

13 Also in subsection (f) of this section, the reference to the premises “for which
 14 the Class B license is issued” is substituted for the former reference to
 15 premises “that is covered by the existing license” for clarity.

16 Former Art. 2B, § 6–702.1(a), which stated that former Art. 2B, § 6–702.1
 17 applied only in Caroline County, is deleted as unnecessary in light of the
 18 organization of this revised article.

19 Defined terms: “Alcoholic beverage” § 1–101

20 “Beer” § 1–101

21 “Board” § 15–101

22 “County” § 15–101

23 “Hotel” § 1–101

24 “On–sale” § 1–101

25 “Person” § 1–101

26 “Restaurant” § 1–101

27 “Wine” § 1–101

28 SUBTITLE 13. TEMPORARY LICENSES.

29 PART I. IN GENERAL.

30 15–1301. APPLICATION OF GENERAL PROVISIONS.

31 (A) WITHOUT EXCEPTION OR VARIATION.

32 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
 33 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
 34 EXCEPTION OR VARIATION:

1 (1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
2 AND WINE LICENSES”);

3 (2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR
4 LICENSE”);

5 (3) § 4-1205 (“LICENSE FEES”);

6 (4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

7 (5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

8 (6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

9 (7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

10 (B) VARIATION.

11 SECTION 4-1202 (“PER DIEM LICENSES”) OF DIVISION I OF THIS ARTICLE
12 APPLIES IN THE COUNTY, SUBJECT TO § 15-1307 OF THIS SUBTITLE.

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 the general provisions relating to local temporary licenses.

15 Defined term: “County” § 15-101

16 15-1302. RESERVED.

17 15-1303. RESERVED.

18 PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

19 15-1304. BEER AND WINE TASTING LICENSE.

20 (A) ESTABLISHED.

21 THERE IS A 1-DAY BEER AND WINE TASTING (BWT) LICENSE.

22 (B) AUTHORIZED HOLDER.

23 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CURRENT LICENSE
24 OR AN ORGANIZATION THAT QUALIFIES FOR A CLASS C BEER OR CLASS C BEER AND
25 WINE LICENSE UNDER § 4-1203 OF THIS ARTICLE.

1 **(C) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE**
3 **CONSUMPTION OF BEER OR WINE FOR TASTING IF:**

4 **(I) THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE;**
5 **AND**

6 **(II) THE BEER OR WINE IS CONSUMED ON THE LICENSED**
7 **PREMISES.**

8 **(2) THE LICENSE MAY NOT BE ISSUED TO A PERSON MORE THAN 26**
9 **TIMES IN A CALENDAR YEAR.**

10 **(D) PUBLICATION OF APPLICATION NOT REQUIRED.**

11 **THE BOARD NEED NOT PUBLISH A LICENSE APPLICATION BEFORE GRANTING**
12 **THE LICENSE.**

13 **(E) LIMIT ON SERVINGS.**

14 **AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A**
15 **QUANTITY OF NOT MORE THAN:**

16 **(1) 3 OUNCES FROM EACH OFFERING OF BEER, AND 8 OUNCES FROM**
17 **ALL OFFERINGS IN A DAY; AND**

18 **(2) 1 OUNCE FROM EACH OFFERING OF WINE, AND 4 OUNCES FROM**
19 **ALL OFFERINGS IN A DAY.**

20 **(F) DISPOSAL OF REMAINING BEER OR WINE.**

21 **AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE**
22 **HOLDER SHALL DISPOSE OF BEER OR WINE THAT REMAINS IN A CONTAINER THAT**
23 **WAS OPENED FOR TASTING.**

24 **(G) FEE.**

25 **THE LICENSE FEE IS \$50.**

26 **REVISOR'S NOTE:** This section is new language derived without substantive
27 change from former Art. 2B, § 8-404.2(b) through (j).

1 Throughout this section, the former references to “sampling” are deleted as
2 redundant of the reference to “tasting”.

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (b) of this section, the term “current license” is substituted for
6 the former reference to a “current alcoholic beverages license” for brevity.

7 Also in subsection (b) of this section, the reference to “a special” license is
8 deleted as surplusage.

9 In subsections (c)(1) and (f) of this section, the references to “beer or wine” are
10 substituted for the former references to the broader term “alcoholic beverages”
11 in accordance with the scope of this section.

12 In subsection (c)(1)(ii) of this section, the former reference to the licensed
13 premises “of the holder of the Class BWTS license” is deleted as implicit in the
14 reference to the “licensed premises”.

15 In the introductory language of subsection (e) of this section, the reference to
16 an “individual” is substituted for the former, overly broad reference to a
17 “person” for clarity.

18 In subsection (e)(1) and (2) of this section, the references to “each offering” and
19 all “offerings” are substituted for the former references to “a single brand” and
20 all “brands” for consistency with terminology used throughout this article.

21 In subsection (f) of this section, the former reference to “unconsumed” beer or
22 wine is deleted as redundant in light of the reference to beer or wine that
23 remains “in a container that was opened for tasting”.

24 Former Art. 2B, § 8–404.2(a), which stated that former Art. 2B, § 8–404.2
25 applied only in Caroline County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Beer” § 1–101

28 “Board” § 15–101

29 “Consumer” § 1–101

30 “License” § 1–101

31 “License holder” § 1–101

32 “Person” § 1–101

33 “Wine” § 1–101

34 **15–1305. RESERVED.**

35 **15–1306. RESERVED.**

1 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

2 **15-1307. PER DIEM LICENSES.**

3 **(A) ESTABLISHED.**

4 **THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY RETAIL CLASS.**

5 **(B) SCOPE OF AUTHORIZATION.**

6 **A PER DIEM LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE ANY**
7 **PRIVILEGE CONFERRED BY THE CLASS OF LICENSE AT AN ENTERTAINMENT EVENT**
8 **HELD BY A CLUB.**

9 **(C) LICENSE FORM.**

10 **(1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD**
11 **REQUIRES.**

12 **(2) THE APPLICANT SHALL SIGN THE LICENSE.**

13 **(D) LIMIT ON NUMBER OF PER DIEM LICENSES PER YEAR.**

14 **THE LICENSE MAY NOT BE ISSUED TO A CLUB MORE THAN 12 TIMES IN A**
15 **CALENDAR YEAR.**

16 **(E) FEE.**

17 **THE FEE FOR THE LICENSE IS \$50.**

18 **REVISOR'S NOTE:** This section is new language derived without substantive
19 change from former Art. 2B, § 7-101(j)(2) through (4) and (6).

20 In subsection (a) of this section, the reference to any "retail" class is
21 substituted for the former reference to any class "except manufacturer's and
22 wholesaler's" for brevity.

23 In subsection (b) of this section, the former reference to a "bona fide"
24 entertainment is deleted as surplusage.

25 Also in subsection (b) of this section, the reference to an entertainment "event"
26 is added to conform to the terminology used throughout this article.

1 Also in subsection (b) of this section, the former references to “society” and an
2 “association” are deleted as included in the term “club”.

3 In subsection (c) of this section, the former reference to “swear to” the license
4 is deleted as unnecessary in light of the reference to “sign” the license.

5 In subsection (d) of this section, the reference to “a club” is substituted for the
6 former reference to “any organization” for consistency with the rest of the
7 section.

8 Former Art. 2B, § 7–101(j)(1), which stated that former Art. 2B, § 7–101(j)
9 applied only in Caroline County, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Former Art. 2B, § 7–101(j)(5), which required that the license fee be paid to
12 the Board before the license is issued, is deleted because it simply restates the
13 general practice of the Board.

14 Defined terms: “Board” § 15–101

15 “Club” § 1–101

16 “License” § 1–101

17 **15–1308. MULTIPLE EVENT LICENSE.**

18 **(A) ESTABLISHED.**

19 **INSTEAD OF ISSUING INDIVIDUAL EVENT LICENSES, THE BOARD MAY ISSUE A**
20 **MULTIPLE EVENT LICENSE FOR A PARTICULAR CLASS OF LICENSE.**

21 **(B) LIMIT ON DAYS OF USE.**

22 **THE NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT LICENSE MAY BE USED**
23 **BY A SINGLE APPLICANT MAY NOT EXCEED 40 PER CALENDAR YEAR.**

24 **(C) LICENSE REQUIREMENTS; SUBSTITUTE APPLICANTS.**

25 **(1) A MULTIPLE EVENT LICENSE SHALL BE ISSUED:**

26 **(I) FOR ONE PREMISES ONLY; AND**

27 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
28 **SUBSECTION, TO THE SAME APPLICANT FOR ALL EVENTS FOR WHICH THE LICENSE**
29 **IS ISSUED.**

30 **(2) THE BOARD MAY:**

1 (I) APPROVE IN WRITING A SUBSTITUTE APPLICANT; AND

2 (II) BEFORE APPROVING A SUBSTITUTE APPLICANT, HOLD A
3 HEARING.

4 (D) CERTIFIED SERVER REQUIRED ON PREMISES.

5 A SERVER WHO IS CERTIFIED AS HAVING COMPLETED AN ALCOHOL
6 AWARENESS PROGRAM SHALL BE ON THE PREMISES FOR WHICH A MULTIPLE EVENT
7 LICENSE IS ISSUED WHEN ALCOHOLIC BEVERAGES ARE SERVED.

8 (E) FEES.

9 (1) THE FEE FOR A MULTIPLE EVENT LICENSE IS:

10 (I) \$250 FOR NOT MORE THAN 10 EVENTS PER YEAR;

11 (II) \$500 FOR NOT MORE THAN 20 EVENTS PER YEAR;

12 (III) \$750 FOR NOT MORE THAN 30 EVENTS PER YEAR; AND

13 (IV) \$1,000 FOR NOT MORE THAN 40 EVENTS PER YEAR.

14 (2) THE BOARD MAY NOT ISSUE A REFUND IF THE LICENSE HOLDER
15 HOLDS FEWER EVENTS DURING THE CALENDAR YEAR THAN THE NUMBER OF
16 EVENTS THAT THE LICENSE HOLDER IS ENTITLED TO HOLD.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 7-101(j)(7)(i) through (iii), (v) through (vii), and
19 (iv)2.

20 In subsection (a) of this section, the reference to the Board "issu[ing]" a
21 multiple event license is substituted for the former reference to an applicant
22 "purchas[ing]" a license to clarify that the Board of License Commissioners
23 issues a multiple event license the same way other alcoholic beverage licenses
24 are issued.

25 In subsection (b) of this section, the reference to the number of days for which
26 a multiple event license may be "used" by a single applicant is substituted for
27 the former reference to the number of days for which a license may be "issued
28 to" a single applicant for clarity.

29 In subsection (d) of this section, the former reference to when alcoholic
30 beverages that are served "under the license" is deleted as surplusage.

1 Former Art. 2B, § 7-101(j)(7)(iv)1, which stated that the license fee shall be
2 paid in advance, is deleted because it simply restated the routine practice of
3 the Board.

4 Defined terms: "Alcoholic beverage" § 1-101
5 "Board" § 15-101
6 "License" § 1-101

7 **15-1309. STORAGE OF ALCOHOLIC BEVERAGES BY FIRE COMPANIES BETWEEN**
8 **EVENTS.**

9 **(A) SCOPE OF SECTION.**

10 **THIS SECTION APPLIES ONLY TO VOLUNTEER FIRE COMPANIES.**

11 **(B) REQUIREMENTS FOR STORAGE.**

12 **ALCOHOLIC BEVERAGES MAY BE STORED ON THE LICENSED PREMISES**
13 **BETWEEN INDIVIDUAL LICENSED EVENTS IF THE ALCOHOLIC BEVERAGES:**

14 **(1) ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED**
15 **LOCATION; AND**

16 **(2) ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT**
17 **HOURS FOR LICENSED EVENT PURPOSES.**

18 **(C) RECORDKEEPING.**

19 **(1) A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE**
20 **RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED**
21 **PREMISES.**

22 **(2) THE RECORDS SHALL BE:**

23 **(I) MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS;**
24 **AND**

25 **(II) AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL**
26 **OF THE COMPTROLLER AND THE BOARD.**

27 **(3) THE RECORDS SHALL INCLUDE A COMPLETED PRE- AND**
28 **POST-INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.**

1 **(D) INSPECTIONS.**

2 **AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD MAY**
 3 **INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 6-202 OF**
 4 **THIS ARTICLE.**

5 **(E) FINES.**

6 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

7 **(1) FOR THE FIRST OFFENSE, A FINE OF \$100; AND**

8 **(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 AND**
 9 **DENIAL OF FUTURE REQUESTS FOR A LICENSE FOR AN INDIVIDUAL EVENT OR A**
 10 **SPECIAL MULTIPLE EVENT LICENSE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 7-101(j)(8).

13 Defined terms: "Alcoholic beverage" § 1-101

14 "Board" § 15-101

15 "Comptroller" § 1-101

16 "License" § 1-101

17 "License holder" § 1-101

18 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

19 **15-1401. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
 22 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
 23 **WITHOUT EXCEPTION OR VARIATION:**

24 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
 25 **BOARD");**

26 **(2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**

27 **(3) § 4-104 ("APPLICATION ON BEHALF OF CORPORATION OR CLUB");**

28 **(4) § 4-105 ("APPLICATION ON BEHALF OF LIMITED LIABILITY**
 29 **COMPANY");**

- 1 (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- 2 (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- 3 (7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
4 PETITION OF SUPPORT”);
- 5 (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- 6 (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- 7 (10) § 4-113 (“REFUND OF LICENSE FEES”); AND
- 8 (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).
- 9 (B) VARIATIONS.

10 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
11 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

12 (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), IN ADDITION TO
13 §§ 15-1402 THROUGH 15-1405 OF THIS SUBTITLE; AND

14 (2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
15 GENERAL”), IN ADDITION TO § 15-1406 OF THIS SUBTITLE.

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to applications for local licenses.

18 Former Art. 2B, § 10-204(g), which stated that former Art. 2B, § 10-204(a)
19 applied in Caroline County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Defined term: “County” § 15-101

22 **15-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

23 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
24 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10-103(c)(1)(i), as it related to an application
27 for a new license.

1 Defined terms: "Board" § 15-101
2 "Central Repository" § 1-101
3 "License" § 1-101

4 **15-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED**
5 **ENVELOPE.**

6 **WHEN CONSIDERING AN APPLICATION FOR A NEW LICENSE, THE BOARD**
7 **SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED**
8 **ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR**
9 **DESIGNEES.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-103(c)(1)(iv), as it related to an application
12 for a new license.

13 Defined terms: "Board" § 15-101
14 "License" § 1-101

15 **15-1404. RENEWAL.**

16 **THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE RENEWAL TO MEET**
17 **THE REQUIREMENTS OF § 4-107 OF THIS ARTICLE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-103(c)(3).

20 Defined terms: "Board" § 15-101
21 "License" § 1-101

22 **15-1405. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
23 **CHECK RESULTS.**

24 **THE BOARD SHALL SET AND CHARGE A FEE TO COVER THE COST OF**
25 **OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND**
26 **NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10-103(c)(2).

29 The reference to the "applicant's" fingerprints is added for clarity.

30 Defined term: "Board" § 15-101

1 **15-1406. STATEMENT TO BE INCLUDED IN APPLICATION.**

2 **(A) IN GENERAL.**

3 **(1) AN APPLICATION FOR A LICENSE SHALL INCLUDE A STATEMENT**
4 **THAT:**

5 **(I) THE APPLICANT IS AT LEAST 21 YEARS OLD;**

6 **(II) THE APPLICANT WILL CARRY ON THE BUSINESS**
7 **AUTHORIZED BY THE LICENSE FOR THE APPLICANT OR FOR A BUSINESS ENTITY AND**
8 **NOT AS AN AGENT OF ANOTHER PERSON;**

9 **(III) 1. THE APPLICANT WILL MANAGE THE BUSINESS IN**
10 **PERSON; OR**

11 **2. IF THE LICENSE IS ISSUED TO A BUSINESS ENTITY, AN**
12 **INDIVIDUAL WHO IS SPECIFIED IN THE APPLICATION WILL MANAGE THE BUSINESS;**

13 **(IV) THE APPLICANT WILL NOT SELL ALCOHOLIC BEVERAGES**
14 **DESIGNATED UNDER THE LICENSE TO A PERSON UNDER THE AGE OF 21 YEARS; AND**

15 **(V) THE APPLICANT CONSENTS TO THE USE OF EVIDENCE**
16 **DISCOVERED DURING A LAWFUL INSPECTION OF THE LICENSED PREMISES AS**
17 **ADMISSIBLE IN A PROSECUTION OR ON A HEARING FOR A REVOCATION,**
18 **SUSPENSION, OR RESTRICTION OF THE LICENSE.**

19 **(2) THE APPLICANT SHALL VERIFY THE STATEMENTS IN THE**
20 **APPLICATION BY AFFIDAVIT MADE BEFORE A NOTARY OR OTHER PERSON**
21 **AUTHORIZED TO ADMINISTER OATHS.**

22 **(B) PENALTY.**

23 **A PERSON WHO MAKES A FALSE STATEMENT IN AN APPLICATION IS GUILTY OF**
24 **THE MISDEMEANOR OF PERJURY AND ON CONVICTION IS SUBJECT TO**
25 **IMPRISONMENT NOT EXCEEDING 10 YEARS AND LICENSE REVOCATION.**

26 **REVISOR'S NOTE:** This section is new language derived without substantive
27 change from former Art. 2B, § 10-104(g).

28 In subsection (a)(1)(ii) of this section, the broad reference to a "business entity"
29 is substituted for the former reference to a "firm, corporation or association"
30 for brevity.

1 In subsection (a)(1)(iii)1 of this section, the former reference to the applicant
2 who “intends” to manage the business in person is deleted as included in the
3 reference to the applicant who “will” manage the business in person.

4 Also in subsection (a)(1)(iii)1 of this section, the reference to “manage” is
5 substituted for the former references to “superintend” for clarity. Accordingly,
6 in subsection (a)(1)(iii)2 of this section, the former reference to “superintend”
7 is deleted in light of the reference to “manage”.

8 In subsection (a)(1)(v) of this section, the former reference to a prosecution “for
9 the violation of the provisions of this or any other act” is deleted as surplusage.

10 Also in subsection (a)(1)(v) of this section, the former reference to the license
11 “of the person, firm, corporation or association who has obtained a license to
12 sell beverages in such building or premises” is deleted as surplusage.

13 In subsection (b) of this section, the reference to the “misdemeanor of perjury”
14 is added because, under § 9–102(b) of the Criminal Law Article, perjury is
15 classified as a misdemeanor.

16 Also in subsection (b) of this section, the reference to “imprisonment not
17 exceeding 10 years”, which is the penalty stated for perjury under § 9–102(b)
18 of the Criminal Law Article, is substituted for the former reference to “the
19 penalties provided by law for that crime” for clarity.

20 Defined terms: “Alcoholic beverage” § 1–101

21 “License” § 1–101

22 “Person” § 1–101

23 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

24 **15–1501. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
27 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
28 **WITHOUT EXCEPTION OR VARIATION:**

29 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**

30 **(2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

31 **(3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

- 1 (4) § 4-207 (“LICENSES ISSUED TO MINORS”);
- 2 (5) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);
- 3 (6) § 4-209 (“HEARING”);
- 4 (7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- 5 (8) § 4-212 (“LICENSE NOT PROPERTY”); AND
- 6 (9) § 4-213 (“REPLACEMENT LICENSES”).

7 **(B) EXCEPTION.**

8 SECTION 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE
9 APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY
10 AND IS SUPERSEDED BY § 15-1504 OF THIS SUBTITLE.

11 **(C) VARIATIONS.**

12 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL
13 OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- 14 (1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
15 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 15-1502 OF THIS SUBTITLE
16 AND SUBTITLE 13, PART III OF THIS TITLE;
- 17 (2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
18 FOR SAME PREMISES”), SUBJECT TO § 15-1502 OF THIS SUBTITLE; AND
- 19 (3) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), IN
20 ADDITION TO § 15-1503 OF THIS SUBTITLE.

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to the issuance of local licenses.

23 Defined terms: “County” § 15-101
24 “License” § 1-101
25 “Local licensing board” § 1-101

26 **15-1502. BOWLING ESTABLISHMENTS.**

1 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 2 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 3 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

4 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
 5 **LICENSES; AND**

6 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 7 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 9-102(b-1)(1)(i).

10 In item (1) of this section, the reference to "Class D beer or Class D beer and
 11 wine licenses" is substituted for the former reference to licenses issued
 12 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

13 In item (2) of this section, the former reference to the premises "operated as"
 14 a bowling establishment is deleted as surplusage.

15 Defined terms: "Beer" § 1-101

16 "License" § 1-101

17 "Wine" § 1-101

18 **15-1503. ADDITIONAL FACTORS IN DECIDING WHETHER TO APPROVE LICENSE**
 19 **APPLICATION.**

20 **BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND**
 21 **DETERMINE AS SUITABLE:**

22 **(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE**
 23 **APPLICANT;**

24 **(2) THE APPROPRIATENESS OF THE LOCATION OF THE PLACE**
 25 **DESCRIBED IN THE APPLICATION, TAKING INTO CONSIDERATION THE NUMBER OF**
 26 **EXISTING LICENSES; AND**

27 **(3) THE GENERAL FITNESS OF THE APPLICANT TO UPHOLD THE**
 28 **PUBLIC TRUST.**

29 REVISOR'S NOTE: This section is new language derived without substantive
 30 change from former Art. 2B, § 10-202(f)(1).

31 In the introductory language of subsection (a) of this section, the requirement
 32 that the Board "consider and determine as suitable" specified factors before

1 issuing a license is substituted for the former requirement that the Board
2 “satisfy themselves” of specified factors before issuing a license for clarity.

3 In subsection (a)(2) of this section, the reference to the location “of the place
4 described in the application” is substituted for the former reference to the
5 location “where such licensed business is to be conducted” for clarity, brevity,
6 and consistency within this revised article.

7 Also in subsection (a)(2) of this section, the reference to “existing” licenses is
8 substituted for the former reference to licenses “already issued” for clarity.

9 In subsection (a)(3) of this section, the reference to the fitness of the applicant
10 “to uphold the public trust” is substituted for the former reference to the
11 fitness of the applicant “for the trust to be reposed” for clarity.

12 Defined terms: “Board” § 15–101

13 “License” § 1–101

14 **15–1504. WAITING PERIOD AFTER DENIAL BECAUSE OF SUITABILITY.**

15 **(A) SUITABILITY OF APPLICANT.**

16 **IF A LICENSE APPLICATION IS DENIED ON GROUNDS RELATING TO THE**
17 **SUITABILITY OF THE APPLICANT, THE BOARD MAY NOT RECEIVE ANOTHER**
18 **APPLICATION FROM THE APPLICANT FOR ANY TYPE OF LICENSE AT ANY PREMISES**
19 **FOR 6 MONTHS AFTER THE DENIAL.**

20 **(B) SUITABILITY OF PREMISES.**

21 **IF A LICENSE APPLICATION IS DENIED ON GROUNDS RELATING TO THE**
22 **SUITABILITY OF THE LOCATION DESCRIBED IN THE APPLICATION, THE BOARD MAY**
23 **NOT RECEIVE ANY TYPE OF LICENSE APPLICATION FOR THE LOCATION FOR 1 YEAR**
24 **AFTER THE DENIAL.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10–208(e)(2) and (3).

27 In this section, the former references to “the date of” refusal are deleted as
28 surplusage.

29 In subsection (a) of this section, the former references to “applicants” are
30 deleted in light of the references to “applicant” and GP § 1–202, which provides
31 that the singular generally includes the plural.

32 In subsection (b) of this section, the reference to the “location described in the
33 application” is substituted for the former reference to the “premises applied

1 for” for consistency with terminology used throughout this article. Similarly,
 2 the reference to the “location” is substituted for the former reference to the
 3 “premises”.

4 Former Art. 2B, § 10–208(e)(1), which stated that former Art. 2B, § 10–208(e)
 5 applied only in Caroline County, is deleted as unnecessary in light of the
 6 organization of this revised article.

7 Defined terms: “Board” § 15–101

8 “License” § 1–101

9 **15–1505. EXCHANGE OF LICENSE.**

10 **A LICENSE HOLDER MAY EXCHANGE THE LICENSE FOR ANY OTHER LICENSE**
 11 **FOR THE SAME PREMISES BY COMPLYING WITH THE APPLICATION PROCEDURES OF**
 12 **THIS TITLE AND PAYING THE LICENSE FEES.**

13 REVISOR’S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 9–102(c), as it related to Caroline County.

15 The reference to the authority of a holder of a license to “exchange the license
 16 for any other license” is substituted for the former reference to the authority
 17 of a licensee “to obtain any type of license under this article” for clarity.

18 The reference to the “license fee” is substituted for the former reference to
 19 “fees herein prescribed for each class of license”.

20 Defined terms: “License” § 1–101

21 “License holder” § 1–101

22 **GENERAL REVISOR’S NOTE TO SUBTITLE**

23 Former Art. 2B, § 10–202(a)(3)(ii), which provided that the Board, not the clerk, shall
 24 issue licenses after the fee has been paid, is deleted as included in the general
 25 authority of the Board to issue a license under § 4–202 of this article and the general
 26 requirement to pay the license fee before issuance under § 4–111 of this article.

27 The first sentence of former Art. 2B, § 10–206(b), which provided that licenses shall
 28 be dated as of the date of issue and shall expire on the next April 30 after its issuance,
 29 is deleted as redundant of § 4–211(c) of this article.

30 The second sentence of former Art. 2B, § 10–206(b), which provided that licenses
 31 issued prior to July 1, 1970, shall expire on July 1, 1970, and authorized pro rata
 32 refunds of any unexpired license fees, is deleted as obsolete.

33 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

1 **PART I. LICENSING CONDITIONS.**

2 **15-1601. RESERVED.**

3 **15-1602. RESERVED.**

4 **PART II. MULTIPLE LICENSING PLANS.**

5 **15-1603. RESERVED.**

6 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

7 **15-1701. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
10 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
11 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

12 **(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
13 **LICENSE AND INVENTORY”);**

14 **(2) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

15 **(3) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
16 **REQUIRED”); AND**

17 **(4) § 4-305 (“FILING FEE AND ENDORSEMENT”).**

18 **(B) VARIATION.**

19 **SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF**
20 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-1702 OF**
21 **THIS SUBTITLE.**

22 REVISOR’S NOTE: Subsection (a) of this section is new language derived without
23 substantive change from former Art. 2B, § 10-503(g).

24 Subsection (b) of this section is new language added to incorporate by
25 reference general provisions relating to the substitution of names of officers
26 that apply in the County with variation.

1 Defined terms: "County" § 15-101
2 "License" § 1-101

3 **15-1702. SUBSTITUTION OF NAMES INSTEAD OF TRANSFER.**

4 **(A) IN GENERAL.**

5 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A HOLDER OF A LICENSE**
6 **FOR THE USE OF A BUSINESS OR CLUB WISHES TO SUBSTITUTE ON THE LICENSE THE**
7 **NAME OF AN OFFICER OF THE BUSINESS OR CLUB, THE LICENSE HOLDER MAY FILE**
8 **A PETITION FOR SUBSTITUTION WITH THE BOARD INSTEAD OF FILING AN**
9 **APPLICATION FOR TRANSFER OF THE LICENSE.**

10 **(B) REQUIREMENT FOR APPROVAL OF PETITION.**

11 **THE BOARD MAY APPROVE THE PETITION ONLY IF THE LICENSE HOLDER**
12 **DEMONSTRATES THAT THE SUBSTITUTE OFFICER IS FIT TO ENGAGE IN THE**
13 **BUSINESS AUTHORIZED BY THIS ARTICLE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10-202(f)(2).

16 In subsection (a) of this section, the reference to the transfer "of the license" is
17 added for clarity.

18 Also in subsection (a) of this section, the former reference to "thereafter" is
19 deleted as surplusage.

20 Also in subsection (a) of this section, the former reference to filing a "formal"
21 application is deleted as surplusage.

22 In subsection (b) of this section, the reference to the license holder
23 "demonstrat[ing]" is substituted for the former reference to the license holder's
24 "proper showing" for clarity.

25 Defined terms: "Board" § 15-101
26 "Club" § 1-101
27 "License" § 1-101
28 "License holder" § 1-101

29 **15-1703. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

30 **AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND**
31 **NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–103(c)(1)(i), as it related to an applicant for
3 a transfer of a license.

4 The requirements for a State and national criminal history records check for
5 an applicant for a transfer of a license are identical to the requirements for an
6 applicant for the issuance of a license. The cross–reference to “§ 4–107 of this
7 article”, where those requirements appear in the applications for local license
8 subtitle, is substituted for a listing of those requirements, to avoid
9 unnecessary repetition.

10 Defined terms: “License” § 1–101
11 “State” § 1–101

12 **15–1704. CRIMINAL HISTORY RECORDS TO BE KEPT IN SEALED ENVELOPE.**

13 **(A) TO BE KEPT BY BOARD.**

14 **WHEN CONSIDERING A TRANSFER OF A LICENSE, THE BOARD SHALL KEEP ALL**
15 **CRIMINAL HISTORY RECORDS IN A SEALED ENVELOPE AVAILABLE ONLY TO THE**
16 **MEMBERS OF THE BOARD AND THEIR DESIGNEES.**

17 **(B) FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
18 **CHECK RESULTS.**

19 **THE BOARD SHALL SET AND CHARGE A FEE TO COVER THE COST OF**
20 **OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND**
21 **NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10–103(c)(2) and, as it related to the transfer of
24 a license, (1)(iv).

25 In subsection (a) of this section, the reference to criminal “history” records is
26 added for clarity and consistency.

27 In subsection (b) of this section, the reference to the “applicant's” fingerprints
28 is added for clarity.

29 Defined terms: “Board” § 15–101
30 “License” § 1–101
31 “State” § 1–101

32 **SUBTITLE 18. RENEWAL OF LICENSES.**

1 **15-1801. APPLICATION OF GENERAL PROVISIONS.**

2 **TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF**
3 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to the renewal of local licenses.

6 Defined terms: “County” § 15-101
7 “License” § 1-101

8 **15-1802. CRIMINAL HISTORY RECORDS CHECK.**

9 **THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE RENEWAL TO MEET**
10 **THE REQUIREMENTS OF § 4-107 OF THIS ARTICLE.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10-103(c)(3).

13 Defined terms: “Board” § 15-101
14 “License” § 1-101

15 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

16 **15-1901. APPLICATION OF GENERAL PROVISIONS.**

17 **(A) WITHOUT EXCEPTION OR VARIATION.**

18 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
19 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
20 **WITHOUT EXCEPTION OR VARIATION:**

21 **(1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

22 **(2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
23 **PREMISES”);**

24 **(3) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”);**

25 **(4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**

26 **(5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

27 **(6) § 4-508 (“DISPLAY OF LICENSE”).**

1 (B) VARIATION.

2 SECTION 4-505 (“ALCOHOL AWARENESS PROGRAM”) OF DIVISION I OF THIS
3 ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-1902 OF THIS SUBTITLE.

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to the conduct of local license holders.

6 Defined terms: “Alcoholic beverage” § 1-101

7 “County” § 15-101

8 “License” § 1-101

9 “License holder” § 1-101

10 15-1902. ALCOHOL AWARENESS PROGRAM.

11 (A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED
12 PREMISES ALLOWED.

13 (1) THE INDIVIDUAL CERTIFIED BY AN APPROVED ALCOHOL
14 AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSED PREMISES FOR AN
15 EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.

16 (2) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A
17 LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY
18 ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE
19 ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.

20 (B) PENALTY.

21 A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:

22 (1) FOR A FIRST OFFENSE, A \$100 FINE; AND

23 (2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500
24 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 13-101(d) and (c)(2)(i)5 and (iv)2 and 4.

27 In subsection (a)(1) of this section, the reference to an “individual” is
28 substituted for the former reference to a “person” because this section applies
29 only to human beings.

1 Also in subsection (a)(1) of this section, the former reference to a “bona fide”
2 emergency is deleted as surplusage.

3 Defined terms: “Board” § 15–101
4 “License holder” § 1–101

5 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

6 **15–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

7 **(A) IN GENERAL.**

8 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
9 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
10 **PREMISES LICENSED UNDER THIS TITLE.**

11 **(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED**
12 **UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC**
13 **BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

14 **(B) PENALTY.**

15 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
16 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 11–304(a)(1) and, as it related to Caroline
19 County, (2).

20 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
21 under this title” is added for clarity.

22 Also in subsection (a)(1) of this section, the reference to an “individual” is
23 substituted for the former reference to a “person” because the prohibition
24 against consumption applies only to human beings.

25 Also in subsection (a)(1) of this section, the reference to “a premises licensed
26 under this title” is substituted for the former reference to “any premises open
27 to the general public, any place of public entertainment, or any place at which
28 setups or other component parts of mixed alcoholic drinks are sold under any
29 license issued under the provisions of the Business Regulation Article” for
30 brevity.

1 In subsection (a)(2) of this section, the reference to “a premises licensed under
2 this title” is substituted for the former reference to “the premises” for
3 consistency with the terminology used in subsection (a)(1) of this section.

4 In subsection (b) of this section, the reference to a person who “violates this
5 section” is substituted for the former reference to a person who is “found
6 consuming any alcoholic beverage on any premises open to the general public,
7 and any owner, operator or manager of those premises or places who
8 knowingly permits consumption between the hours provided by this section”
9 for brevity.

10 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
11 in this section” is deleted as unnecessary in light of § 3–905 of this article.

12 Also in subsection (b) of this section, the former reference to a fine “not less
13 than \$5” is deleted to conform to the statement of legislative policy in §
14 14–102 of the Criminal Law Article, which sets forth the general rule that,
15 notwithstanding a statutory minimum penalty, a court may impose a lesser
16 penalty of the same character.

17 Defined terms: “Alcoholic beverage” § 1–101
18 “Person” § 1–101

19 **15–2002. BEER LICENSES.**

20 **(A) CLASS A BEER LICENSE.**

21 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY**
22 **THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

23 **(B) CLASS B BEER LICENSE.**

24 **(1) A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON**
25 **MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

26 **(2) THE LICENSE HOLDER MAY SELL BEER AT A BAR OR COUNTER ON**
27 **SUNDAY.**

28 **(C) CLASS C BEER LICENSE.**

29 **(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON**
30 **MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

31 **(2) THE LICENSE HOLDER MAY SELL BEER AT A BAR OR COUNTER ON**
32 **SUNDAY.**

1 **(D) CLASS D BEER LICENSE.**

2 **A HOLDER OF A 7-DAY CLASS D BEER LICENSE MAY SELL BEER ON MONDAY**
3 **THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 11-301(a)(2), (c)(2), and (d)(2), 11-506(1), and,
6 as it related to beer licenses, 11-403(a)(5).

7 Throughout this section, the references to "beer" are substituted for the former
8 references to "alcoholic beverages" for clarity.

9 Former Art. 2B, § 11-403(b)(2)(vi)4, which stated that a Class C beer license
10 holder may sell beer from 8 a.m. to 12 midnight, is deleted as obsolete in light
11 of subsection (c) of this section.

12 Defined term: "Beer" § 1-101

13 **15-2003. BEER AND WINE LICENSES.**

14 **(A) CLASS A BEER AND WINE LICENSE.**

15 **A HOLDER OF A 6-DAY OR 7-DAY CLASS A BEER AND WINE LICENSE MAY SELL**
16 **BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE**
17 **FOLLOWING DAY.**

18 **(B) CLASS B BEER AND WINE LICENSE.**

19 **RESERVED.**

20 **(C) CLASS C BEER AND WINE LICENSE.**

21 **A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE**
22 **ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

23 **(D) CLASS D BEER AND WINE LICENSE.**

24 **A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE**
25 **ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

26 **(E) CLASS H BEER AND WINE LICENSE.**

1 **A HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE**
2 **ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 11-302(a)(3), (c)(4), (d)(4), and (e)(2) and
5 11-506(2).

6 Defined terms: "Beer" § 1-101
7 "Wine" § 1-101

8 **15-2004. BEER, WINE, AND LIQUOR LICENSES.**

9 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

10 **(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS A BEER, WINE, AND**
11 **LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH**
12 **SATURDAY FROM 6 A.M. TO 2 A.M.**

13 **(2) ON SUNDAY, A HOLDER OF A 7-DAY CLASS A BEER, WINE, AND**
14 **LIQUOR LICENSE MAY SELL FOR OFF-PREMISES CONSUMPTION:**

15 **(I) BEER AND WINE, FROM 8 A.M. TO MIDNIGHT; AND**

16 **(II) LIQUOR, FROM 1 P.M. TO MIDNIGHT.**

17 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

18 **(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS B BEER, WINE, AND**
19 **LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH**
20 **SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

21 **(2) THE HOLDER OF A 7-DAY CLASS B BEER, WINE, AND LIQUOR**
22 **LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM A BAR OR COUNTER ON SUNDAY.**

23 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

24 **(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY**
25 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2**
26 **A.M. THE FOLLOWING DAY.**

27 **(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A**
28 **BAR OR COUNTER ON SUNDAY.**

29 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

1 **A HOLDER OF A 6-DAY OR 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE**
 2 **MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, §§ 11-303(a)(2)(iii), (b)(1), (c)(1), and (d)(1) and
 5 (4), 11-506(3) and (4), and, as it related to beer, wine, and liquor licenses,
 6 11-403(a)(5).

7 Former Art. 2B, § 11-403(b)(2)(vi)1, 2, 3, and 5, which stated that a holder of
 8 a Class A, Class C, or Class D beer, wine, and liquor license may sell beer and
 9 wine from midnight to 2 a.m. and from 1 p.m. to midnight and liquor from
 10 midnight to 2 a.m. and from 8 a.m. to midnight, is deleted as obsolete. These
 11 provisions are superseded by subsections (a), (c), and (d) of this section, which
 12 revise former Art. 2B, §§ 11-303(a)(2)(iii), 11-506(4), and 11-303(d)(4).

13 Defined terms: "Beer" § 1-101
 14 "Wine" § 1-101

15 **15-2005. HOURS FOR DECEMBER 31 AND JANUARY 1.**

16 **(A) SALES ON DECEMBER 31 AND JANUARY 1 ALLOWED.**

17 **EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A**
 18 **HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR**
 19 **ON-PREMISES CONSUMPTION MAY SELL THE ALCOHOLIC BEVERAGES ALLOWED BY**
 20 **THE LICENSE FROM 2 P.M. ON DECEMBER 31 TO MIDNIGHT ON JANUARY 1, NO**
 21 **MATTER WHAT DAYS OF THE WEEK DECEMBER 31 AND JANUARY 1 FALL ON.**

22 **(B) SALE DURING HOURS AUTHORIZED BY LICENSE.**

23 **A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES**
 24 **FOR ON-PREMISES CONSUMPTION MAY SELL ALCOHOLIC BEVERAGES IN**
 25 **ACCORDANCE WITH THE HOURS AUTHORIZED BY THE LICENSE IF THE HOURS**
 26 **SPECIFIED FOR DECEMBER 31 AND JANUARY 1 UNDER SUBSECTION (A) OF THIS**
 27 **SECTION ARE MORE RESTRICTIVE THAN THE REGULAR HOURS.**

28 **(C) CLASS B OR D BEER SALES FOR OFF-PREMISES CONSUMPTION.**

29 **A HOLDER OF A CLASS B OR CLASS D LICENSE THAT ALLOWS BEER SALES FOR**
 30 **OFF-PREMISES CONSUMPTION MAY SELL BEER ON DECEMBER 31 AND JANUARY 1**
 31 **IN ACCORDANCE WITH THE PRIVILEGES GRANTED BY THE LICENSE.**

32 REVISOR'S NOTE: This section is new language derived without substantive
 33 change from former Art. 2B, § 11-402(g)(2).

1 In subsections (a) and (b) of this section, the references to “a license that allows
2 the sale of alcoholic beverages for on–premises consumption” are substituted
3 for the former references to “any on–sale license” to conform to terminology
4 used throughout this article.

5 In subsection (b) of this section, the reference to license holders who “may” sell
6 alcoholic beverages is substituted for the former reference to license holders
7 “elect[ing]” to sell alcoholic beverages for clarity.

8 Former Art. 2B, § 11–402(g)(1), which stated that former Art. 2B, § 11–402(g)
9 applied only in Caroline County, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “Beer” § 1–101

13 “License” § 1–101

14 GENERAL REVISOR’S NOTE TO SUBTITLE

15 Former Art. 2B, § 11–403(b)(1) and (2)(i) and (ii), which prohibited, with certain
16 exceptions, the selling or providing of alcoholic beverages on Sunday in Caroline,
17 Cecil, Dorchester, Garrett, Harford, Kent, Queen Anne’s, Somerset, Talbot, and
18 Worcester counties is deleted as obsolete.

19 SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.

20 15–2101. APPLICATION OF GENERAL PROVISIONS.

21 (A) WITHOUT EXCEPTION OR VARIATION.

22 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND
23 SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE
24 COUNTY WITHOUT EXCEPTION OR VARIATION:

25 (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);

26 (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);

27 (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND

28 (4) § 4–606 (“EFFECTS OF REVOCATION”).

29 (B) VARIATION.

1 **SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS**
2 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-2102 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the revocation and suspension of local licenses.

5 Former Art. 2B, § 10-405(a)(4), which stated that former Art. 2B, § 10-405,
6 which related to nudity and sexual displays, applied in Caroline County, is
7 deleted as unnecessary in light of the organization of this revised article.

8 Defined terms: “County” § 15-101

9 “License” § 1-101

10 “Local licensing board” § 1-101

11 **15-2102. NUDITY AND SEXUAL DISPLAYS.**

12 **NOTWITHSTANDING THE MANDATORY REVOCATION REQUIREMENT FOR**
13 **LOCAL LICENSING BOARDS UNDER § 4-605(A) OF THIS ARTICLE, AFTER A FINDING**
14 **THAT AN ACTIVITY LISTED IN § 4-605 OF THIS ARTICLE HAS OCCURRED, THE BOARD**
15 **MAY DECIDE WHETHER TO REVOKE A LICENSE.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-405(j)(2).

18 The phrase “[n]otwithstanding the mandatory revocation requirement for
19 local licensing boards under § 4-605(a) of this article” is added for clarity.

20 Former Art. 2B, § 10-405(j)(1), as it related to applying former Art. 2B,
21 § 10-405(j) to Caroline County, is deleted as unnecessary in light of the
22 organization of this revised article.

23 Defined terms: “Board” § 15-101

24 “License” § 1-101

25 “Local licensing board” § 1-101

26 **SUBTITLE 22. EXPIRATION OF LICENSES.**

27 **15-2201. APPLICATION OF GENERAL PROVISIONS.**

28 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
29 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

30 REVISOR’S NOTE: This section is new language added to incorporate by reference
31 the general provisions relating to the expiration of local licenses.

32 Defined terms: “County” § 15-101

1 "License" § 1-101

2 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

3 **15-2301. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE**
6 **HOLDER") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
7 **EXCEPTION OR VARIATION:**

8 **(1) § 4-802 ("EXPIRATION OF LICENSE ON DEATH OF LICENSE**
9 **HOLDER");**

10 **(2) § 4-804 ("TRANSFER OR REINSTATEMENT OF LICENSE");**

11 **(3) § 4-805 ("RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
12 **RESTRICTION"); AND**

13 **(4) § 4-806 ("REFUND").**

14 **(B) VARIATION.**

15 **SECTION 4-803 ("CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
16 **CONTINUATION OF BUSINESS") OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
17 **COUNTY, SUBJECT TO § 15-2302 OF THIS SUBTITLE.**

18 REVISOR'S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to the death of a local license holder.

20 Defined terms: "County" § 15-101

21 "License" § 1-101

22 "License holder" § 1-101

23 **15-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
24 **PARTNERSHIP OR CORPORATION.**

25 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
26 **SURVIVING OFFICER.**

27 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
28 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**

1 CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED
2 TO:

3 (I) THE SURVIVING SPOUSE;

4 (II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE
5 PARTNERSHIP; OR

6 (III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION
7 FOR THE BENEFIT OF THE CORPORATION.

8 (2) THE NEW LICENSE SHALL BE ISSUED:

9 (I) FOR THE BALANCE OF THE LICENSE YEAR; AND

10 (II) WITHOUT FURTHER PROCEEDINGS.

11 (B) RENEWAL LICENSE.

12 A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE
13 QUALIFIED TO HOLD THE LICENSE:

14 (1) THE SURVIVING SPOUSE;

15 (2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR

16 (3) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE
17 BENEFIT OF THE CORPORATION.

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-506(b)(4).

20 In the introductory language of subsection (a)(1) of this section, the former
21 phrase "[n]otwithstanding any provisions to the contrary in this article" is
22 deleted as surplusage.

23 Also in the introductory language of subsection (a)(1) of this section, the
24 former reference to an application to "the Comptroller ..., as the case may be,
25 that granted the license" is deleted as surplusage.

26 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
27 officer "of the corporation" is added for clarity.

28 In subsection (a)(2)(i) of this section, the former reference to the "current"
29 license year is deleted as implicit.

1 In subsection (a)(2)(ii) of this section, the former reference to “the necessity of”
2 further proceedings is deleted as surplusage.

3 In the introductory language of subsection (b) of this section, the former
4 reference to being qualified to hold the license “under this article” is deleted
5 as surplusage.

6 In subsection (b)(2) of this section, the reference to the surviving “partners” of
7 a partnership is substituted for the former reference to the surviving
8 “members” of a partnership for accuracy.

9 In subsection (b)(3) of this section, the reference to the “senior surviving officer
10 of a corporation for the benefit of the corporation” is substituted for the former
11 reference to the “surviving members of a ... corporation” for accuracy and for
12 consistency with subsection (a) of this section.

13 Defined terms: “Board” § 15–101
14 “License” § 1–101
15 “License holder” § 1–101

16 SUBTITLE 24. JUDICIAL REVIEW.

17 15–2401. APPLICATION OF GENERAL PROVISIONS.

18 TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE
19 APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to the appeal of the decisions of the Board.

22 Defined term: “County” § 15–101

23 SUBTITLE 25. UNLICENSED ESTABLISHMENTS.

24 15–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.

25 (A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC
26 BEVERAGES.

27 A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND
28 ICE, OR SERVE, PROVIDE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC
29 BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A
30 PLACE OF ADULT ENTERTAINMENT THAT:

1 **(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

2 **(2) ALLOWS IN THE ESTABLISHMENT ANY FORM OF SEXUAL DISPLAY**
 3 **OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

4 **(B) PROHIBITION AGAINST OPERATOR.**

5 **A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT**
 6 **LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
 7 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

8 **(C) PENALTY.**

9 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 10 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 11 **NOT EXCEEDING \$10,000 OR BOTH.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 20-103.2(a), (c), and (d).

14 In the introductory language of subsection (a) of this section, the reference to
 15 a place of "adult entertainment" is substituted for the former reference to a
 16 place of public entertainment that "allows on its premises any form of attire
 17 or sexual display prohibited under § 10-405 of this article" for clarity.

18 Also in the introductory language of subsection (a) of this section, the
 19 references to "serve" are substituted for the former references to "dispense" for
 20 clarity.

21 Former Art. 2B, § 20-103.2(b), which provided that former Art. 2B, § 20-103.2
 22 applied only in Caroline County, is deleted as unnecessary in light of the
 23 organization of this revised article.

24 The Alcoholic Beverages Article Review Committee notes, for consideration by
 25 the General Assembly, that in subsection (a) of this section, a place of adult
 26 entertainment is not allowed to serve or provide setups, including drinking
 27 containers and ice, or other component parts of mixed drinks. This broad
 28 prohibition would include such items as ice cubes and ginger ale.

29 Defined terms: "Alcoholic beverage" § 1-101

30 "License" § 1-101

31 "Person" § 1-101

32 **15-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 33 **BEVERAGES IS PROHIBITED.**

1 **(A) PROHIBITION AGAINST INDIVIDUAL.**

2 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
3 **ALCOHOLIC BEVERAGES IN:**

4 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

5 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

6 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
7 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
8 **BUSINESS REGULATION ARTICLE.**

9 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

10 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
11 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
12 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
13 **THIS SECTION.**

14 **(C) PENALTY.**

15 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
16 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
19 (2).

20 In subsection (a)(1) of this section, the reference to an "establishment" is
21 substituted for the former reference to "premises" to avoid the implication that
22 the establishment is licensed.

23 In subsection (b) of this section, the former reference to an "operator" is deleted
24 as included in the reference to a "manager".

25 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
26 to conform to the statement of legislative policy in § 14-102 of the Criminal
27 Law Article, which sets forth the general rule that, notwithstanding a
28 statutory minimum penalty, a court may impose a lesser penalty of the same
29 character.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
31 the General Assembly, that under § 15-2501 of this subtitle, a person who

1 operates an unlicensed business establishment who knowingly allows a
2 customer to bring alcoholic beverages for consumption into the establishment
3 is subject to imprisonment not exceeding 2 years or a fine not exceeding
4 \$10,000 or both. Under this section, however, an owner or a manager of an
5 unlicensed establishment who allows the consumption of alcoholic beverages
6 in the establishment is subject only to a fine not exceeding \$50.

7 Defined terms: "Alcoholic beverage" § 1-101
8 "Person" § 1-101

9 **SUBTITLE 26. ENFORCEMENT.**

10 **15-2601. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
13 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
14 **VARIATION:**

15 **(1) § 6-202 ("INSPECTIONS");**

16 **(2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND**
17 **QUALITY OF ALCOHOLIC BEVERAGES");**

18 **(3) § 6-204 ("POWER TO SUMMON WITNESSES");**

19 **(4) § 6-205 ("PEACE OFFICERS");**

20 **(5) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
21 **ALCOHOLIC BEVERAGE");**

22 **(6) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
23 **EVIDENCE OF SALE");**

24 **(7) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF**
25 **ALCOHOL IN PUBLIC PLACES");**

26 **(8) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
27 **CONSUMPTION"); AND**

28 **(9) § 6-211 ("FINES AND FORFEITURES").**

29 **(B) EXCEPTION.**

1 **SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
2 **LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS**
3 **SUPERSEDED BY § 15-2602 OF THIS SUBTITLE.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to enforcement.

6 Defined terms: “Alcoholic beverage” § 1-101
7 “County” § 15-101
8 “State” § 1-101

9 **15-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

10 **THE COUNTY MAY:**

11 **(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE**
12 **PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-319 OF THIS**
13 **ARTICLE; AND**

14 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
15 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
16 **HIGHWAY.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 19-103(a)(4).

19 In item (1) of this section, the reference to “the prohibition against disorderly
20 intoxication under § 6-319 of this article” is substituted for the former obsolete
21 reference to “this subheading”.

22 In item (2) of this section, the former reference to the public “in general” is
23 deleted as surplusage.

24 Defined terms: “Alcoholic beverage” § 1-101
25 “County” § 15-101

26 **SUBTITLE 27. PROHIBITED ACTS.**

27 **15-2701. APPLICATION OF GENERAL PROVISIONS.**

28 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
2 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
3 **VARIATION:**

4 **(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
5 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

6 **(2) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

7 **(3) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
8 **INDIVIDUAL”);**

9 **(4) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
10 **INTOXICATED INDIVIDUAL”);**

11 **(5) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF**
12 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

13 **(6) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR**
14 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
15 **YEARS”);**

16 **(7) § 6–310 (“PROVIDING FREE FOOD”);**

17 **(8) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
18 **DEALER”);**

19 **(9) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

20 **(10) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE**
21 **CONTAINER”);**

22 **(11) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
23 **DETACHABLE METAL TAB”);**

24 **(12) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
25 **REGULAR LABEL PRESUMED ILLICIT”);**

26 **(13) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

27 **(14) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC**
28 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

1 (15) § 6-320 (“DISORDERLY INTOXICATION”);

2 (16) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
3 PUBLIC”);

4 (17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
5 MACHINE”);

6 (18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
7 BEVERAGES”);

8 (19) § 6-327 (“TAX EVASION”);

9 (20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

10 (21) § 6-329 (“PERJURY”).

11 (B) VARIATION.

12 SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS
13 ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-2702 OF THIS SUBTITLE.

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to prohibited acts.

16 Defined terms: “Alcoholic beverage” § 1-101

17 “County” § 15-101

18 “License holder” § 1-101

19 “Retail dealer” § 1-101

20 15-2702. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.

21 AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN
22 CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS
23 ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN
24 CONSENT OF THE OWNER OF THE PROPERTY.

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 19-301(a)(2).

27 The former definition of “unless authorized” is revised as a substantive
28 statement describing the circumstances under which an individual may
29 possess an alcoholic beverage in an open container for clarity.

1 Former Art. 2B, § 19–301(a)(1)(i), which stated that former Art. 2B, §
 2 19–301(a)(2) applied in Caroline County, is deleted as unnecessary in light of
 3 the organization of this revised title.

4 The Alcoholic Beverages Article Review Committee notes, for consideration by
 5 the General Assembly, that this section does not specify to whom the written
 6 consent must be presented.

7 Defined term: “Alcoholic beverage” § 1–101

8 **15–2703. GAMBLING AT LICENSED ESTABLISHMENT BY INDIVIDUAL UNDER THE**
 9 **AGE OF 18 YEARS.**

10 **(A) PROHIBITED.**

11 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT ALLOW**
 12 **AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO PLAY POOL, BILLIARDS,**
 13 **SHUFFLEBOARD, PINBALL, A CONSOLE MACHINE, OR ANY OTHER GAME OF CHANCE**
 14 **OR SKILL IN THE LICENSED ESTABLISHMENT UNLESS THE INDIVIDUAL IS**
 15 **ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.**

16 **(B) PENALTY.**

17 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
 18 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
 19 **EXCEEDING 30 DAYS OR A FINE OR BOTH.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 12–206.

22 In subsection (b) of this section, the former reference to “indictment” is deleted
 23 as unnecessary.

24 Also in subsection (b) of this section, the former reference to a fine “of not less
 25 than \$50” is deleted as unenforceable in light of § 14–102 of the Criminal Law
 26 Article, which provides that if a law sets a minimum penalty, the court in lieu
 27 of the minimum penalty may impose a lesser penalty of the same character.

28 The Alcoholic Beverages Article Review Committee notes, for consideration by
 29 the General Assembly, that this section does not specify a limit on the
 30 maximum amount of the fine that may be imposed.

31 Defined terms: “Beer” § 1–101

32 “License” § 1–101

33 “License holder” § 1–101

34 “Wine” § 1–101

1 In subsection (b)(1) of this section, the reference to a penalty that “does not”
 2 limit any other penalty is substituted for the former reference to a penalty
 3 that is “not intended” to limit any other penalty for clarity.

4 Also in subsection (b)(1) of this section, the former reference to “specific or
 5 general” penalties is deleted as surplusage.

6 Also in subsection (b)(1) of this section, the former reference to a violation
 7 “under this article” is deleted as surplusage.

8 In subsection (b)(2) of this section, the former phrase “[i]ntended to be” is
 9 deleted as surplusage.

10 In subsection (c) of this section, the reference to “[f]ines” is substituted for the
 11 former reference to “[a]ll moneys” for clarity.

12 Former Art. 2B, § 16–507(g)(1), which stated that the provisions of former Art.
 13 2B, § 16–507(g) applied only in Caroline County, is deleted as unnecessary in
 14 light of the organization of this revised article.

15 Defined terms: “Board” § 15–101

16 “County” § 15–101

17 “License” § 1–101

18 TITLE 16. CARROLL COUNTY.

19 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

20 16–101. DEFINITIONS.

21 (A) IN GENERAL.

22 IN THIS TITLE:

23 (1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT
 24 EXCEPTION OR VARIATION; AND

25 (2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

26 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
 27 by reference terms defined for the entire article.

28 Item (2) of this subsection is new language added as the standard introductory
 29 language to a definition section.

30 (B) BOARD.

1 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CARROLL**
2 **COUNTY.**

3 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
4 full reference to the “Board of License Commissioners for Carroll County”.

5 **(C) COUNTY.**

6 **“COUNTY” MEANS CARROLL COUNTY.**

7 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
8 full reference to “Carroll County”.

9 **16–102. SCOPE OF TITLE.**

10 **THIS TITLE APPLIES ONLY IN CARROLL COUNTY.**

11 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
12 organization of this revised article.

13 **16–103. COPY OF LEGISLATION.**

14 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
15 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
16 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
17 **MARYLAND 21401.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 18–103.

20 The reference to the “County Commissioners” is substituted for the former
21 reference to the “local governing body” for clarity.

22 The reference to this “title” is substituted for the former reference to this
23 “subtitle” to conform to the organization of this revised article. Under the
24 former law, each local governing body derived its authority to enact alcoholic
25 beverages legislation from a common subtitle. Under this revised article, each
26 local governing body derives its authority from the title dedicated to the
27 jurisdiction of the local governing body.

28 Defined terms: “Alcoholic beverage” § 1–101
29 “County” § 16–101

30 **GENERAL REVISOR’S NOTE TO SUBTITLE**

1 Throughout this title, the references to “wine” are substituted for the former
2 references to “light wine” to reflect that license holders in the County may sell wine
3 with a maximum alcohol content of 22%, which is above the traditional maximum
4 level of 15.5% for light wine.

5 Correspondingly, former Art. 2B, § 4–101(h), which defined “light wine” in the
6 County as a fermented beverage that contains not in excess of 22% of alcohol by
7 volume, is deleted because the definition is not used in this title.

8 SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.

9 16–201. ESTABLISHED.

10 THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CARROLL COUNTY.

11 REVISOR’S NOTE: This section is new language added to state expressly what was
12 only implied in the former law, that an entity known as the Board of License
13 Commissioners for Carroll County exists.

14 16–202. MEMBERSHIP.

15 (A) COMPOSITION; APPOINTMENT OF MEMBERS.

16 THE COUNTY COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE
17 BOARD.

18 (B) TENURE.

19 (1) THE TERM OF A REGULAR MEMBER IS 3 YEARS.

20 (2) THE TERMS OF THE REGULAR MEMBERS ARE STAGGERED AS
21 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,
22 2016.

23 (C) REMOVAL.

24 THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN
25 OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from the first sentence of former Art. 2B, § 15–104(a)(1), except as it
28 related to the chair of the Board, and the first sentence of § 15–110(b).

1 In subsection (a) of this section, the reference to “members” is substituted for
2 the former reference to “persons” to conform to the terminology used
3 throughout this subtitle.

4 Also in subsection (a) of this section, the former reference to members
5 “constitut[ing]” the Board “of license commissioners for said county” is deleted
6 as surplusage.

7 In subsection (b) of this section, the references to “regular” members of the
8 Board are added for clarity.

9 Also in subsection (b) of this section, the requirement that the terms of the
10 members of the Board be staggered as required on July 1, 2016, is substituted
11 for the former obsolete requirement that the “first member of the Board be
12 appointed for one, two and three year terms, respectively ... each”. This
13 substitution is not intended to alter the term of any member of the Board of
14 License Commissioners for Carroll County.

15 In subsection (c) of this section, the reference to “misconduct in office,
16 incompetence, or willful neglect of duty” is substituted for the former reference
17 to “the causes in this section prescribed” for clarity.

18 Also in subsection (c) of this section, the former reference to the County
19 Commissioners removing a member of a board of license commissioners
20 “appointed by them” is deleted as unnecessary because all of the members are
21 appointed by the County Commissioners.

22 Former Art. 2B, § 15–101(h), which provided that the provisions of former Art.
23 2B, § 15–104 apply in Carroll County, is deleted as unnecessary in light of the
24 organization of this revised article.

25 Defined terms: “Board” § 16–101
26 “County” § 16–101

27 **16–203. SUBSTITUTE MEMBER.**

28 **(A) APPOINTMENT BY COUNTY COMMISSIONERS.**

29 **THE COUNTY COMMISSIONERS SHALL APPOINT ONE SUBSTITUTE MEMBER TO**
30 **THE BOARD TO SERVE IF A REGULAR MEMBER IS ABSENT OR INCAPACITATED.**

31 **(B) TENURE.**

32 **THE COUNTY COMMISSIONERS SHALL PROVIDE A TERM OF OFFICE FOR THE**
33 **SUBSTITUTE MEMBER.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–104(a)(2)(i) and, except as it related to the
3 salary of the substitute member, (ii).

4 In subsection (a) of this section, the reference to a “substitute” member is
5 substituted for the former reference to an “additional” member to conform to
6 the terminology used throughout this subtitle.

7 Defined terms: “Board” § 16–101

8 “County” § 16–101

9 **16–204. CHAIR.**

10 **THE COUNTY COMMISSIONERS SHALL DESIGNATE A CHAIR FROM AMONG THE**
11 **REGULAR MEMBERS OF THE BOARD.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from the first sentence of former Art. 2B, § 15–104(a)(1), as it related
14 to the designation of a chair.

15 The reference to a “chair” is substituted for the former reference to a
16 “chairman” because SG § 2–1238 requires the use of words that are neutral as
17 to gender to the extent practicable.

18 The phrase “from among the regular members of the Board” is substituted for
19 the former phrase “one of them” for clarity.

20 Defined terms: “Board” § 16–101

21 “County” § 16–101

22 **16–205. MEETINGS; SALARIES; STAFF.**

23 **(A) MEETINGS.**

24 **THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

25 **(B) SALARIES.**

26 **THE COUNTY COMMISSIONERS SHALL SET:**

27 **(1) THE ANNUAL SALARIES OF THE REGULAR MEMBERS OF THE**
28 **BOARD; AND**

29 **(2) THE SALARY OF THE SUBSTITUTE MEMBER ON A PER DIEM BASIS.**

1 (C) STAFF.

2 THE BOARD MAY:

3 (1) EMPLOY:

4 (I) A SECRETARY;

5 (II) INSPECTORS; AND

6 (III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND

7 (2) SET THE COMPENSATION OF THE EMPLOYEES.

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, §§ 15–109(h), 15–112(a)(2), and 15–104(a)(2)(ii),
10 as it related to the salary of the substitute member, and the second sentence
11 of (a)(1).

12 In subsection (b)(1) of this section, the reference to “regular” members of the
13 Board is added for clarity.

14 In subsection (b)(2) of this section, the reference to a “substitute” member is
15 substituted for the former reference to an “additional” member to conform to
16 the terminology used throughout this subtitle.

17 In subsection (c) of this section, the former phrase “except as otherwise
18 provided by this article” is deleted as unnecessary.

19 In subsection (c)(1)(iii) of this section, the reference to “assistants” is
20 substituted for the former reference to “assistance” for clarity.

21 Defined terms: “Board” § 16–101

22 “County” § 16–101

23 **16–206. REGULATIONS.**

24 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 16–301(a), as it related to the authority of the
27 Board to adopt regulations.

28 The defined term “Board” is substituted for the former reference to “the board
29 of license commissioners from any county or Baltimore City, respectively”

1 because this section applies only to the Board of License Commissioners for
2 Carroll County.

3 The reference to the Board “adopt[ing] regulations to carry out” this article is
4 substituted for the former reference to the Board “hav[ing] full power and
5 authority to adopt such reasonable rules and regulations as they may deem
6 necessary to enable them effectively to discharge the duties imposed upon
7 them by” this article for brevity.

8 The former phrase “[i]n addition to the powers otherwise provided by this
9 article,” is deleted as surplusage.

10 Defined term: “Board” § 16–101

11 **SUBTITLE 3. LIQUOR CONTROL.**

12 **16–301. LIQUOR CONTROL — NOT APPLICABLE.**

13 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
14 **IN THE COUNTY.**

15 REVISOR’S NOTE: This section is new language added to clarify that there is no
16 liquor control board or department of liquor control in the County.

17 Defined term: “County” § 16–101

18 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

19 **16–401. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
22 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
23 **EXCEPTION OR VARIATION:**

24 **(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**

25 **(2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**

26 **(3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**

27 **(4) § 2–205 (“CLASS 3 WINERY LICENSE”);**

28 **(5) § 2–207 (“CLASS 5 BREWERY LICENSE”);**

1 (6) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);

2 (7) § 2-211 (“RESIDENCY REQUIREMENT”);

3 (8) § 2-212 (“ADDITIONAL LICENSES”);

4 (9) § 2-213 (“ADDITIONAL FEES”);

5 (10) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

6 (11) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
7 AND RETAILERS”);

8 (12) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
9 PROHIBITED PRACTICES”); AND

10 (13) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
11 RETAILERS — PROHIBITED”).

12 **(B) EXCEPTIONS.**

13 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
14 LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

15 (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

16 (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
17 PROHIBITED”).

18 **(C) VARIATIONS.**

19 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
20 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

21 (1) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO §
22 16-403 OF THIS SUBTITLE;

23 (2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO §
24 16-404 OF THIS SUBTITLE; AND

25 (3) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §
26 16-405 OF THIS SUBTITLE.

1 REVISOR'S NOTE: Subsections (a) and (c) of this section are new language added to
 2 incorporate by reference general provisions relating to the issuance of
 3 manufacturer's licenses.

4 Subsection (b)(1) of this section is new language derived without substantive
 5 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
 6 implicit in the former law, that a limited distillery license may not be issued
 7 in the County.

8 Subsection (b)(2) of this section is new language derived without substantive
 9 change from the introductory language of former Art. 2B, § 12–112(a), as it
 10 limited to specific jurisdictions, not including Carroll County, the application
 11 of the general prohibition against beer sale on credit to retail dealers revised
 12 in § 2–215 of Division I of this article. No substantive change is intended.

13 Defined terms: "County" § 16–101
 14 "Manufacturer's license" § 1–101

15 **16–402. HOURS AND DAYS OF SALE OR DELIVERY.**

16 **A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER**
 17 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 18 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 11–101(b)(5).

21 Defined terms: "Alcoholic beverage" § 1–101
 22 "Manufacturer's license" § 1–101

23 **16–403. CLASS 4 LIMITED WINERY LICENSE.**

24 **(A) APPLICATION OF SECTION.**

25 **THIS SECTION APPLIES TO A CLASS 4 LIMITED WINERY LICENSE IN THE**
 26 **COUNTY.**

27 **(B) CLASS A WINE LICENSE — QUOTA EXEMPTION.**

28 **A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A**
 29 **CLASS A WINE LICENSE UNDER § 16–701 OF THIS TITLE IS EXEMPT FROM ANY**
 30 **LICENSE POPULATION QUOTA LIMITATION ESTABLISHED UNDER § 16–1601 OF THIS**
 31 **TITLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 2-205(b)(1) and 9-207(h)(5).

3 In subsection (b) of this section, the reference to a "license population" quota
4 limitation is added for consistency within this division.

5 Also in subsection (b) of this section, the reference to a "holder of a Class 4
6 limited winery license" is substituted for the former reference to a "winery" for
7 clarity and consistency with § 16-701 of this title.

8 Defined terms: "County" § 16-101

9 "License" § 1-101

10 "Wine" § 1-101

11 **16-404. CLASS 6 PUB-BREWERY LICENSE.**

12 **(A) APPLICATION OF SECTION.**

13 **THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE**
14 **COUNTY.**

15 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

16 **SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a
19 Class 6 pub-brewery license in Carroll County, and, as it authorized off-sale
20 privileges of beer in refillable containers only in specific jurisdictions, not
21 including Carroll County, the introductory language of (g)(1).

22 Defined terms: "County" § 16-101

23 "License" § 1-101

24 **16-405. CLASS 7 MICRO-BREWERY LICENSE.**

25 **(A) APPLICATION OF SECTION.**

26 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
27 **COUNTY.**

28 **(B) DISTANCE RESTRICTION.**

29 **(1) IN THIS SUBSECTION, "PROTECTED BUILDING" MEANS:**

- 1 **(I) AN ELEMENTARY SCHOOL;**
2 **(II) A SECONDARY SCHOOL; OR**
3 **(III) A CHURCH OR OTHER PLACE OF WORSHIP.**

4 **(2) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO A**
5 **MICRO-BREWERY THAT WAS IN EXISTENCE ON JULY 1, 1997.**

6 **(3) (I) A MICRO-BREWERY MAY NOT BE LOCATED WITHIN 300 FEET**
7 **OF A PROTECTED BUILDING.**

8 **(II) THE DISTANCE SHALL BE MEASURED FROM THE NEAREST**
9 **POINT OF THE BUILDING IN WHICH THE MICRO-BREWERY IS LOCATED TO THE**
10 **NEAREST POINT OF THE PROPERTY LINE ON WHICH THE PROTECTED BUILDING IS**
11 **LOCATED.**

12 **(4) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION, IF A**
13 **MICRO-BREWERY WAS ESTABLISHED AT ITS LICENSED PREMISES BEFORE A**
14 **PROTECTED BUILDING WAS ESTABLISHED WITHIN 300 FEET OF THE**
15 **MICRO-BREWERY, THE COMPTROLLER MAY RENEW THE LICENSE OF THE**
16 **MICRO-BREWERY.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 2-208(a) and (b)(2)(viii) and 9-207(c) through
19 (g).

20 In subsection (b) of this section, the references to a "micro-brewery" are
21 substituted for the former references to "licensed premises" for clarity.

22 In subsection (b)(2) of this section, the reference to "[p]aragraph (3) of this
23 subsection" is substituted for the former reference to "[d]istance restriction
24 requirements" for clarity.

25 In subsection (b)(3)(i) of this section, the requirement that a micro-brewery
26 "may not be located within" a specific distance of a protected building is
27 substituted for the former reference to the "distance restriction requirement
28 between" a micro-brewery and a protected building being a specific distance
29 for clarity.

30 In subsection (b)(4) of this section, the reference to renewing the license "of
31 the micro-brewery" is added for clarity.

32 Also in subsection (b)(4) of this section, the reference to a micro-brewery that
33 "was established at its licensed premises before a protected building was

1 established” within a specific distance is substituted for the former reference
 2 to a micro–brewery that “preceded the location of the protected building but
 3 the protected building is located” within a specific distance for clarity.

4 Also in subsection (b)(4) of this section, the former reference to the “Office of
 5 the” Comptroller is deleted as unnecessary.

6 Former Art. 2B, § 2–208(i), which provided a cross–reference to distance
 7 restrictions applicable to micro–breweries in Carroll County, is deleted as
 8 unnecessary in light of the revision of those restrictions in subsection (b) of
 9 this section.

10 Former Art. 2B, § 9–207(b), which provided that the distance restrictions
 11 applied only to micro–brewery licenses as set forth in former Art. 2B, § 2–208,
 12 is deleted as unnecessary in light of subsection (a) of this section and the use
 13 of the term “micro–brewery” throughout this section.

14 Defined terms: “Comptroller” § 1–101
 15 “County” § 16–101
 16 “License” § 1–101

17 SUBTITLE 5. WHOLESALER’S LICENSES.

18 16–501. APPLICATION OF GENERAL PROVISIONS.

19 (A) WITHOUT EXCEPTION OR VARIATION.

20 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S
 21 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
 22 EXCEPTION OR VARIATION:

23 (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);

24 (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S
 25 LICENSE”);

26 (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);

27 (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);

28 (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);

29 (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);

30 (7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);

1 (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);

2 (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM
3 WHOLESALER’S VEHICLE”);

4 (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);

5 (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);

6 (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);

7 (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF
8 LICENSE OR PERMIT”);

9 (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND
10 RETAILERS”);

11 (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
12 PROHIBITED PRACTICES”); AND

13 (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS
14 AND RETAILERS — PROHIBITED”).

15 (B) EXCEPTION.

16 SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)
17 OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

18 REVISOR’S NOTE: Subsection (a) of this section is new language added to
19 incorporate by reference general provisions relating to the issuance of
20 wholesaler’s licenses.

21 Subsection (b) of this section is new language derived without substantive
22 change from the introductory language of former Art. 2B, § 12-112(a), as it
23 limited to specific jurisdictions, not including Carroll County, the application
24 of the general prohibition against beer sale on credit to retail dealers revised
25 in § 2-314 of this article. No substantive change is intended.

26 Defined terms: “County” § 16-101

27 “Wholesaler’s license” § 1-101

28 16-502. HOURS AND DAYS OF SALE OR DELIVERY.

1 **EXCEPT AS PROVIDED IN § 16-503 OF THIS SUBTITLE, A HOLDER OF A**
2 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
3 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
4 **SUNDAY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 11-102(a).

7 Defined terms: "Alcoholic beverage" § 1-101
8 "Wholesaler's license" § 1-101

9 **16-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

10 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

11 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
12 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
13 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
14 **RETURNS ON THE SAME DAY.**

15 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

16 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
17 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
18 **REQUIRED TO DISPENSE DRAFT BEER.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 11-102(b).

21 In subsection (a) of this section, the reference to a "per diem" license is
22 substituted for the former reference to a "special 1-day" license to conform to
23 the terminology used throughout this article.

24 Also in subsection (a) of this section, the reference to a per diem license issued
25 "under Subtitle 13 of this title" is substituted for the former reference to a
26 license issued "pursuant to § 7-101 of this article" to reflect the reorganization
27 of material relating to per diem licenses in titles for each applicable
28 jurisdiction in this revision.

29 Also in subsection (a) of this section, the reference to delivery of beer on the
30 "effective date of the per diem license" is substituted for the former reference
31 to delivery on the "effective day of the license" for clarity.

32 Also in subsection (a) of this section, the former reference to accepting returns
33 on the same day "of delivery" is deleted as surplusage.

1 In subsection (b) of this section, the language that the “agreement entered into
2 under subsection (a) of this section shall include [the type of equipment to
3 dispense draft beer]” is substituted for the former language that the “parties
4 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

5 Defined terms: “Beer” § 1–101

6 “Wholesaler’s license” § 1–101

7 **SUBTITLE 6. BEER LICENSES.**

8 **16–601. CLASS A BEER LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS A BEER LICENSE.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
13 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

14 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
15 **PACKAGE OR CONTAINER.**

16 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
17 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

18 **(C) FEE.**

19 **THE ANNUAL LICENSE FEE IS:**

20 **(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$200; AND**

21 **(2) BEGINNING ON JULY 1, 2017, \$250.**

22 **REVISOR’S NOTE:** This section is new language derived without substantive
23 change from former Art. 2B, § 3–101(h) and (a)(1).

24 In subsection (a) of this section, the former reference to a license being “issued
25 by the license issuing authority of the county in which the place of business is
26 located” is deleted as surplusage.

27 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
28 as implicit in the word “sell”.

1 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
2 deleted as surplusage.

3 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
4 the former reference to “deliver[ing]” for clarity and accuracy.

5 Defined terms: “Beer” § 1–101
6 “Consumer” § 1–101

7 **16–602. CLASS B BEER LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A CLASS B BEER LICENSE.**

10 **(B) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
12 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
13 **ON– AND OFF–PREMISES CONSUMPTION.**

14 **(C) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$130.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 3–201(h) and (a)(1).

18 In subsection (a) of this section, the former reference to a license being “issued
19 by the license issuing authority of the county in which the place of business is
20 located” is deleted as surplusage.

21 In subsection (b) of this section, the reference to “on– and off–premises
22 consumption” is substituted for the former reference to “consumption on the
23 premises or elsewhere” for clarity.

24 Also in subsection (b) of this section, the former phrase “keep for sale” is
25 deleted as implicit in the word “sell”.

26 Defined terms: “Beer” § 1–101
27 “Hotel” § 1–101
28 “Restaurant” § 1–101

29 **16–603. CLASS C BEER LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS C BEER LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
5 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
6 **LICENSE FOR ON-PREMISES CONSUMPTION.**

7 **(C) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$50.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 3-301(h) and (a)(1).

11 In subsection (a) of this section, the former reference to a license being "issued
12 by the local licensing authority of the county in which the place of business is
13 located" is deleted as surplusage.

14 In subsection (b) of this section, the former phrase "keep for sale" is deleted as
15 implicit in the word "sell".

16 Also in subsection (b) of this section, the former reference to "bona fide"
17 members is deleted as surplusage.

18 Defined terms: "Beer" § 1-101

19 "Club" § 1-101

20 **16-604. CLASS D BEER LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS D BEER LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
25 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
26 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

27 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

28 **(C) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$250.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 3-401(h) and (a)(1).

4 In subsection (a) of this section, the former reference to a license being "issued
5 by the license issuing authority of the county in which the place of business is
6 located" is deleted as surplusage.

7 In subsection (b)(1) of this section, the reference to "on- and off-premises"
8 consumption is substituted for the former reference to consumption "on the
9 premises or elsewhere" for clarity.

10 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
11 deleted as implicit in the word "sell".

12 Defined term: "Beer" § 1-101

13 **SUBTITLE 7. WINE LICENSES.**

14 **16-701. CLASS A WINE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

17 **(B) AUTHORIZED HOLDER.**

18 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY**
19 **LICENSE.**

20 **(C) SCOPE OF AUTHORIZATION.**

21 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
22 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE**
23 **WINERY.**

24 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
25 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

26 **(D) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$50.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 4–201(a)(5), (b)(1), (c)(1), and (d)(1).

3 Throughout this section, the references to “wine” are substituted for the
4 former references to “light wine” to reflect that license holders in the County
5 may sell wine with an alcohol content of 22%, which is above the traditional
6 maximum level of 15.5% for light wine.

7 In subsection (b) of this section, the reference to a “Class 4 limited winery
8 license” is substituted for the former reference to a “Class 4 manufacturer’s
9 license” to conform to the terminology used throughout this article.

10 Also in subsection (b) of this section, the former reference to a license being
11 issued “by the license issuing authority of the county in which the place of
12 business is located” is deleted as surplusage.

13 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
14 as implicit in the word “sell”.

15 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
16 any consumer” is deleted as surplusage.

17 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
18 former reference to “delivered” to conform to the terminology used throughout
19 this article.

20 Defined terms: “County” § 16–101
21 “Wine” § 1–101

22 **SUBTITLE 8. BEER AND WINE LICENSES.**

23 **16–801. CLASS A BEER AND WINE LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS A BEER AND WINE LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
28 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

29 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
30 **SEALED PACKAGE OR CONTAINER.**

1 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
2 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
3 **SOLD.**

4 **(C) FEE.**

5 **THE ANNUAL LICENSE FEE IS:**

6 **(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$340; AND**

7 **(2) BEGINNING ON JULY 1, 2017, \$500.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 5-101(h) and (a)(1).

10 In this section and throughout this subtitle, the references to "wine" are
11 substituted for the former references to "light wine" to reflect that license
12 holders in the County may sell wine with an alcohol content of 22%, which is
13 above the traditional maximum level of 15.5% for light wine.

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 In subsection (a) of this section and throughout this subtitle, the former
17 references to the license being "issued by the license issuing authority of the
18 county in which the place of business is located" are deleted as surplusage.

19 In subsection (b)(1) of this section and throughout this subtitle, the former
20 references to "keep[ing] for sale" are deleted as implicit in the references to
21 "sell[ing]".

22 In subsection (b)(2) of this section, the word "sell" is substituted for the former
23 word "deliver" to conform to the terminology used throughout this article.

24 Defined terms: "Beer" § 1-101

25 "Wine" § 1-101

26 **16-802. CLASS B BEER AND WINE LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS:**

29 **(1) A CLASS B BEER AND WINE 6-DAY LICENSE; AND**

1 **(2) A CLASS B BEER AND WINE 7-DAY LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
 4 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
 5 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

6 **(C) FEES.**

7 **THE ANNUAL LICENSE FEES ARE:**

8 **(1) \$160 FOR A 6-DAY LICENSE; AND**

9 **(2) \$1,000 FOR A 7-DAY LICENSE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 5-201(h) and (a)(1).

12 Subsection (a) of this section is revised in standard language used throughout
 13 this article to establish a license.

14 In subsection (b) of this section, the reference to "on- and off-premises
 15 consumption" is substituted for the former reference to "consumption on the
 16 premises or elsewhere" for clarity.

17 Defined terms: "Beer" § 1-101
 18 "Hotel" § 1-101
 19 "Restaurant" § 1-101
 20 "7-day license" § 1-101
 21 "6-day license" § 1-101
 22 "Wine" § 1-101

23 **16-803. CLASS C BEER AND WINE LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS C BEER AND WINE LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
 28 **A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE**
 29 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

1 **(C) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$70.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 5-301(h) and (a)(1).

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (b) of this section, the former reference to consumption "only" on
8 the premises is deleted as surplusage.

9 Also in subsection (b) of this section, the former reference to a "bona fide"
10 member is deleted as surplusage.

11 Defined terms: "Beer" § 1-101

12 "Club" § 1-101

13 "Wine" § 1-101

14 **16-804. CLASS D BEER AND WINE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS D BEER AND WINE LICENSE.**

17 **(B) SCOPE OF AUTHORIZATION.**

18 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
19 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
20 **OFF-PREMISES CONSUMPTION.**

21 **(C) DRUGSTORE PROHIBITION.**

22 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

23 **(D) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$250.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 5-401(a)(1) and (h)(3).

27 Subsection (a) of this section is revised in standard language used throughout
28 this article to establish a license.

1 In subsection (b) of this section, the reference to “on- and off-premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 Former Art. 2B, § 5-401(h)(1), which stated that former Art. 2B, § 5-401(h)
5 applied only in Carroll County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Defined terms: “Beer” § 1-101
8 “Wine” § 1-101

9 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

10 **16-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

13 **(B) SCOPE OF AUTHORIZATION.**

14 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
15 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

16 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
17 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
18 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

19 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

20 **THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE**
21 **APPLICANT:**

22 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
23 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
24 **THE LICENSE;**

25 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
26 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
27 **APPLIED FOR; OR**

28 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
29 **LEAST 3 YEARS.**

1 **(D) FEE.**

2 **THE ANNUAL LICENSE FEE IS:**

3 **(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$850; AND**

4 **(2) BEGINNING ON JULY 1, 2017, \$1,000.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 6–101(h) and (a)(1) and (3).

7 Subsection (a) of this section is revised in standard language used throughout
8 this title to establish a license.

9 In subsection (b) of this section, references to “beer, wine, or liquor” are
10 substituted for the former references to “alcoholic beverages” for clarity.

11 In subsection (b)(1) of this section, the former phrase “in any quantity” is
12 deleted as unnecessary.

13 Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for
14 the former phrase “to keep for sale and to sell” for brevity.

15 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
16 of the application for the license” is substituted for the former phrase “that
17 length of time” for clarity.

18 In subsection (c)(3) of this section, the former reference to “actually” engaged
19 is deleted as surplusage.

20 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
21 deleted as surplusage.

22 Defined terms: “Beer” § 1–101

23 “Wine” § 1–101

24 **16–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

2 **(1) A HOTEL THAT:**

3 **(I) ACCOMMODATES THE PUBLIC BY PROVIDING SERVICE**
4 **ORDINARILY FOUND IN HOTELS;**

5 **(II) HAS:**

6 **1. AT LEAST 25 ROOMS;**

7 **2. A LOBBY WITH REGISTRATION AND MAIL DESK; AND**

8 **3. A DINING ROOM THAT SERVES FULL-COURSE MEALS**
9 **AT LEAST TWICE DAILY AND THAT HAS REGULAR SEATING AT TABLES, NOT**
10 **INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND**

11 **(III) IS OPERATED IN FACILITIES THAT ARE VALUED FOR STATE**
12 **AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000; OR**

13 **(2) A RESTAURANT THAT:**

14 **(I) IS OPEN FOR BUSINESS AT LEAST 5 DAYS A WEEK AND**
15 **SERVES AT LEAST:**

16 **1. TWO FULL-COURSE MEALS EACH DAY IT IS OPEN**
17 **FROM MONDAY TO FRIDAY; AND**

18 **2. ONE FULL-COURSE MEAL EACH DAY IT IS OPEN ON**
19 **SATURDAY AND SUNDAY;**

20 **(II) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS**
21 **AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND**

22 **(III) IS OPERATED IN FACILITIES THAT ARE VALUED FOR STATE**
23 **AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **(1) IN THIS SUBSECTION, "PREMISES" MEANS AN AREA:**

26 **(I) INSIDE THE RESTAURANT WHERE MEALS ARE PREPARED**
27 **AND SERVED; OR**

1 (II) OUTSIDE THE RESTAURANT THAT IS APPROVED IN WRITING
2 BY THE BOARD.

3 (2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:

4 (I) BEER, WINE, AND LIQUOR FOR ON-PREMISES
5 CONSUMPTION;

6 (II) BEER FOR OFF-PREMISES CONSUMPTION 7 DAYS A WEEK;
7 AND

8 (III) WINE FOR OFF-PREMISES CONSUMPTION 7 DAYS A WEEK IF:

9 1. THE AREA USED TO PREPARE AND CONSUME FOOD
10 AND BEVERAGES OCCUPIES AT LEAST 90% OF THE SQUARE FOOTAGE OF THE
11 LICENSED PREMISES; AND

12 2. THE LICENSE HOLDER DOES NOT SELL MORE THAN
13 SIX BOTTLES OF WINE TO AN INDIVIDUAL AT ONE TIME.

14 (D) VALUATION OF NEW OR IMPROVED BUILDING FOR ASSESSMENT AND
15 TAXATION.

16 (1) IF A LICENSE APPLICATION IS MADE FOR A NEW OR IMPROVED
17 BUILDING, ON REQUEST BY THE BOARD THE SUPERVISOR OF ASSESSMENTS SHALL
18 ASSESS THE BUILDING AND ADVISE THE BOARD OF THE VALUATION OF THE
19 BUILDING FOR ASSESSMENT AND TAXATION.

20 (2) THE VALUATION OF THE BUILDING FOR ASSESSMENT AND
21 TAXATION DOES NOT AFFECT THE RENEWAL OR TRANSFER OF A CLASS B LICENSE
22 ISSUED BEFORE MAY 1, 1979.

23 (E) FEE.

24 THE ANNUAL LICENSE FEE IS \$1,500.

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 6-201(h)(2) and, as it related to the existence
27 of a Class B license, (a)(1).

28 Subsection (a) of this section is standard language used throughout this article
29 to establish a license.

1 In subsection (b)(1) of this section, the former reference to a “bona fide” hotel
2 is deleted as surplusage.

3 In subsection (b)(1)(ii)3 and (2)(ii) of this section, the references to
4 “individuals” are substituted for the former, broader references to “persons”
5 because the provisions refer only to human beings.

6 Also in subsection (b)(1)(ii)3 and (2)(ii), the former references to seating
7 “capacity” are deleted as surplusage.

8 In subsection (d)(2) of this section, the former phrase “prohibit in any manner”
9 is deleted as included in the reference to “does not affect”.

10 Former Art. 2B, § 6–201(h)(1)(i), which stated that former Art. 2B, § 6–201(h)
11 applied only in Carroll County, is deleted as unnecessary in light of the
12 organization of this revised article.

13 Former Art. 2B, § 6–201(h)(1)(ii), which defined “Board” as meaning the Board
14 of License Commissioners, is deleted as redundant of the definition of “Board”
15 in § 16–101 of this title.

16 Defined terms: “Beer” § 1–101
17 “Board” § 16–101
18 “Hotel” § 1–101
19 “Restaurant” § 1–101
20 “Wine” § 1–101

21 **16–903. CLASS BC BEER, WINE, AND LIQUOR LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS BC BEER, WINE, AND LIQUOR LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE BOARD MAY ISSUE A CLASS BC LICENSE TO AN APPLICANT THAT HAS:**

26 **(1) A HOTEL OR RESTAURANT THAT MEETS THE LICENSING**
27 **REQUIREMENTS IN § 16–902(C) OF THIS SUBTITLE; OR**

28 **(2) A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER,**
29 **WINE, AND LIQUOR LICENSE, IF THE APPLICANT SURRENDERS THE CLASS B**
30 **LICENSE TO THE BOARD BEFORE BEING ISSUED THE CLASS BC LICENSE.**

31 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:**

2 **(I) BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A RESTAURANT**
3 **OR HOTEL FOR ON-PREMISES CONSUMPTION;**

4 **(II) BEER 7 DAYS A WEEK AT A RESTAURANT OR HOTEL FOR**
5 **OFF-PREMISES CONSUMPTION; AND**

6 **(III) BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED**
7 **EVENT HELD OFF THE RESTAURANT OR HOTEL PREMISES FOR CONSUMPTION ON**
8 **THE PREMISES OF THE EVENT.**

9 **(2) THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION**
10 **AT THE CATERED EVENT.**

11 **(D) HOURS AND DAYS OF SALE.**

12 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
13 **HOURS AND ON THE DAYS AS SET OUT FOR A CLASS B LICENSE UNDER § 16-2005 OF**
14 **THIS TITLE.**

15 **(E) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$250 GREATER THAN THE FEE FOR A CLASS B**
17 **HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 6-201(h)(3)(i) through (vi).

20 In subsection (b)(1) of this section, the former reference to "conditions" is
21 deleted as included in the reference to "requirements".

22 In subsection (b)(2) of this section, the reference to "the Class BC license" is
23 substituted for the former reference to "a new license under this section" for
24 brevity.

25 In subsection (c)(2) of this section, the former reference to providing food "as
26 well as alcoholic beverages" is deleted as unnecessary in light of the reference
27 to "beer, wine, and liquor" in subsection (c)(1)(iii) of this section.

28 Defined terms: "Beer" § 1-101

29 "Board" § 16-101

30 "Hotel" § 1-101

31 "Restaurant" § 1-101

1 “Wine” § 1–101

2 **16–904. CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

5 **(B) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

7 **(1) SERVES AT LEAST ONE FULL–COURSE EVENING DINNER MEAL AT**
8 **LEAST 5 DAYS A WEEK;**

9 **(2) IS ONLY OPEN DURING THE TIME MEALS ARE SERVED;**

10 **(3) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATING AT**
11 **BARS AND COUNTERS, FOR AT LEAST 50 INDIVIDUALS ; AND**

12 **(4) IS OPERATED IN FACILITIES VALUED FOR STATE AND LOCAL**
13 **ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000.**

14 **(C) SCOPE OF AUTHORIZATION.**

15 **(1) IN THIS SUBSECTION, “PREMISES” MEANS AN AREA:**

16 **(I) INSIDE THE RESTAURANT WHERE MEALS ARE PREPARED**
17 **AND SERVED; OR**

18 **(II) OUTSIDE THE RESTAURANT THAT IS APPROVED IN WRITING**
19 **BY THE BOARD.**

20 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
21 **WINE, AND LIQUOR 7 DAYS A WEEK AT A RESTAURANT FOR CONSUMPTION:**

22 **(I) WITH MEALS ON THE LICENSED PREMISES; OR**

23 **(II) ON THE LICENSED PREMISES IN ACCORDANCE WITH**
24 **REGULATIONS THAT THE BOARD ADOPTS.**

25 **(D) VALUATION OF NEW OR IMPROVED BUILDING FOR ASSESSMENT AND**
26 **TAXATION.**

1 IF A LICENSE APPLICATION IS MADE FOR A NEW OR IMPROVED BUILDING, ON
2 REQUEST OF THE BOARD THE SUPERVISOR OF ASSESSMENTS SHALL ASSESS THE
3 BUILDING AND ADVISE THE BOARD OF THE VALUATION OF THE BUILDING FOR
4 ASSESSMENT AND TAXATION.

5 (E) CATERED EVENTS PRIVILEGE.

6 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT
7 A CATERED EVENT HELD OFF THE LICENSED PREMISES FOR CONSUMPTION ON THE
8 PREMISES OF THE CATERED EVENT IF THE LICENSE HOLDER:

9 (1) PROVIDES FOOD FOR CONSUMPTION AT THE CATERED EVENT;
10 AND

11 (2) PAYS AN ANNUAL FEE OF \$250 IN ADDITION TO THE ANNUAL
12 LICENSE FEE.

13 (F) FEE.

14 THE ANNUAL LICENSE FEE IS \$2,000.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 6-201(h)(4) and (3)(iii)3, (iv), and (vii).

17 In subsection (b)(3) of this section, the reference to "individuals" is substituted
18 for the former, broader references to "persons" because the provision refers
19 only to human beings.

20 Also in subsection (b)(3) of this section, the former reference to seating
21 "capacity" is deleted as surplusage.

22 In the introductory language of subsection (e) of this section, the reference to
23 "licensed" premises is substituted for the former reference to "restaurant or
24 hotel" premises for brevity.

25 Also in the introductory language of subsection (e) of this section, the reference
26 to "sell beer, wine, and liquor 7 days a week at a catered event" is substituted
27 for the former reference to "the privileges of the holder of a Class BC license
28 specified in subparagraph (2)(iii)3 of this subsection" for clarity.

29 In subsection (e)(1) of this section, the reference to "provides food for
30 consumption at the catered event" is substituted for the former phrase "subject
31 to the restrictions set forth in subparagraph (iv) of this subsection" for clarity.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that the hours and days of sale for the license are not
3 stated in statutory law.

4 Defined terms: "Beer" § 1-101
5 "Board" § 16-101
6 "Hotel" § 1-101
7 "Restaurant" § 1-101
8 "Wine" § 1-101

9 **16-905. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

10 (A) ESTABLISHED.

11 THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.

12 (B) SCOPE OF AUTHORIZATION.

13 (1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:

14 (I) HAS A DINING ROOM;

15 (II) HAS A REGULAR SEATING CAPACITY AT TABLES, EXCLUDING
16 SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND

17 (III) OPERATES IN A FACILITY WITH AN ASSESSED REAL
18 PROPERTY VALUATION OF AT LEAST \$20,000.

19 (2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
20 WINE, AND LIQUOR AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR
21 ON-PREMISES CONSUMPTION.

22 (C) FEE.

23 THE ANNUAL LICENSE FEE:

24 (1) FOR A CLUB THAT IS A LOCAL CHAPTER OF A NATIONALLY
25 ORGANIZED NONPROFIT FRATERNAL OR VETERANS' ORGANIZATION IS \$1,200; AND

26 (2) FOR ANY OTHER CLUB IS \$1,500.

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 6-301(h)(2) and the first sentence of (a)(1).

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In subsection (b)(1)(ii) of this section, the reference to “individuals” is
4 substituted for the former reference to “persons” because this provision applies
5 only to human beings.

6 In subsection (b)(2) of this section, the former reference to consumption “only”
7 on the licensed premises is deleted as surplusage.

8 Former Art. 2B, § 6–301(h)(1), which stated that former Art. 2B, § 6–301(h)
9 applied only in Carroll County, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Defined terms: “Beer” § 1–101

12 “Board” § 16–101

13 “Club” § 1–101

14 “Wine” § 1–101

15 **16–906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

16 **A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE**
17 **COUNTY.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 6–401(h).

20 Defined terms: “Beer” § 1–101

21 “County” § 16–101

22 “Wine” § 1–101

23 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

24 **16–1001. GOLF COURSE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

28 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE OR**
29 **ORGANIZATION THAT:**

30 **(1) IS OPEN TO THE PUBLIC;**

- 1 **(2) IS OPERATED FOR PROFIT;**
 2 **(3) OWNS REAL ESTATE IN THE COUNTY; AND**
 3 **(4) HAS A GOLF COURSE WITH A MINIMUM OF NINE HOLES.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
 6 **WINE, AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE BUILDINGS**
 7 **THAT ARE PART OF THE GOLF COURSE.**

8 **(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

9 **(D) HOURS AND DAYS OF SALE.**

10 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 11 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
 12 **UNDER § 16-2005 OF THIS TITLE.**

13 **(E) FEE.**

14 **THE ANNUAL LICENSE FEE IS \$1,500.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 8-501(b) through (g).

17 In subsection (b)(2) of this section, the former phrase "[s]ubject to the approval
 18 of the Board of License Commissioners" is deleted as implicit in the reference
 19 to "[t]he license" which is issued by the Board.

20 In subsection (d) of this section, the reference to the authority of the "license
 21 holder" to "sell beer, wine, and liquor during the hours and days as set out for
 22 a Class C beer, wine, and liquor license under § 16-2005 of this title" is
 23 substituted for the former reference to the "hours and days of sale are as
 24 specified in § 11-507 of this article" for clarity and consistency with similar
 25 provisions on hours and days of sale in this article.

26 Former Art. 2B, § 8-501(a), which stated that the provisions of former Art.
 27 2B, § 8-501 applied only in Carroll County, is deleted as unnecessary in light
 28 of the organization of this revised article.

29 Defined terms: "Beer" § 1-101
 30 "Board" § 16-101

1 “County” § 16–101

2 “Wine” § 1–101

3 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

4 **16–1101. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
7 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
8 **EXCEPTION OR VARIATION:**

9 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
10 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

11 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
12 **FROM LICENSED PREMISES”).**

13 **(B) EXCEPTION.**

14 **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
15 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

16 **(C) VARIATION.**

17 **SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
18 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16–1102 OF**
19 **THIS SUBTITLE.**

20 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
21 general provisions relating to additional privileges of license holders.

22 Defined terms: “Beer” § 1–101

23 “County” § 16–101

24 “License” § 1–101

25 “License holder” § 1–101

26 “Wine” § 1–101

27 **16–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

28 **(A) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
 2 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

3 **(B) APPLICATION FORM.**

4 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
 5 **BOARD PROVIDES.**

6 **(C) HOURS OF SALE.**

7 **THE HOURS OF SALE FOR THE PERMIT:**

8 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
 9 **LICENSE; AND**

10 **(2) END AT MIDNIGHT.**

11 **(D) FEES.**

12 **THE ANNUAL PERMIT FEES ARE:**

13 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
 14 **PRIVILEGE; AND**

15 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
 16 **OFF-SALE PRIVILEGE.**

17 **REVISOR'S NOTE:** This section is new language derived without substantive
 18 change from former Art. 2B, § 8-207(d) through (f).

19 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

20 Former Art. 2B, § 8-103(a)(1)(ii), which stated that former Art. 2B, §
 21 8-103, consisting of refillable container provisions, applied to Carroll County,
 22 and former Art. 2B, § 8-207(a), which stated that former Art. 2B, § 8-207
 23 applied only in Carroll County, are deleted as unnecessary in light of the
 24 organization of this revised article.

25 Former Art. 2B, § 8-207(b), which defined the term "Board" to mean the Board
 26 of License Commissioners, is deleted as redundant of the defined term "Board"
 27 in § 16-101 of this title.

28 Former Art. 2B, § 8-207(c), which stated that there is a refillable container
 29 permit, is deleted as unnecessary in light of § 4-1104 of this article.

1 Defined terms: "Board" § 16-101

2 "License" § 1-101

3 "Off-sale" § 1-101

4 "Person" § 1-101

5 **SUBTITLE 12. CATERER'S LICENSES.**

6 **16-1201. CLASS H CATERER'S LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS H CATERER'S BEER, WINE, AND LIQUOR LICENSE.**

9 **(B) AUTHORIZED HOLDER.**

10 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OR OPERATOR OF A**
11 **CATERING ESTABLISHMENT THAT HAS:**

12 **(1) ONE OR MORE BANQUET ROOMS SUITABLE FOR PUBLIC**
13 **GATHERINGS; AND**

14 **(2) FOOD PREPARATION FACILITIES ON THE PREMISES.**

15 **(C) SCOPE OF AUTHORIZATION.**

16 **THE LICENSE AUTHORIZES A HOLDER TO:**

17 **(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE EVENT TO:**

18 **(I) PROVIDE FOOD AND ALCOHOLIC BEVERAGES; OR**

19 **(II) PROVIDE FOOD AND ALLOW PATRONS TO BRING PERSONAL**
20 **ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE LICENSE HOLDER FOR**
21 **CONSUMPTION AT A CATERED EVENT; AND**

22 **(2) SELL ALCOHOLIC BEVERAGES AT RETAIL AT THE PREMISES**
23 **DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

24 **(D) FEE.**

25 **(1) THE ANNUAL LICENSE FEE IS EQUAL TO THE FEE FOR A CLASS B**
26 **BEER, WINE, AND LIQUOR LICENSE AS PROVIDED IN § 16-902 OF THIS TITLE.**

1 **(2) THE BOARD MAY NOT ISSUE THE LICENSE BEFORE PAYMENT OF**
 2 **THE FEE IS RECEIVED BY THE BOARD.**

3 **(E) EFFECT OF SECTION.**

4 **A HOTEL OR RESTAURANT THAT HOLDS A CLASS B RESTAURANT OR HOTEL**
 5 **BEER, WINE, AND LIQUOR LICENSE IS NOT REQUIRED TO OBTAIN A CLASS H**
 6 **CATERER’S LICENSE IF CATERING IS OR HAS BEEN A PART OF THE SERVICES**
 7 **PROVIDED BY THE HOLDER OF THE CLASS B LICENSE.**

8 REVISOR’S NOTE: Subsection (a) of this section is new language added to state
 9 expressly what was only implied in the former law, that a Class H license
 10 exists in Carroll County.

11 Subsections (b) through (e) of this section are new language derived without
 12 substantive change from former Art. 2B, § 6–703(c), (d), the first sentence of
 13 (e), and (b)(3).

14 Subsection (b) of this section is revised as a statement specifying the eligibility
 15 requirements of a Class H license, rather than as part of the former definition
 16 of a “caterer”, for clarity and to conform to the format used in licensing
 17 provisions throughout this article.

18 In the introductory language of subsection (b) of this section, the reference
 19 stating that the Board “may” issue a Class H license is substituted for the
 20 former reference stating that the Board “shall” issue the license to avoid the
 21 unintended implication that the Board is absolutely required to issue Class H
 22 licenses.

23 In subsection (c)(1)(ii) of this section, the reference to the “license holder” is
 24 substituted for the former reference to the “caterer” for clarity.

25 In subsection (c)(2) of this section, the former phrase “keep for sale” is deleted
 26 as included in the reference to “sell”.

27 Former Art. 2B, § 6–703(a), which stated that former Art. 2B, § 6–703 applied
 28 only in Carroll County, is deleted as unnecessary in light of the organization
 29 of this revised article.

30 Former Art. 2B, § 6–703(b)(2), which defined “Board”, is deleted as redundant
 31 of the definition of “Board” in § 16–101 of this title. Correspondingly, former
 32 Art. 2B, § 6–703(b)(1), which was the introductory language to the former
 33 definition subsection, is deleted as unnecessary.

34 The second sentence of former Art. 2B, § 6–703(e), which provided that any
 35 caterer holding a Class B beer, wine and liquor license shall automatically be

1 issued a Class H caterer's license without charge and surrender the Class B
2 license on receipt of the Class H license, is deleted as obsolete.

3 Defined terms: "Alcoholic beverage" § 1-101

4 "Beer" § 1-101

5 "Board" § 16-101

6 "Hotel" § 1-101

7 "Restaurant" § 1-101

8 "Wine" § 1-101

9 **16-1202. CLASS HC CATERER'S LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS HC CATERER'S (ON-SALE AND LIMITED**
12 **OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

13 **(B) AUTHORIZED HOLDER.**

14 **THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS H**
15 **CATERER'S BEER, WINE, AND LIQUOR LICENSE.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES A HOLDER TO:**

18 **(1) SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED**
19 **EVENT FOR CONSUMPTION:**

20 **(I) ON THE LICENSED PREMISES; OR**

21 **(II) ON THE PREMISES WHERE THE CATERED EVENT IS HELD;**

22 **AND**

23 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
24 **HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B HOTEL OR RESTAURANT**
25 **(ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

26 **(D) FOOD REQUIREMENT.**

27 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
28 **CATERED EVENT.**

29 **(E) LIMIT ON SELF-SPONSORED EVENTS.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A**
 2 **CALENDAR YEAR THE LICENSE HOLDER MAY HOLD NOT MORE THAN EIGHT EVENTS**
 3 **THAT THE LICENSE HOLDER SPONSORS.**

4 **(2) AN EVENT THAT THE LICENSE HOLDER SPONSORS MAY BE HELD**
 5 **ONLY AT A LOCATION AND ON A DATE THAT THE BOARD APPROVES IN ACCORDANCE**
 6 **WITH REGULATIONS THAT THE BOARD ADOPTS.**

7 **(F) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$250 GREATER THAN THE ANNUAL FEE FOR A**
 9 **CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR**
 10 **LICENSE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 6-703(f).

13 In subsection (c)(1)(ii) of this section, the former reference to catered events
 14 held "off the premises" is deleted as surplusage.

15 In subsection (c)(2) of this section, the reference to a holder "exercis[ing] the
 16 privileges of the license only during the hours and on the days authorized" for
 17 a Class B license is substituted for the former reference to "hours and days for
 18 sale for a Class HC licensee [being] the same as" for a Class B license to
 19 conform to the terminology used in other similar provisions of this article.

20 In subsection (d) of this section, the former reference to providing food "in
 21 addition to alcoholic beverages" is deleted as unnecessary in light of subsection
 22 (c)(1) of this section.

23 In subsection (e)(1) of this section, the reference to holding "not more than"
 24 eight events is substituted for the former reference to holding "only" eight
 25 events to clarify that the license holder does not have to hold exactly eight
 26 events.

27 Also in subsection (e)(1) of this section, the reference to events "that the license
 28 holder sponsors" is substituted for the former reference to events "that are
 29 self-sponsored" for clarity.

30 Defined terms: "Beer" § 1-101

31 "Board" § 16-101

32 "Hotel" § 1-101

33 "Off-sale" § 1-101

34 "On-sale" § 1-101

35 "Restaurant" § 1-101

1 “Wine” § 1–101

2 **SUBTITLE 13. TEMPORARY LICENSES.**

3 **PART I. IN GENERAL.**

4 **16–1301. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
7 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
8 **EXCEPTION OR VARIATION:**

9 **(1) § 4–1202 (“PER DIEM LICENSES”);**

10 **(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
11 **AND WINE LICENSES”);**

12 **(3) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
13 **LICENSE”);**

14 **(4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

15 **(5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

16 **(6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

17 **(7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

18 **(B) EXCEPTION.**

19 **SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT**
20 **APPLY IN THE COUNTY AND IS SUPERSEDED BY § 16–1311 OF THIS SUBTITLE.**

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 the general provisions relating to local temporary licenses.

23 Defined term: “County” § 16–101

24 **16–1302. RESERVED.**

25 **16–1303. RESERVED.**

1 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

2 **16-1304. BEER FESTIVAL LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A BEER FESTIVAL LICENSE.**

5 **(B) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
7 **CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM**
8 **BREWERY LICENSE.**

9 **(C) SCOPE OF AUTHORIZATION.**

10 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.**

11 **(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

12 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

13 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

14 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER**
15 **FESTIVAL.**

16 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

17 **THE BOARD SHALL:**

18 **(1) CHOOSE 1 WEEKEND FOR THE BEER FESTIVAL THAT DOES NOT**
19 **FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL BEER AND WINE FESTIVAL,**
20 **THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON**
21 **COUNTY, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

22 **(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

23 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS**
24 **THE PROMOTION OF MARYLAND BEER.**

25 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

1 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
2 **OR NATURE.**

3 **(G) FEE.**

4 **THE LICENSE FEE IS \$50 FOR A 1-DAY OR 2-DAY FESTIVAL.**

5 **(H) REGULATIONS.**

6 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 8-805(b) through (h).

9 Throughout this section, the former references to a "special" beer festival
10 license are deleted as surplusage.

11 Subsection (a) of this section is revised in standard language used throughout
12 this article to establish a license.

13 In subsection (b) of this section, the reference to a "retail license" is substituted
14 for the former reference to a "current retail alcoholic beverages license issued
15 in the State" for brevity.

16 Also in subsection (b) of this section, the former phrase "[n]otwithstanding any
17 other provision of this article," is deleted as unnecessary in light of the
18 organization of this revised article.

19 In the introductory language of subsection (d) of this section, the reference to
20 the requirement that a "license holder shall" display and sell is substituted for
21 the former reference to a "license entitl[ing] the holder to" display and sell for
22 clarity and consistency with terminology used throughout this article.

23 In subsections (d)(2) and (e)(2) of this section, the former references to a
24 festival or location "in Carroll County" are deleted as surplusage.

25 In subsection (e)(2) of this section, the reference to a "location that is not
26 already licensed" is substituted for the former reference to a "nonlicensed
27 premises" for consistency with terminology used throughout this article.

28 Also in subsection (e)(2) of this section, the former reference to a location "for
29 the special beer festival" is deleted as surplusage.

30 In subsection (f) of this section, the reference to a license holder who "may
31 hold" another license is substituted for the former statement that "[t]his
32 section does not prohibit the licensee from holding" another license for clarity.

1 Former Art. 2B, § 8–805(a), which defined the term “Board”, is deleted as
2 redundant in light of the defined term “Board” in § 16–101 of this title.

3 Defined terms: “Beer” § 1–101
4 “Board” § 16–101
5 “License” § 1–101
6 “License holder” § 1–101

7 **16–1305. WINE FESTIVAL LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A MARYLAND WINE FESTIVAL (MWF) LICENSE.**

10 **(B) AUTHORIZED HOLDER.**

11 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,
12 CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

13 **(C) SCOPE OF AUTHORIZATION.**

14 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS
15 PRODUCED AND PROCESSED IN THE STATE.**

16 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

17 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

18 **(1) AT RETAIL FOR ON– AND OFF–PREMISES CONSUMPTION; AND**

19 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE MARYLAND
20 WINE FESTIVAL IN CARROLL COUNTY.**

21 **(E) TIME AND LOCATION OF FESTIVAL.**

22 **THE COUNTY COMMISSIONERS:**

23 **(1) MAY CHOOSE 1 WEEKEND EACH YEAR DURING THE MONTHS OF
24 JULY, AUGUST, OR SEPTEMBER FOR THE MARYLAND WINE FESTIVAL; AND**

25 **(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

26 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

1 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
2 **OR NATURE.**

3 **(G) FEE.**

4 **THE LICENSE FEE IS \$200.**

5 **(H) REGULATIONS.**

6 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 8-306.

9 Throughout this section, the former references to a "special" festival license
10 are deleted as surplusage.

11 Subsection (a) of this section is revised in standard language used throughout
12 this article to establish a license.

13 In subsection (b) of this section, the reference to a "retail" license is substituted
14 for the former reference to an "existing State retail alcoholic beverages" license
15 for brevity.

16 Also in subsection (b) of this section, the former phrase "[n]otwithstanding any
17 other provision to the contrary," is deleted as unnecessary in light of the
18 organization of this revised article.

19 In subsection (c) of this section, the reference to the "license authoriz[ing] the
20 holder" to display and sell is substituted for the former reference to the
21 requirement that the "licensee shall" display and sell for clarity and
22 consistency with terminology used throughout this article.

23 In subsection (e)(2) of this section, the reference to a location "that is not
24 already licensed" is substituted for the former reference to a location "which
25 does not hold an alcoholic beverages license" for consistency with terminology
26 used throughout this article.

27 Also in subsection (e)(2) of this section, the former reference to the
28 Commissioners choosing a location in the County "for this festival" is deleted
29 as surplusage.

30 In subsection (f) of this section, the reference to the license holder who "may
31 hold" another license is substituted for the former statement that "[t]he

1 provisions of this section may not prohibit the licensee from holding” another
2 license for clarity.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that subsection (c) of this section, which authorizes the
5 holder of the license “to display and sell wine that is produced and processed
6 in the State”, may violate the Commerce Clause of the U.S. Constitution, as it
7 apparently excludes wine that is produced and processed outside the State.

8 Defined terms: “Board” § 16–101

9 “State” § 1–101

10 “Wine” § 1–101

11 **16–1306. BEER TASTING LICENSE.**

12 (A) ESTABLISHED.

13 THERE IS A BEER TASTING (BT) LICENSE.

14 (B) AUTHORIZED HOLDER.

15 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW)
16 LICENSE OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.

17 (C) SCOPE OF AUTHORIZATION.

18 THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF
19 BEER FOR TASTING IF:

20 (1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE BEER; AND

21 (2) THE CONSUMER IS NOT CHARGED FOR THE BEER.

22 (D) LIMIT ON SERVINGS.

23 THE BOARD SHALL REGULATE:

24 (1) THE QUANTITY OF BEER SERVED TO EACH INDIVIDUAL;

25 (2) THE NUMBER OF BOTTLES OR OTHER CONTAINERS OF BEER FROM
26 WHICH THIS QUANTITY IS SERVED; AND

27 (3) THE SIZE OF THE BOTTLES OR OTHER CONTAINERS.

1 **(E) FEE.**

2 **IN ADDITION TO THE COST OF A BW LICENSE OR BWL LICENSE, THE ANNUAL**
3 **LICENSE FEE IS \$100.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 8-901(c) through (g).

6 Subsection (a) of this section is revised in standard language used throughout
7 this article to establish a license.

8 In subsection (a) of this section, the former reference to "alcoholic beverages"
9 is deleted in light of the reference to "beer" in accordance with the scope of this
10 section.

11 In the introductory language of subsection (c) of this section, the reference to
12 the license authorizing "the holder to allow" the consumption of beer is added
13 for clarity and consistency with terminology used throughout this article.

14 Also in the introductory language of subsection (c) of this section, the former
15 phrase "or sampling purposes only" is deleted as surplusage.

16 In subsection (c)(2) of this section, the former reference to consideration not
17 being "exacted" is deleted as unnecessary in light of the reference to the
18 consumer not being "charged".

19 In subsection (d)(1) of this section, the reference to each "individual" is
20 substituted for the former, overbroad reference to each "person".

21 In subsection (e) of this section, the former phrases "[f]or holders of a BWL
22 license" and "[f]or holders of a BW license" are deleted as surplusage.

23 Former Art. 2B, § 8-901(a), which stated that former Art. 2B, § 8-901 applied
24 only in Carroll County, is deleted as unnecessary in light of the organization
25 of this revised article.

26 Former Art. 2B, § 8-901(b), which defined "Board" to mean the Carroll County
27 Board of License Commissioners, is deleted as redundant in light of the
28 defined term "Board" in § 16-101 of this title.

29 Former Art. 2B, § 8-901(h), which authorized the Board to adopt regulations
30 providing additional requirements to implement this section, is deleted as
31 unnecessary because the Board has power to adopt regulations under §
32 16-206 of this title.

33 Defined terms: "Beer" § 1-101

1 "Board" § 16-101
2 "Consumer" § 1-101
3 "Wine" § 1-101

4 **16-1307. WINE TASTING LICENSE.**

5 (A) ESTABLISHED.

6 THERE IS A WINE TASTING (WT) LICENSE.

7 (B) AUTHORIZED HOLDER.

8 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW)
9 LICENSE OR BEER, WINE, AND LIQUOR (BWL) LICENSE.

10 (C) SCOPE OF AUTHORIZATION.

11 THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF
12 WINE FOR TASTING IF:

13 (1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE WINE; AND

14 (2) THE CONSUMER IS NOT CHARGED FOR THE WINE.

15 (D) LIMIT ON SERVINGS.

16 THE BOARD SHALL REGULATE:

17 (1) THE QUANTITY OF WINE SERVED TO EACH INDIVIDUAL; AND

18 (2) THE NUMBER OF BOTTLES OF WINE FROM WHICH THIS QUANTITY
19 IS SERVED.

20 (E) FEE.

21 IN ADDITION TO THE COST OF A BW LICENSE OR BWL LICENSE, THE ANNUAL
22 LICENSE FEE IS \$100.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 8-405(a).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

1 In subsection (a) of this section, the former reference to “alcoholic beverages”
2 is deleted in light of the reference to “wine” in accordance with the scope of
3 this section.

4 In the introductory language of subsection (c) of this section, the reference to
5 the license authorizing “the holder to allow” the consumption of wine is added
6 for clarity and consistency with terminology used throughout this article.

7 Also in the introductory language of subsection (c) of this section, the former
8 phrase “or sampling purposes only” is deleted as surplusage.

9 In subsection (c)(2) of this section, the former reference to consideration not
10 being “exacted” is deleted as unnecessary in light of the reference to the
11 consumer not being “charged”.

12 In subsection (d)(1) of this section, the reference to each “individual” is
13 substituted for the former, overly broad reference to each “person” for clarity.

14 In subsection (e) of this section, the former phrases “[f]or holders of a BWL
15 license” and “[f]or holders of a BW license” are deleted as surplusage.

16 Former Art. 2B, § 8–405(b), which authorized the Board to adopt rules or
17 regulations providing additional requirements to implement this section, is
18 deleted as unnecessary because the Board has power to adopt regulations
19 under § 16–206 of this title.

20 Defined terms: “Beer” § 1–101
21 “Board” § 16–101
22 “Consumer” § 1–101
23 “Wine” § 1–101

24 **16–1308. LIQUOR TASTING LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A LIQUOR TASTING LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

28 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
29 **AND LIQUOR LICENSE.**

30 **(C) SCOPE OF AUTHORIZATION.**

31 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF**
32 **LIQUOR FOR TASTING IF:**

1 **(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE LIQUOR; AND**

2 **(2) THE CONSUMER IS NOT CHARGED FOR THE LIQUOR.**

3 **(D) LIMIT ON SERVINGS.**

4 **AN INDIVIDUAL MAY CONSUME LIQUOR AT A LIQUOR TASTING IN A QUANTITY**
5 **OF NOT MORE THAN:**

6 **(1) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR; AND**

7 **(2) FIVE OFFERINGS IN 1 DAY.**

8 **(E) DURATION OF LICENSE.**

9 **A LICENSE IS VALID FOR NOT MORE THAN 52 DAYS A YEAR AND MAY BE USED**
10 **ON CONSECUTIVE OR NONCONSECUTIVE DAYS.**

11 **(F) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$100.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 8-9A-01(c) through (h).

15 Subsection (a) of this section is revised in standard language used throughout
16 this article to establish a license.

17 In the introductory language of subsection (c) of this section, the reference to
18 the license authorizing "the holder to allow" the consumption of liquor is added
19 for clarity and consistency with terminology used throughout this article.

20 Also in the introductory language of subsection (c) of this section, the former
21 phrase "or sampling purposes only" is deleted as surplusage.

22 In the introductory language of subsection (d) of this section, the reference to
23 an "individual" is substituted for the former, overbroad reference to a "person".

24 In subsection (d)(1) of this section, the reference to "each offering" is
25 substituted for "a single sample" for clarity. Similarly, in subsection (d)(2) of
26 this section, the reference to "offerings" is substituted for the former reference
27 to "samples".

1 Former Art. 2B, § 8-9A-01(a), which stated that former Art. 2B, § 8-9A-01
2 applied only in Carroll County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Former Art. 2B, § 8-9A-01(b), which defined “Board” to mean the Carroll
5 County Board of License Commissioners, is deleted as redundant in light of
6 the defined term “Board” in § 16-101 of this title.

7 Former Art. 2B, § 8-9A-01(i), which authorized the Board to adopt
8 regulations providing additional requirements to implement this section, is
9 deleted as unnecessary because the Board has power to adopt regulations
10 under § 16-206 of this title.

11 Defined terms: “Beer” § 1-101

12 “Board” § 16-101

13 “Consumer” § 1-101

14 “Wine” § 1-101

15 **16-1309. RESERVED.**

16 **16-1310. RESERVED.**

17 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

18 **16-1311. FEES.**

19 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER**
20 **AND WINE LICENSE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS**
21 **\$50 PER DAY.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 7-101(b)(5) and (d)(6).

24 **16-1312. MULTIPLE EVENT ENTERTAINMENT LICENSE.**

25 **(A) ESTABLISHED.**

26 **THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER, WINE, AND LIQUOR**
27 **LICENSE.**

28 **(B) SCOPE OF AUTHORIZATION.**

29 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE ANY**
30 **PRIVILEGE CONFERRED BY A CLASS C BEER, WINE, AND LIQUOR LICENSE AT AN**

1 ENTERTAINMENT EVENT HELD BY A COUNTY FIRE DEPARTMENT OR AN ARTS
2 CENTER ON WEST MAIN STREET IN WESTMINSTER.

3 (C) LICENSE FORM.

4 (1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD
5 REQUIRES.

6 (2) THE APPLICANT SHALL SIGN THE LICENSE.

7 (D) LIMITATIONS.

8 (1) THE TOTAL NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT
9 LICENSE MAY BE USED MAY NOT EXCEED 40 IN A CALENDAR YEAR.

10 (2) A FIRE DEPARTMENT OR AN ARTS CENTER ON WEST MAIN
11 STREET IN WESTMINSTER MAY NOT BE ISSUED A MULTIPLE EVENT LICENSE MORE
12 THAN ONE TIME IN A CALENDAR YEAR.

13 (E) FEES.

14 THE ANNUAL FEE FOR THE LICENSE IS:

15 (1) \$125, FOR NOT MORE THAN 10 EVENTS PER YEAR;

16 (2) \$250, FOR NOT MORE THAN 20 EVENTS PER YEAR;

17 (3) \$375, FOR NOT MORE THAN 30 EVENTS PER YEAR; AND

18 (4) \$500, FOR NOT MORE THAN 40 EVENTS PER YEAR.

19 (F) PER DIEM LICENSE AVAILABLE.

20 A FIRE COMPANY OR AN ARTS CENTER ON WEST MAIN STREET IN
21 WESTMINSTER THAT HOLDS A CLASS C MULTIPLE EVENT LICENSE IS NOT
22 PRECLUDED FROM OBTAINING A CLASS C PER DIEM LICENSE UNDER THIS
23 SUBTITLE.

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 7-101(k)(1) through (3) and (5) through (7).

26 Throughout this section, references to a "multiple event" license are
27 substituted for the former references to "this special license" or "special"
28 license to clarify the nature of the license created under this section.

1 In subsection (b) of this section, the former reference to a “bona fide”
2 entertainment event is deleted as surplusage.

3 Also in subsection (b) of this section, the reference to an entertainment “event”
4 is added for clarity.

5 Also in subsection (b) of this section, the former reference to “conducted” is
6 deleted as redundant of the reference to “held”.

7 In subsection (d)(1) of this section, the reference to the days “for which a
8 multiple event license may be used” is substituted for the former reference to
9 the days “authorized by this special license” for clarity.

10 In subsection (d)(2) of this section, the reference to a “calendar” year is added
11 to conform to the terminology used in subsection (d)(1) of this section.

12 Former Art. 2B, § 7–101(k)(4), which required that the license fee be paid to
13 the Board before the license is issued, is deleted because it simply restates the
14 general practice of the Board.

15 Defined terms: “Board” § 16–101

16 “License” § 1–101

17 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

18 **16–1401. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
21 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
22 **WITHOUT EXCEPTION OR VARIATION:**

23 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
24 **BOARD”);**

25 **(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

26 **(3) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**

27 **(4) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
28 **COMPANY”);**

29 **(5) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

1 **(6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

2 **(7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
3 **PETITION OF SUPPORT”);**

4 **(8) § 4-111 (“PAYMENT OF LICENSE FEES”);**

5 **(9) § 4-113 (“REFUND OF LICENSE FEES”); AND**

6 **(10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

7 **(B) VARIATIONS.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
9 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

10 **(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
11 **16-1403 AND 16-1404 OF THIS SUBTITLE;**

12 **(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
13 **GENERAL”), SUBJECT TO § 16-1405 OF THIS SUBTITLE; AND**

14 **(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
15 **16-1406 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to applications for local licenses.

18 Defined term: “County” § 16-101

19 **16-1402. ADMINISTRATIVE FEE FOR NEW LICENSE.**

20 **THE BOARD MAY CHARGE AN ADMINISTRATIVE FEE NOT EXCEEDING \$500**
21 **FOR PROCESSING AN APPLICATION FOR A NEW LICENSE.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10-104(h)(2).

24 Former Art. 2B, § 10-104(h)(1), which stated that former Art. 2B, § 10-104(h)
25 applied only in Carroll County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Board” § 16-101

1 “License” § 1–101

2 **16–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

3 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
4 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

5 REVISOR’S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10–103(b)(13)(ix)1A.

7 Defined terms: “Board” § 16–101

8 “Central Repository” § 1–101

9 “License” § 1–101

10 **16–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
11 **APPLICATION PROCESS.**

12 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
13 **OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
14 **PROCESS.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10–103(b)(13)(i)2 and (ix).

17 The reference to “the application process” is substituted for the former
18 reference to “its necessary use” for clarity.

19 Also, the reference to “record information” is substituted for the former
20 reference to “records” to conform to the terminology used in CP, § 10–201.

21 Defined term: “Board” § 16–101

22 **16–1405. LICENSE TIED TO RESIDENCY.**

23 **THE LICENSE REMAINS VALID ONLY FOR AS LONG AS THE RESIDENT**
24 **APPLICANT REMAINS A RESIDENT OF THE COUNTY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10–103(b)(4)(iv).

27 The former phrase “in addition to the applicant’s residential statement
28 required under this section” is deleted as surplusage.

29 The Alcoholic Beverages Article Review Committee notes, for consideration by
30 the General Assembly, that the requirement that an applicant reside in the
31 County may violate the equal protection guarantees of the Fourteenth

1 Amendment to the United States Constitution and Article 24 of the Maryland
2 Declaration of Rights. Maryland courts look unfavorably on legislation that
3 classify persons by geography, which may be accomplished by residency or
4 registration requirements, if the primary purpose of the legislation is
5 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

6 Defined term: “County” § 16–101

7 **16–1406. DISPOSITION OF LICENSE FEES.**

8 **THE COUNTY COMMISSIONERS SHALL PAY 25% OF THE LICENSE FEES**
9 **COLLECTED UNDER THIS TITLE TO THE MUNICIPALITY WHERE THE LICENSED**
10 **PREMISES IS LOCATED.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10–204(h).

13 The reference to the “license fees” is substituted for the former reference to
14 the “sum” for clarity.

15 The reference to a “licensed premises” is substituted for the former reference
16 to a “place of business” for clarity.

17 The reference to “municipality” is substituted for the former reference to an
18 “incorporated town” to conform to the terminology used throughout this
19 article.

20 Defined terms: “County” § 16–101
21 “License” § 1–101

22 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

23 **16–1501. APPLICATION OF GENERAL PROVISIONS.**

24 **(A) WITHOUT EXCEPTION OR VARIATION.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
26 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
27 **WITHOUT EXCEPTION OR VARIATION:**

28 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**

29 **(2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
30 **FOR SAME PREMISES”);**

1 (3) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

2 (4) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);

3 (5) § 4-207 (“LICENSES ISSUED TO MINORS”);

4 (6) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);

5 (7) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);

6 (8) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);

7 (9) § 4-212 (“LICENSE NOT PROPERTY”);

8 (10) § 4-213 (“REPLACEMENT LICENSES”); AND

9 (11) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE
10 APPLICATIONS”).

11 **(B) VARIATIONS.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL
13 OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

14 (1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
15 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III OF
16 THIS TITLE; AND

17 (2) § 4-209 (“HEARING”), SUBJECT TO § 16-1502 OF THIS SUBTITLE.

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to the issuance of local licenses.

20 Defined terms: “County” § 16-101

21 “License” § 1-101

22 “Local licensing board” § 1-101

23 **16-1502. HEARING.**

24 **THE BOARD IS NOT REQUIRED TO HOLD A HEARING BEFORE ISSUING A
25 SPECIAL OR TEMPORARY LICENSE IF THE APPLICATION IS ONLY FOR A SPECIAL OR
26 TEMPORARY LICENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–202(f–1).

3 The reference to “not [being] required to hold a” hearing is substituted for the
4 former reference to an “exempt[ion] from the requirement of a” hearing for
5 clarity.

6 Former Art. 2B, § 10–202(a)(3)(iii), which authorized the Board to issue a
7 license after the payment of a fee, is deleted as included in the general
8 authority of the Board to issue a license under § 4–202 of this article and the
9 general requirement to pay the license fee before issuance under §
10 4–111 of this article.

11 Defined terms: “Board” § 16–101
12 “License” § 1–101

13 GENERAL REVISOR'S NOTE TO SUBTITLE

14 Former Art. 2B, § 9–102(b–1)(2)(ii), which stated that the bowling alley exception to
15 the prohibition against multiple licenses did not apply to Carroll County, is deleted
16 as unnecessary. This revision applies the general rule to Carroll County. The fact
17 that Carroll County is not covered by the exception need not be stated.

18 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

19 **PART I. LICENSING CONDITIONS.**

20 **16–1601. QUOTA FOR CLASS A LICENSES.**

21 **(A) IN GENERAL.**

22 **(1) (I) THE AGGREGATE NUMBER OF ALL CLASS A BEER LICENSES,**
23 **BEER AND WINE LICENSES, AND BEER, WINE, AND LIQUOR LICENSES IN EACH**
24 **ELECTION DISTRICT MAY NOT BE MORE THAN ONE FOR EVERY 5,000 INDIVIDUALS.**

25 **(II) THE BOARD SHALL DETERMINE THE POPULATION OF EACH**
26 **ELECTION DISTRICT BY USING THE MOST RECENT PUBLISHED POPULATION REPORT**
27 **OF THE COUNTY PLANNING COMMISSION.**

28 **(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
29 **BOARD MAY NOT ISSUE A NEW CLASS A LICENSE IF, IN THE ELECTION DISTRICT IN**
30 **WHICH THE LICENSE WOULD BE LOCATED:**

31 **(I) THE RATIO ALREADY EXCEEDS ONE CLASS A LICENSE FOR**
32 **EVERY 5,000 INDIVIDUALS; OR**

1 **(II) THE ISSUANCE OF THE LICENSE WOULD CAUSE THE RATIO**
 2 **TO EXCEED ONE CLASS A LICENSE FOR EVERY 5,000 INDIVIDUALS.**

3 **(B) WINERIES, RENEWALS, AND TRANSFERS NOT AFFECTED.**

4 **SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

5 **(1) A WINERY THAT APPLIES FOR A CLASS A WINE LICENSE UNDER §**
 6 **16-1701 OF THIS TITLE; OR**

7 **(2) THE RENEWAL OR TRANSFER OF A LICENSE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 9-207(h).

10 In subsections (a)(1)(i) and (b)(1) of this section, the references to "wine" are
 11 substituted for the former references to "light wine" to reflect that license
 12 holders in the County may sell wine with an alcohol content of 22%, which is
 13 above the traditional maximum level of 15.5% for light wine.

14 In the introductory language of subsection (a)(2) of this section, the reference
 15 to the "Board" is added to state expressly what was only implicit in the former
 16 law, that the Board is the governmental unit that issues licenses.

17 In the introductory language of subsection (b) of this section, the reference to
 18 "[s]ubsection (a) of this section ... not apply[ing] to" the renewal or transfer of
 19 a license is substituted for the former phrase "[f]or the purposes of this section"
 20 the renewal or transfer of a license "issued by the Board of License
 21 Commissioners is not a new license" for clarity and brevity.

22 Former Art. 2B, § 9-207(a), which stated that former Art. 2B, § 9-207 applied
 23 only in Carroll County, is deleted as unnecessary in light of the organization
 24 of this revised article.

25 Defined terms: "Board" § 16-101

26 "License" § 1-101

27 **16-1602. RESERVED.**

28 **16-1603. RESERVED.**

29 **PART II. MULTIPLE LICENSING PLANS.**

30 **16-1604. RESERVED.**

1 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

2 **16-1701. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
5 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
6 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

7 **(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

8 **(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
9 **REQUIRED”); AND**

10 **(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

11 **(B) VARIATIONS.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
13 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
14 **APPLY IN THE COUNTY:**

15 **(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
16 **LICENSE AND INVENTORY”), SUBJECT TO § 16-1702 OF THIS SUBTITLE; AND**

17 **(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO**
18 **§ 16-1703 OF THIS SUBTITLE.**

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to the transfer of licenses and the substitution of
21 names of officers on licenses.

22 Defined terms: “County” § 16-101
23 “License” § 1-101

24 **16-1702. PAYMENT OF TAXES.**

25 **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE**
26 **BOARD IS SATISFIED THAT ALL STATE OR LOCAL REAL OR PERSONAL PROPERTY**
27 **TAXES OWED BY THE TRANSFEROR ARE PAID.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–503(h)(4).

3 The former reference to the transfer “or assignment ... or both” is deleted as
4 surplusage. Similarly, the former reference to the transferor “or assignor ... or
5 both” is deleted.

6 Former Art. 2B, § 10–503(h)(1), which stated that former Art. 2B, § 10–503(h)
7 applied only in Carroll County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Defined terms: “Board” § 16–101

10 “License” § 1–101

11 “State” § 1–101

12 **16–1703. FEE.**

13 **(A) IN GENERAL.**

14 **THE FEE FOR A TRANSFER OF A LICENSE IS \$350, IN ADDITION TO THE COSTS**
15 **OF PUBLICATION AND NOTICE.**

16 **(B) NONREFUNDABLE FEE.**

17 **THE FEE IS NOT REFUNDABLE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10–503(h)(2).

20 Former Art. 2B, § 10–503(h)(3), which provided for a fee for the assignment of
21 a license to another person, is deleted as unnecessary in light of the fee for a
22 transfer of a license.

23 Defined term: “License” § 1–101

24 **SUBTITLE 18. RENEWAL OF LICENSES.**

25 **16–1801. APPLICATION OF GENERAL PROVISIONS.**

26 **TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF**
27 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

28 REVISOR'S NOTE: This section is new language added to incorporate by reference
29 general provisions relating to the renewal of local licenses.

1 Defined terms: "County" § 16-101
2 "License" § 1-101

3 **16-1802. LATE FILING.**

4 **THE BOARD MAY IMPOSE A LATE FEE OF \$50 FOR EACH DAY THE APPLICATION**
5 **IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-301(q).

8 The reference to each day "the application is late" is substituted for the former
9 reference to each day "a licensee fails to renew the license after the application
10 is due" for clarity, brevity, and consistency within this revision.

11 The reference to a limit on the "maximum amount" of fees that may be
12 assessed is substituted for the former reference to "[t]he total amount of the
13 fees" that may be assessed for clarity, brevity, and consistency within this
14 revision.

15 The former redundant reference to a late fee of \$50 "per day" is deleted as
16 included in the reference to a late fee of \$50 "for each day".

17 Defined term: "Board" § 16-101

18 **16-1803. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
19 **RENEWALS.**

20 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
21 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10-103(b)(13)(ix)2.

24 Defined term: "License" § 1-101

25 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

26 **16-1901. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

28 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
29 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
30 **WITHOUT EXCEPTION OR VARIATION:**

- 1 (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);
- 2 (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED
3 PREMISES”);
- 4 (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);
- 5 (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);
- 6 (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND
- 7 (6) § 4-508 (“DISPLAY OF LICENSE”).

8 **(B) VARIATION.**

9 **SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I**
10 **OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16-1902 OF THIS**
11 **SUBTITLE.**

12 REVISOR’S NOTE: This section is new language added to incorporate by reference
13 general provisions relating to the conduct of local license holders.

14 Defined terms: “Alcoholic beverage” § 1-101
15 “County” § 16-101
16 “License” § 1-101
17 “License holder” § 1-101

18 **16-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

19 **(A) INDIVIDUALS AT LEAST 15 YEARS OLD.**

20 **A HOLDER OF A CLASS B LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 15**
21 **YEARS OLD TO PERFORM A TASK OTHER THAN ONE INVOLVING SELLING, SERVING,**
22 **OR DELIVERING ALCOHOLIC BEVERAGES.**

23 **(B) INDIVIDUALS AT LEAST 18 YEARS OLD.**

24 **(1) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SELL, SERVE, OR**
25 **DELIVER ALCOHOLIC BEVERAGES IN A RESTAURANT.**

26 **(2) A HOLDER OF A CLASS A LICENSE MAY EMPLOY AN INDIVIDUAL**
27 **AT LEAST 18 YEARS OLD TO STOCK ALCOHOLIC BEVERAGES AND TO OPERATE A**
28 **LOTTERY TICKET TERMINAL.**

1 **(C) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

2 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER**
3 **OR IN ANY SOLELY BAR-RELATED CAPACITY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 12-302(b)(4)(ii) through (v).

6 Throughout this section, the references to an "individual" are substituted for
7 the former references to a "person" because this section applies only to human
8 beings.

9 In subsection (c) of this section, the former reference to a "barmaid" is deleted
10 as included in the reference to a "bartender".

11 Former Art. 2B, § 12-302(b)(4)(i), which stated that former Art. 2B, §
12 12-302(b)(4) applied only in Carroll County, is deleted as unnecessary in light
13 of the organization of this revised article.

14 The Alcoholic Beverages Article Review Committee notes, for consideration by
15 the General Assembly, that in subsection (c) of this section, the phrase
16 "bar-related capacity" is unclear.

17 Defined terms: "Alcoholic beverage" § 1-101

18 "Restaurant" § 1-101

19 **16-1903. DRIVE-THROUGH SALES.**

20 **A LICENSE HOLDER MAY NOT SELL, OFFER TO SELL, OR DISPENSE ALCOHOLIC**
21 **BEVERAGES FROM A WALK-UP OR DRIVE-THROUGH WINDOW.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 12-207(b).

24 The former phrase "what is commonly termed" is deleted as surplusage.

25 Former Art. 2B, § 12-207(a), which stated that former Art. 2B, § 12-207
26 applied only in Carroll County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Defined terms: "Alcoholic beverage" § 1-101

29 "License holder" § 1-101

30 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

1 **16-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

2 **(A) IN GENERAL.**

3 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
4 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
5 **PREMISES LICENSED UNDER THIS TITLE.**

6 **(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED**
7 **UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED**
8 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

9 **(B) PENALTY.**

10 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
11 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11-304(a)(1) and, as it related to Carroll
14 County, (2).

15 In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided in
16 this title" is added for clarity.

17 Also in subsection (a)(1) of this section, the reference to an "individual" is
18 substituted for the former reference to a "person" because the prohibition
19 against consumption applies only to human beings.

20 Also in subsection (a)(1) of this section, the reference to "a premises licensed
21 under this title" is substituted for the former reference to "any premises open
22 to the general public, any place of public entertainment, or any place at which
23 setups or other component parts of mixed alcoholic drinks are sold under any
24 license issued under the provisions of the Business Regulation Article" for
25 brevity.

26 In subsection (a)(2) of this section, the reference to "a premises licensed under
27 this title" is substituted for the former reference to "the premises" for
28 consistency with the terminology used in subsection (a)(1) of this section.

29 In subsection (b) of this section, the reference to a person who "violates this
30 section" is substituted for the former reference to a person who is "found
31 consuming any alcoholic beverage on any premises open to the general public,
32 and any owner, operator or manager of those premises or places who
33 knowingly permits consumption between the hours provided by this section"
34 for brevity.

1 Also in subsection (b) of this section, the phrase “[e]xcept as provided in this
2 section” is deleted as unnecessary in light of § 3–905 of this article.

3 Also in subsection (b) of this section, the former reference to a fine “not less
4 than \$5” is deleted to conform to the statement of legislative policy in §
5 14–102 of the Criminal Law Article, which sets forth the general rule that,
6 notwithstanding a statutory minimum penalty, a court may impose a lesser
7 penalty of the same character.

8 Defined terms: “Alcoholic beverage” § 1–101
9 “Person” § 1–101

10 **16–2002. BEER LICENSES.**

11 **(A) CLASS A BEER LICENSE.**

12 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL OR PROVIDE BEER ON**
13 **MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.**

14 **(B) CLASS B BEER LICENSE.**

15 **A HOLDER OF A CLASS B BEER LICENSE MAY SELL OR PROVIDE BEER ON**
16 **MONDAY THROUGH SATURDAY, FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.**

17 **(C) CLASS C BEER LICENSE.**

18 **A HOLDER OF A CLASS C BEER LICENSE MAY SELL OR PROVIDE BEER ON**
19 **MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.**

20 **(D) CLASS D BEER LICENSE.**

21 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL OR PROVIDE BEER ON**
22 **MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, §§ 11–403(a)(6) and 11–507(b)(3)(i) and the
25 introductory language of § 11–507(b)(2)(i).

26 In subsections (a) and (d) of this section, the references to “sell or provide beer”
27 are substituted for the former references to “sell, offer for sale, or dispense”
28 the beverages defined in this article for clarity.

29 In subsections (b), (c), and (d) of this section, the former references to
30 authorization of license holders to sell or provide beer between 8 a.m. and 1
31 a.m. the following day “and no other hours” are deleted as surplusage.

1 Former Art. 2B, § 11–507(a), which stated that former Art. 2B, § 11–507
2 applied only in Carroll County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Former Art. 2B, § 11–507(b)(1), which stated that the “following restrictions,
5 limitations, and regulations apply”, is deleted as surplusage.

6 Former Art. 2B, § 11–507(b)(5), which stated that the hours established for
7 the sale of alcoholic beverages are to be in accordance with Eastern Standard
8 Time and daylight time, when those times are effective, is deleted as
9 surplusage.

10 **16–2003. WINE LICENSES.**

11 **A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE ON SUNDAY.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11–507(b)(4).

14 Defined term: “Wine” § 1–101

15 **16–2004. BEER AND WINE LICENSES.**

16 **(A) CLASS A BEER AND WINE LICENSE.**

17 **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL OR PROVIDE**
18 **BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.**

19 **(B) CLASS B BEER AND WINE LICENSE.**

20 **(1) A HOLDER OF A 6–DAY OR 7–DAY CLASS B BEER AND WINE**
21 **LICENSE MAY SELL OR PROVIDE BEER AND WINE FOR ON–PREMISES CONSUMPTION:**

22 **(I) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M.**
23 **THE FOLLOWING DAY; AND**

24 **(II) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

25 **(2) A HOLDER OF A 7–DAY CLASS B BEER AND WINE LICENSE MAY**
26 **SELL BEER AND WINE FOR OFF–PREMISES CONSUMPTION:**

27 **(I) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 11 P.M.**
28 **THE FOLLOWING DAY; AND**

1 **(II) ON SUNDAY FROM 11 A.M. TO 11 P.M.**

2 **(C) CLASS C BEER AND WINE LICENSE.**

3 **A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL OR PROVIDE**
 4 **BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE**
 5 **FOLLOWING DAY.**

6 **(D) CLASS D BEER AND WINE LICENSE.**

7 **(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS D BEER AND WINE**
 8 **LICENSE MAY SELL OR PROVIDE BEER AND WINE ON MONDAY THROUGH SATURDAY**
 9 **FROM 6 A.M. TO MIDNIGHT.**

10 **(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY**
 11 **SELL OR PROVIDE BEER AND WINE ON SUNDAY FROM 11 A.M. TO 11 P.M.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, §§ 5-401(h)(2), 11-302(d)(1), 11-403(a)(6), and
 14 11-507(b)(2)(i)4 and (3).

15 In subsection (a) of this section, the reference to "sell or provide beer and wine"
 16 is substituted for the former reference to "sell, offer for sale, or dispense the
 17 beverages defined in this article" for clarity.

18 Former Art. 2B, § 11-302(k), which stated that the privileges conferred by a
 19 Class A beer and light wine license may be exercised from 11 a.m. to 6 p.m. on
 20 Sundays, is deleted as obsolete.

21 Former Art. 2B, § 11-507(b)(2)(i)1, which stated that when a holder of an
 22 on-sale license is open for business on Saturday at midnight the holder may
 23 remain open until 1 a.m. the Sunday immediately following, is deleted as
 24 redundant of subsection (b)(1)(i) of this section.

25 **16-2005. BEER, WINE, AND LIQUOR LICENSES.**

26 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

27 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL OR**
 28 **PROVIDE BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO**
 29 **11 P.M.**

30 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

1 **A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL OR**
2 **PROVIDE BEER, WINE, AND LIQUOR:**

3 **(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE**
4 **FOLLOWING DAY; AND**

5 **(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

6 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

7 **A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL OR**
8 **PROVIDE BEER, WINE, AND LIQUOR:**

9 **(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE**
10 **FOLLOWING DAY; AND**

11 **(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

12 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

13 **RESERVED.**

14 **(E) CLASS H BEER, WINE, AND LIQUOR LICENSE.**

15 **A HOLDER OF A CLASS H BEER, WINE, AND LIQUOR LICENSE MAY SELL OR**
16 **PROVIDE BEER, WINE, AND LIQUOR:**

17 **(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE**
18 **FOLLOWING DAY; AND**

19 **(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

20 **REVISOR'S NOTE:** This section is new language derived without substantive
21 change from former Art. 2B, §§ 11-403(a)(6) and 11-507(b)(2)(i)2 and 3 and
22 (3)(i).

23 Throughout this section, references to "sell or provide" certain alcoholic
24 beverages are substituted for the former references to "sell, offer for sale, or
25 dispense" alcoholic beverages for clarity.

26 Former Art. 2B, § 11-303(a)(2)(iv), which stated that the hours of sale on
27 Sunday for a Class A beer, wine, and liquor license are from 11 a.m. to 6 p.m.,
28 is deleted as obsolete.

1 **16-2006. HOURS ON JANUARY 1.**

2 **THIS ARTICLE DOES NOT RESTRICT ON JANUARY 1:**

3 **(1) THE SALE OF ALCOHOLIC BEVERAGES BY A HOLDER OF A CLASS**
 4 **B, CLASS C, CLASS H, OR PER DIEM LICENSE FROM MIDNIGHT TO 3 A.M.; OR**

5 **(2) A PERSON FROM CONSUMING ALCOHOLIC BEVERAGES FROM**
 6 **MIDNIGHT TO 3 A.M. ON THE PREMISES OF A HOLDER OF A CLASS B, CLASS C, CLASS**
 7 **H, OR PER DIEM LICENSE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 11-402(h)(2).

10 The references to a "per diem" license are substituted for the former references
 11 to "special" licenses for clarity.

12 Former Art. 2B, § 11-402(h)(1), which stated that former Art. 2B, § 11-402(h)
 13 applied only in Carroll County, is deleted as unnecessary in light of the
 14 organization of this revised article.

15 **16-2007. CONSUMPTION AFTER CLOSING TIME ALLOWED.**

16 **A LICENSE HOLDER MAY NOT ALLOW THE CONSUMPTION OF ALCOHOLIC**
 17 **BEVERAGES ON THE PREMISES LATER THAN 15 MINUTES AFTER THE CLOSING TIME.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 11-507(b)(2)(ii).

20 The former reference to a closing time "indicated in this subsection" is deleted
 21 as unnecessary because the closing times for all licenses are indicated in this
 22 section.

23 Defined terms: "Alcoholic beverage" § 1-101
 24 "License holder" § 1-101

25 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

26 **16-2101. APPLICATION OF GENERAL PROVISIONS.**

27 **TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES")**
 28 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
 29 **VARIATION.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the revocation and suspension of local licenses.

3 Former Art. 2B, § 10–405(a)(5), which stated that former Art. 2B, § 10–405,
4 which related to nudity and sexual displays, applied in Carroll County, is
5 deleted as unnecessary in light of the organization of this revised article.

6 Defined terms: “County” § 16–101
7 “License” § 1–101

8 SUBTITLE 22. EXPIRATION OF LICENSES.

9 16–2201. APPLICATION OF GENERAL PROVISIONS.

10 TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF
11 THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

12 REVISOR'S NOTE: This section is new language added to incorporate by reference
13 the general provisions relating to the expiration of local licenses.

14 Defined terms: “County” § 16–101
15 “License” § 1–101

16 SUBTITLE 23. DEATH OF LICENSE HOLDER.

17 16–2301. APPLICATION OF GENERAL PROVISIONS.

18 (A) WITHOUT EXCEPTION OR VARIATION.

19 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE
20 HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
21 EXCEPTION OR VARIATION:

22 (1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE
23 HOLDER”);

24 (2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

25 (3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND
26 RESTRICTION”); AND

27 (4) § 4–806 (“REFUND”).

28 (B) VARIATION.

1 **SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
 2 **CONTINUATION OF BUSINESS”)** OF DIVISION I OF THIS ARTICLE APPLIES IN THE
 3 **COUNTY, SUBJECT TO § 16-2302 OF THIS SUBTITLE.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
 5 general provisions relating to the death of a local license holder.

6 Defined terms: “County” § 16-101
 7 “License” § 1-101
 8 “License holder” § 1-101

9 **16-2302. APPLICATION FOR CONTINUATION; ADDITIONAL CONTINUATION**
 10 **EXTENSION.**

11 **(A) DEADLINE FOR APPLICATION.**

12 **AN APPLICATION FOR THE CONTINUATION OF THE BUSINESS OF A DECEASED**
 13 **LICENSE HOLDER SHALL BE MADE WITHIN 60 DAYS AFTER THE DEATH OF THE**
 14 **LICENSE HOLDER.**

15 **(B) EXTENSION BECAUSE OF LITIGATION.**

16 **IF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE**
 17 **ESTATE SHOWS TO THE SATISFACTION OF THE BOARD THAT THE ESTATE CANNOT**
 18 **BE SETTLED WITHIN THE 18-MONTH EXTENSION PERIOD BECAUSE OF LITIGATION,**
 19 **THE BOARD MAY GRANT TO THE PERSONAL REPRESENTATIVE OR SPECIAL**
 20 **ADMINISTRATOR ADDITIONAL TIME FOR THE CONTINUATION OF THE BUSINESS.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 10-506(c)(2) and (3).

23 In subsection (b) of this section, the references to “personal representative”
 24 and “special administrator” are substituted for the former references to
 25 “executor” and “administrator” to conform to terminology used in the Estates
 26 and Trusts Article.

27 Also in subsection (b) of this section, the former phrase “[n]otwithstanding any
 28 provision to the contrary in this section” is deleted as surplusage.

29 Former Art. 2B, § 10-506(c)(1), which stated that former Art. 2B, § 10-506(c)
 30 applied only to Carroll County, is deleted as unnecessary in light of the
 31 organization of this revised article.

32 Defined terms: “Board” § 16-101
 33 “License holder” § 1-101

1 **SUBTITLE 24. JUDICIAL REVIEW.**

2 **16-2401. APPLICATION OF GENERAL PROVISIONS.**

3 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
4 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to the appeal of the decisions of the Board.

7 Defined term: “County” § 16-101

8 **16-2402. COSTS.**

9 **(A) CLERK TO COLLECT.**

10 **BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4,**
11 **SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY**
12 **SHALL:**

13 **(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

14 **(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT**
15 **THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE**
16 **HEARING BEFORE THE BOARD HAVE BEEN PAID.**

17 **(B) NO ASSESSMENT AGAINST BOARD.**

18 **THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE**
19 **ASSESSED AGAINST THE BOARD.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 16-101(d), as it related to Carroll County.

22 In subsection (a) of this section, the references to “an action for judicial review”
23 and “the petitioner” are substituted for the former incorrect references to “an
24 appeal” and “the person or persons so appealing” to reflect that this section
25 concerns the judicial review of an administration agency – a board of license
26 commissioners – and not a court.

27 Defined terms: “Board” § 16-101

28 “County” § 16-101

29 **16-2403. COURT MAY REMAND.**

1 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
2 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
3 **REMAND THE PROCEEDINGS TO THE BOARD.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 16-101(e)(4)(ii)4.

6 The reference to the "circuit court for the County" is substituted for the former
7 reference to the "court" for clarity.

8 Defined terms: "Board" § 16-101
9 "County" § 16-101

10 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

11 **16-2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
12 **BEVERAGES IS PROHIBITED.**

13 **(A) PROHIBITION AGAINST INDIVIDUAL.**

14 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
15 **ALCOHOLIC BEVERAGES IN:**

16 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

17 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

18 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
19 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
20 **BUSINESS REGULATION ARTICLE.**

21 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

22 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
23 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
24 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
25 **THIS SECTION.**

26 **(C) PENALTY.**

27 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
28 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
3 (2).

4 In subsection (a)(1) of this section, the reference to an "establishment" is
5 substituted for the former reference to "premises" to avoid the implication that
6 the establishment is licensed.

7 In subsection (b) of this section, the reference to an "operator" is deleted as
8 included in the reference to a "manager".

9 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
10 to conform to the statement of legislative policy in § 14-102 of the Criminal
11 Law Article, which sets forth the general rule that, notwithstanding a
12 statutory minimum penalty, a court may impose a lesser penalty of the same
13 character.

14 Defined terms: "Alcoholic beverage" § 1-101
15 "Person" § 1-101

16 SUBTITLE 26. ENFORCEMENT.

17 16-2601. APPLICATION OF GENERAL PROVISIONS.

18 (A) WITHOUT EXCEPTION OR VARIATION.

19 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF
20 DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
21 VARIATION:

22 (1) § 6-202 ("INSPECTIONS");

23 (2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND
24 QUALITY OF ALCOHOLIC BEVERAGES");

25 (3) § 6-204 ("POWER TO SUMMON WITNESSES");

26 (4) § 6-205 ("PEACE OFFICERS");

27 (5) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF
28 ALCOHOLIC BEVERAGE");

29 (6) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
30 EVIDENCE OF SALE");

1 **(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF**
2 **ALCOHOL IN PUBLIC PLACES”);**

3 **(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
4 **CONSUMPTION”); AND**

5 **(9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY**
6 **INTOXICATION LAWS”).**

7 **(B) VARIATION.**

8 **SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE**
9 **APPLIES IN THE COUNTY, SUBJECT TO § 16-2603 OF THIS SUBTITLE.**

10 REVISOR’S NOTE: This section is new language added to incorporate by reference
11 general provisions relating to enforcement.

12 Defined terms: “Alcoholic beverage” § 1-101

13 “County” § 16-101

14 “State” § 1-101

15 **16-2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

16 **(A) IN GENERAL.**

17 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
18 **ESTABLISHMENT.**

19 **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

20 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
21 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

22 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
23 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
24 **CASE PENDING BEFORE THE COURT.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 16-410(c)(1)(iv), (2), and (3).

27 In subsections (a) and (b)(1) of this section, the former references to “papers”
28 are deleted as included in the references to “records” and “record”.

29 In subsection (b)(1) of this section, the phrase “may petition” is substituted for
30 the former phrase “shall report the fact to” for clarity.

1 Also in subsection (b)(1) of this section, the former phrase “for the county” is
2 deleted as surplusage.

3 In subsection (b)(2) of this section, the phrase “may proceed” is substituted for
4 the former phrase “shall proceed” for clarity.

5 Also in subsection (b)(2) of this section, the former phrase “in all respects” is
6 deleted as surplusage.

7 Defined term: “Board” § 16–101

8 **16–2603. DISTRIBUTION OF FINES.**

9 **ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED**
10 **AS PROVIDED UNDER § 7–507 OF THE COURTS ARTICLE.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 16–502(c), as it related to Carroll County.

13 Defined term: “County” § 16–101

14 **SUBTITLE 27. PROHIBITED ACTS.**

15 **16–2701. APPLICATION OF GENERAL PROVISIONS.**

16 **(A) WITHOUT EXCEPTION OR VARIATION.**

17 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
18 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
19 **VARIATION:**

20 **(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
21 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

22 **(2) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

23 **(3) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
24 **INDIVIDUAL”);**

25 **(4) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
26 **INTOXICATED INDIVIDUAL”);**

1 (5) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR
2 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
3 YEARS”);

4 (6) § 6-310 (“PROVIDING FREE FOOD”);

5 (7) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
6 DEALER”);

7 (8) § 6-312 (“BEVERAGE MISREPRESENTATION”);

8 (9) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
9 CONTAINER”);

10 (10) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
11 DETACHABLE METAL TAB”);

12 (11) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
13 REGULAR LABEL PRESUMED ILLICIT”);

14 (12) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

15 (13) § 6-320 (“DISORDERLY INTOXICATION”);

16 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
17 PUBLIC”);

18 (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
19 MACHINE”);

20 (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
21 BEVERAGES”);

22 (17) § 6-327 (“TAX EVASION”);

23 (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

24 (19) § 6-329 (“PERJURY”).

25 (B) VARIATIONS.

26 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
27 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

1 **(1) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
2 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO §**
3 **16-2702 OF THIS SUBTITLE;**

4 **(2) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC**
5 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 16-2702 OF**
6 **THIS SUBTITLE; AND**

7 **(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO §**
8 **16-2703 OF THIS SUBTITLE.**

9 REVISOR’S NOTE: This section is new language added to incorporate by reference
10 general provisions relating to prohibited acts.

11 Defined terms: “Alcoholic beverage” § 1-101

12 “County” § 16-101

13 “License holder” § 1-101

14 “Retail dealer” § 1-101

15 **16-2702. ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.**

16 **SECTIONS 6-308 AND 6-319 OF THIS ARTICLE DO NOT APPLY TO:**

17 **(1) A HOLDER OF A TEMPORARY LICENSE; OR**

18 **(2) AN INDIVIDUAL CONSUMING ALCOHOLIC BEVERAGES ON THE**
19 **LICENSED PREMISES OF A HOLDER OF A TEMPORARY LICENSE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 12-107(b)(3).

22 Former Art. 2B, § 12-107(b)(4), which exempted persons holding a certain
23 Class C beer, wine, and liquor license, now revised as a temporary license, is
24 deleted as included in this section, which exempts persons holding any
25 temporary license.

26 Defined terms: “Alcoholic beverage” § 1-101

27 “License” § 1-101

28 **16-2703. POSSESSION OF OPEN CONTAINER ON PRIVATE PROPERTY OR**
29 **MOTORCYCLE.**

30 **(A) WRITTEN CONSENT OF OWNER OF PROPERTY REQUIRED.**

1 AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN
 2 CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS
 3 ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN
 4 CONSENT OF THE OWNER OF THE PROPERTY.

5 (B) MOTORCYCLES.

6 IN ADDITION TO THE PROHIBITIONS LISTED IN § 6-321 OF THIS ARTICLE, AN
 7 INDIVIDUAL MAY NOT POSSESS IN AN OPEN CONTAINER AN ALCOHOLIC BEVERAGE
 8 WHILE ON A MOTORCYCLE LOCATED IN THE PLACES LISTED IN § 6-321, UNLESS THE
 9 INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF
 10 THE PROPERTY.

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, §§ 19-301(a)(2) and 19-303(5).

13 The former definition of "unless authorized" is revised as a substantive
 14 statement describing the circumstances under which an individual may
 15 possess an alcoholic beverage in an open container for clarity.

16 Former Art. 2B, § 19-301(a)(1)(ii), which stated that former Art. 2B, §
 17 19-301(a) applied in Carroll County, is deleted as unnecessary in light of the
 18 organization of this revised title.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
 20 the General Assembly, that this section does not specify to whom the written
 21 consent must be presented.

22 Defined term: "Alcoholic beverage" § 1-101

23 **16-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL**
 24 **DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

25 (A) "KNOWINGLY" DEFINED.

26 IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE
 27 INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE
 28 HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

29 (B) PROHIBITED.

30 A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT
 31 KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

32 (1) A HABITUAL DRUNKARD;

1 **(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

2 **(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN**
3 **WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER**
4 **NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE**
5 **OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND**
6 **MIND.**

7 **(C) PENALTY.**

8 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
9 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

10 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

11 **(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT**
12 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 12-110(a) and, as it related to Carroll County,
15 the first sentence of (b).

16 In subsection (a) of this section, the former reference to the definition of
17 knowingly applying "as to habitual drunkards" is deleted as surplusage.

18 In subsection (b) of this section, the defined term "alcoholic beverage" is
19 substituted for the former references to "intoxicating beverages" for clarity
20 and consistency with the terminology used throughout this article.

21 Also in subsection (b) of this section, the former references to "barter" and
22 "furnish" are deleted as included in the references to "sell" and "provide".

23 In subsection (b)(2) of this section, the reference to an individual with an
24 "intellectual disability" is substituted for the former reference to a "mentally
25 deficient" person to conform to the requirements of Chapter 119 of the Acts of
26 2009. Chapter 119 requires the substitution of the term "intellectual
27 disability" for "mentally retarded" in the Code.

28 In subsection (b)(3) of this section, the reference to a "family member or
29 guardian" is substituted for the former reference to "parent or parents,
30 guardian, husband, wife, son, daughter, brother, or sister" for brevity.

31 Also in subsection (b)(3) of this section, the reference to an "employee of the
32 license holder" is added for consistency within this subsection.

1 In subsection (c) of this section, the former reference to imprisonment “in the
2 county jail” and to both fine and imprisonment “in the discretion of the court”
3 are deleted as surplusage and to conform to standard language for imposition
4 of a penalty for a criminal conviction.

5 The Alcoholic Beverages Article Review Committee notes, for consideration by
6 the General Assembly, that the penalty stated in subsection (c) of this section
7 applies only to a license holder who violates this section and not to an
8 employee of a license holder, even though, under subsection (b) of this section,
9 both a license holder and the holder’s employee are prohibited from selling or
10 providing an alcoholic beverage to a habitual drunkard, an individual with an
11 intellectual disability, or an individual whose relative has given notice. The
12 employee would, presumably, be subject to the general penalty for a violation
13 of this article under § 6–402 of this article.

14 Defined terms: “Alcoholic beverage” § 1–101
15 “License holder” § 1–101

16 **SUBTITLE 28. PENALTIES.**

17 **16–2801. APPLICATION OF GENERAL PROVISION.**

18 **SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE** 19 **APPLIES IN THE COUNTY.**

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to imposing a penalty for a violation for which no
22 specific penalty is provided.

23 Defined term: “County” § 16–101

24 **16–2802. PENALTY IMPOSED BY BOARD.**

25 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 OR SUSPEND A** 26 **LICENSE OR BOTH FOR A VIOLATION THAT IS A CAUSE FOR LICENSE SUSPENSION.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 16–507(h).

29 The former phrase “under the alcoholic beverage laws affecting Carroll
30 County” is deleted as surplusage.

31 Defined terms: “Board” § 16–101
32 “License” § 1–101

1 **TITLE 17. CECIL COUNTY.**

2 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

3 **17-101. DEFINITIONS.**

4 **(A) IN GENERAL.**

5 **IN THIS TITLE:**

6 **(1) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS**
7 **SECTION, THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
8 **EXCEPTION OR VARIATION; AND**

9 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

10 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
11 by reference terms defined for the entire article.

12 Item (2) of this subsection is new language added as the standard introductory
13 language to a definition section.

14 **(B) BOARD.**

15 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CECIL**
16 **COUNTY.**

17 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
18 full reference to the “Board of License Commissioners for Cecil County”.

19 **(C) COUNTY.**

20 **“COUNTY” MEANS CECIL COUNTY.**

21 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
22 full reference to “Cecil County”.

23 **(D) HOTEL.**

24 **THE REQUIREMENTS RELATING TO AVERAGE DAILY RECEIPTS FOR A HOTEL**
25 **UNDER § 1-101 OF THIS ARTICLE ARE NOT APPLICABLE TO A LICENSE ISSUED IN THE**
26 **COUNTY.**

1 REVISOR'S NOTE: This subsection is new language derived without substantive
2 change from former Art. 2B, § 1-102(a)(10)(iii).

3 Defined terms: "County" § 17-101
4 "Hotel" § 1-101
5 "License" § 1-101

6 **(E) RESTAURANT.**

7 **THE REQUIREMENTS RELATING TO AVERAGE DAILY RECEIPTS FOR A**
8 **RESTAURANT UNDER § 1-101 OF THIS ARTICLE ARE NOT APPLICABLE TO A LICENSE**
9 **ISSUED IN THE COUNTY.**

10 REVISOR'S NOTE: This subsection is new language derived without substantive
11 change from former Art. 2B, § 1-102(a)(22)(iv).

12 Defined terms: "County" § 17-101
13 "License" § 1-101
14 "Restaurant" § 1-101

15 **17-102. SCOPE OF TITLE.**

16 **THIS TITLE APPLIES ONLY IN CECIL COUNTY.**

17 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
18 organization of this revised article.

19 **17-103. COPY OF LEGISLATION.**

20 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
21 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
22 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
23 **MARYLAND 21401.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 18-103.

26 The reference to this "title" is substituted for the former reference to this
27 "subtitle" to conform to the organization of this revised article. Under the
28 former law, each local governing body derived its authority to enact alcoholic
29 beverages legislation from a common subtitle. Under this revised article, each
30 local governing body derives its authority from the title dedicated to the
31 jurisdiction of the local governing body.

32 Defined terms: "Alcoholic beverage" § 1-101

1 “County” § 17–101

2 GENERAL REVISOR’S NOTE TO SUBTITLE

3 Throughout this title, the references to “wine” are substituted for the former
4 references to “light wine” to reflect that license holders in the County may sell
5 wine with a maximum alcohol content of 22%, which is above the traditional
6 maximum level of 15.5% for light wine.

7 Correspondingly, former Art. 2B, § 4–101(i), which defined “light wine” in the
8 County as a fermented beverage that contains not in excess of 22% of alcohol
9 by volume, is deleted because the definition is not used in this title.

10 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

11 **17–201. ESTABLISHED.**

12 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CECIL COUNTY.**

13 REVISOR’S NOTE: This section is new language added to state expressly what was
14 only implied in the former law, that an entity known as the Board of License
15 Commissioners for Cecil County exists.

16 **17–202. MEMBERSHIP.**

17 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

18 **THE COUNTY COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE**
19 **BOARD.**

20 **(B) QUALIFICATIONS.**

21 **EACH MEMBER OF THE BOARD SHALL BE OF HIGH MORAL CHARACTER AND**
22 **POSSESS A SOUND REPUTATION FOR INTEGRITY.**

23 **(C) TENURE.**

24 **(1) THE TERM OF A MEMBER IS 3 YEARS.**

25 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
26 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

27 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
28 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
 2 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
 3 **QUALIFIES.**

4 **(D) REMOVAL.**

5 **THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN**
 6 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, §§ 15-104(a-1)(1) and (3) and the first sentence
 9 of 15-110(b).

10 In subsection (a) of this section, the reference to "members" is substituted for
 11 the former reference to "persons" to conform to the terminology used
 12 throughout this subtitle.

13 Also in subsection (a) of this section, the former reference to members
 14 "constitut[ing]" the Board "of License Commissioners for the county" is deleted
 15 as surplusage.

16 In subsection (c)(2) of this section, the reference to the terms being staggered
 17 "as required by the terms provided for members of the Board on July 1, 2016"
 18 is added as standard language. This addition is not intended to alter the term
 19 of any member of the Commission.

20 In subsection (d) of this section, the reference to "misconduct in office,
 21 incompetence, or willful neglect of duty is substituted for the former reference
 22 to "the causes in this section prescribed" for clarity.

23 Also in subsection (d) of this section, the former reference to the County
 24 Commissioners removing a member of a board of license commissioners
 25 "appointed by them" is deleted as unnecessary because all of the members are
 26 appointed by the County Commissioners.

27 Former Art. 2B, § 15-101(i), which provided that the provisions of former Art.
 28 2B, § 15-104 apply in Cecil County, is deleted as unnecessary in light of the
 29 reorganization of this revised article.

30 Defined terms: "Board" § 17-101

31 "County" § 17-101

32 **17-203. CHAIR.**

33 **FROM AMONG ITS MEMBERS, THE BOARD SHALL DESIGNATE A CHAIR.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15-104(a-1)(2).

3 The reference to a "chair" is substituted for the former reference to a
4 "chairman" because SG § 2-1238 requires the use of words that are neutral as
5 to gender to the extent practicable.

6 Defined term: "Board" § 17-101

7 **17-204. MEETINGS; COMPENSATION; STAFF.**

8 **(A) MEETINGS.**

9 **THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

10 **(B) COMPENSATION.**

11 **(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL**
12 **SALARY OF \$3,000.**

13 **(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN**
14 **ANNUAL SALARY OF \$2,500.**

15 **(2) (I) THE CHAIR AND EACH OTHER MEMBER OF THE BOARD**
16 **SHALL BE REIMBURSED FOR EXPENSES IN ACCORDANCE WITH THE STANDARD**
17 **STATE TRAVEL REGULATIONS.**

18 **(II) THE EXPENSES SHALL BE PAID BY THE COUNTY.**

19 **(C) STAFF.**

20 **SUBJECT TO § 17-205 OF THIS SUBTITLE, THE BOARD MAY:**

21 **(1) EMPLOY:**

22 **(I) A SECRETARY;**

23 **(II) INSPECTORS; AND**

24 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

25 **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 15–104(a–1)(4), 15–109(i), and 15–112(a)(2).

3 In subsection (b)(1)(i) and (2)(i) of this section, the references to the “chair” are
4 substituted for the former references to the “Chairman” because SG § 2–1238
5 requires the use of words that are neutral as to gender to the extent
6 practicable.

7 In subsection (b)(2)(i) of this section, the reference to each “other” member of
8 the Board is added for clarity.

9 In subsection (b)(2)(ii) of this section, the requirement that expenses be paid
10 by the “County” is substituted for the former requirement that expenses be
11 paid by the “Commissioners” for accuracy.

12 In subsection (c)(1)(iii) of this section, the reference to “assistants” is
13 substituted for the former reference to “assistance” for clarity.

14 Defined terms: “Board” § 17–101
15 “County” § 17–101

16 **17–205. INSPECTORS.**

17 **(A) NUMBER OF INSPECTORS; EMPLOYMENT.**

18 **(1) THE BOARD MAY EMPLOY ONE FULL–TIME INSPECTOR AND AS**
19 **MANY PART–TIME INSPECTORS AS THE BOARD CONSIDERS NECESSARY.**

20 **(2) THE EMPLOYMENT OF THE INSPECTORS IS SUBJECT TO THE**
21 **COUNTY PERSONNEL POLICY AND PROCEDURE MANUAL.**

22 **(B) QUALIFICATIONS.**

23 **AN INDIVIDUAL MAY NOT ACCEPT APPOINTMENT OR CONTINUE AS AN**
24 **INSPECTOR IF THE INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL’S IMMEDIATE**
25 **FAMILY HAS A PERSONAL OR FINANCIAL INTEREST DIRECTLY OR INDIRECTLY IN A**
26 **LICENSE OR IN A PREMISES LICENSED UNDER THIS ARTICLE.**

27 **(C) POWERS.**

28 **AN INSPECTOR:**

29 **(1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE**
30 **STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE; AND**

1 **(2) MAY SERVE A SUMMONS UNDER § 17-2603 OF THIS TITLE.**

2 **(D) DUTIES.**

3 **AN INSPECTOR SHALL:**

4 **(1) INVESTIGATE ALL APPLICANTS FOR A LICENSE OR TRANSFER OF**
5 **A LICENSE;**

6 **(2) VISIT AND INSPECT AT UNANNOUNCED TIMES EVERY LICENSED**
7 **PREMISES IN THE COUNTY AT LEAST ONCE EVERY 90 DAYS;**

8 **(3) ENFORCE ALL ALCOHOLIC BEVERAGES LAWS;**

9 **(4) INVESTIGATE ALL VIOLATIONS OF THE ALCOHOLIC BEVERAGES**
10 **LAWS AND REPORT THEM TO THE BOARD; AND**

11 **(5) SUBMIT MONTHLY REPORTS IN WRITING TO THE BOARD OF THE**
12 **INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS AND LISTING VIOLATIONS**
13 **THAT THE INSPECTOR OBSERVED OR WERE REPORTED TO THE INSPECTOR.**

14 **(E) OATH.**

15 **AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE**
16 **MARYLAND CONSTITUTION.**

17 **(F) COMPENSATION.**

18 **THE SALARIES AND TRAVEL EXPENSES OF THE INSPECTORS SHALL BE**
19 **ESTABLISHED BY THE COUNTY COMMISSIONERS USING COUNTY PERSONNEL**
20 **DEPARTMENT REGULATIONS AND GUIDELINES.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, §§ 15-112(i)(3) through (6) and 16-410(b)(2)(i)4.

23 In subsections (a) and (f) of this section, the former references to an "alcoholic
24 beverages" inspector are deleted as surplusage.

25 In subsection (a)(1) of this section, the former reference to "additional"
26 part-time inspectors is deleted as surplusage.

27 In subsection (b) of this section, the reference to an "individual" is substituted
28 for the former reference to a "person" because only a human being and not the
29 other entities included in the definition of "person" can serve as an inspector.

1 Correspondingly, the references to an “individual” are substituted for the
2 former references to an “inspector” for consistency and to clarify that this
3 subsection applies to individuals who have not yet accepted appointment to
4 the position of inspector as well as to inspectors themselves.

5 In subsection (c)(1) of this section, the reference to the powers “arising out of
6 or relating to the enforcement of this article” is substituted for the former
7 reference to the powers “in respect to the enforcement of the alcoholic
8 beverages laws of the county” for consistency with other similar provisions of
9 this article.

10 In subsection (c)(2) of this section, the reference to serving a summons “under
11 § 17–2603 of this title” is added for clarity.

12 Also in subsection (c)(2) of this section, the former reference to inspectors
13 “employed by the Cecil County Board of License Commissioners” having
14 authority to serve a summons is deleted as unnecessary because all inspectors
15 in Cecil County are employed by the Board.

16 In subsection (d)(1) of this section, the former reference to an “alcoholic
17 beverages” license is deleted in light of the defined term “license”.

18 In subsection (d)(2) of this section, the reference to “once” every 90 days is
19 added for clarity.

20 In subsection (e) of this section, the reference to the requirement to take the
21 oath required by “Article I, § 9 of the Maryland Constitution” is substituted
22 for the former reference to the requirement to taking an oath required in the
23 “Constitution of Maryland, to faithfully perform the duties entrusted to him”
24 for brevity.

25 In subsection (f) of this section, the former requirement that the salaries of
26 part–time inspectors “shall be as provided in the annual budget of the Board
27 of County Commissioners for part–time inspectors and within the total
28 appropriations for this purpose” is deleted in light of the requirement that the
29 salaries of the inspectors be established by the County Commissioners.

30 Former Art. 2B, § 15–112(i)(1), which provided that former Art. 2B, § 15–112(i)
31 applied only in Cecil County, is deleted as unnecessary in light of the
32 organization of this revised article.

33 Defined terms: “Alcoholic beverage” § 1–101

34 “Board” § 17–101

35 “County” § 17–101

36 “License” § 1–101

37 “State” § 1–101

1 **17-206. REGULATIONS.**

2 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 16-301(a), as it related to the authority of the
5 Board to adopt regulations.

6 The defined term "Board" is substituted for the former reference to "the board
7 of license commissioners from any county or Baltimore City, respectively"
8 because this section applies only to the Board of License Commissioners for
9 Cecil County.

10 The reference to the Board "adopt[ing] regulations to carry out" this article is
11 substituted for the former reference to the Board "hav[ing] full power and
12 authority to adopt such reasonable rules and regulations as they may deem
13 necessary to enable them effectively to discharge the duties imposed upon
14 them by" this article for brevity.

15 The former phrase "[i]n addition to the powers otherwise provided by this
16 article," is deleted as surplusage.

17 Defined term: "Board" § 17-101

18 **SUBTITLE 3. LIQUOR CONTROL.**

19 **17-301. LIQUOR CONTROL — NOT APPLICABLE.**

20 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
21 **IN THE COUNTY.**

22 REVISOR'S NOTE: This section is new language added to clarify that there is no
23 liquor control board or department of liquor control in the County.

24 Defined term: "County" § 17-101

25 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

26 **17-401. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

28 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
29 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
30 **EXCEPTION OR VARIATION:**

- 1 (1) § 2-201 (“ISSUANCE BY COMPTROLLER”);
- 2 (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);
- 3 (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- 4 (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- 5 (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- 6 (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- 7 (7) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- 8 (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- 9 (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- 10 (10) § 2-212 (“ADDITIONAL LICENSES”);
- 11 (11) § 2-213 (“ADDITIONAL FEES”);
- 12 (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- 13 (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
14 PROHIBITED”);
- 15 (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
16 AND RETAILERS”);
- 17 (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
18 PROHIBITED PRACTICES”); AND
- 19 (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
20 RETAILERS — PROHIBITED”).

21 (B) EXCEPTIONS.

22 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
23 LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- 24 (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

1 **(2) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”).**

2 REVISOR’S NOTE: Subsection (a) of this section is new language added to
3 incorporate by reference general provisions relating to the issuance of
4 manufacturer’s licenses.

5 Subsection (b)(1) of this section is new language derived without substantive
6 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
7 implicit in the former law, that a limited distillery license may not be issued
8 in the County.

9 Subsection (b)(2) of this section is new language derived without substantive
10 change from the introductory language of former Art. 2B, § 2–208(b)(2) as it
11 authorized the issuance of Class 7 micro–brewery licenses only in specific
12 jurisdictions, not including Cecil County.

13 Defined terms: “County” § 17–101
14 “Manufacturer’s license” § 1–101

15 **17–402. HOURS AND DAYS OF SALE OR DELIVERY.**

16 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
17 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
18 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 11–101(b)(6).

21 Defined terms: “Alcoholic beverage” § 1–101
22 “Manufacturer’s license” § 1–101

23 **SUBTITLE 5. WHOLESALER’S LICENSES.**

24 **17–501. APPLICATION OF GENERAL PROVISIONS.**

25 **TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS**
26 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

27 REVISOR’S NOTE: This section is new language added to incorporate by reference
28 general provisions relating to the issuance of wholesaler’s licenses.

29 Defined terms: “County” § 17–101
30 “Wholesaler’s license” § 1–101

1 **17-502. HOURS AND DAYS OF SALE OR DELIVERY.**

2 **EXCEPT AS PROVIDED IN § 17-503 OF THIS SUBTITLE, A HOLDER OF A**
3 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
4 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
5 **SUNDAY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 11-102(a).

8 Defined terms: "Alcoholic beverage" § 1-101
9 "Wholesaler's license" § 1-101

10 **17-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

11 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

12 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
13 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
14 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
15 **RETURNS ON THE SAME DAY.**

16 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

17 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
18 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
19 **REQUIRED TO DISPENSE DRAFT BEER.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 11-102(b).

22 In subsection (a) of this section, the reference to a "per diem" license is
23 substituted for the former reference to a "special 1-day" license to conform to
24 the terminology used throughout this article.

25 Also in subsection (a) of this section, the reference to a per diem license issued
26 "under Subtitle 13 of this title" is substituted for the former reference to a
27 license issued "pursuant to § 7-101 of this article" to reflect the reorganization
28 of material relating to per diem licenses in titles for each applicable
29 jurisdiction in this revision.

30 Also in subsection (a) of this section, the reference to delivery of beer on the
31 "effective date of the per diem license" is substituted for the former reference
32 to delivery on the "effective day of the license" for clarity.

1 Also in subsection (a) of this section, the former reference to accepting returns
2 on the same day “of delivery” is deleted as surplusage.

3 In subsection (b) of this section, the language that the “agreement entered into
4 under subsection (a) of this section shall include [the type of equipment to
5 dispense draft beer]” is substituted for the former language that the “parties
6 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

7 Defined terms: “Beer” § 1–101
8 “Wholesaler’s license” § 1–101

9 **SUBTITLE 6. BEER LICENSES.**

10 **17–601. CLASS A BEER LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS A BEER LICENSE.**

13 **(B) SCOPE OF AUTHORIZATION.**

14 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
15 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

16 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
17 **PACKAGE OR CONTAINER.**

18 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
19 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

20 **(C) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$60.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 3–101(i) and (a)(1).

24 In subsection (a) of this section, the former reference to a license being “issued
25 by the license issuing authority of the county in which the place of business is
26 located” is deleted as surplusage.

27 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
28 as implicit in the word “sell”.

1 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
2 deleted as surplusage.

3 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
4 the former reference to “deliver[ing]” for clarity and accuracy.

5 Defined terms: “Beer” § 1–101
6 “Consumer” § 1–101

7 **17–602. CLASS B BEER LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A CLASS B BEER LICENSE.**

10 **(B) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
12 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
13 **ON– AND OFF–PREMISES CONSUMPTION.**

14 **(C) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$75.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 3–201(i) and (a)(1).

18 In subsection (a) of this section, the former reference to a license being “issued
19 by the license issuing authority of the county in which the place of business is
20 located” is deleted as surplusage.

21 In subsection (b) of this section, the reference to “on– and off–premises
22 consumption” is substituted for the former reference to “consumption on the
23 premises or elsewhere” for clarity.

24 Also in subsection (b) of this section, the former phrase “keep for sale” is
25 deleted as implicit in the word “sell”.

26 Defined terms: “Beer” § 1–101
27 “Hotel” §§ 1–101, 17–101
28 “Restaurant” §§ 1–101, 17–101

29 **17–603. CLASS C BEER LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS C BEER LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
5 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
6 **LICENSE FOR ON-PREMISES CONSUMPTION.**

7 **(C) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$75.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 3-301(i) and (a)(1).

11 In subsection (a) of this section, the former reference to a license being "issued
12 by the local licensing authority of the county in which the place of business is
13 located" is deleted as surplusage.

14 In subsection (b) of this section, the former phrase "keep for sale" is deleted as
15 implicit in the word "sell".

16 Also in subsection (b) of this section, the former reference to "bona fide"
17 members is deleted as surplusage.

18 Defined terms: "Beer" § 1-101

19 "Club" § 1-101

20 **17-604. CLASS D BEER LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS D BEER LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
25 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
26 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

27 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

28 **(C) FEE.**

1 **(D) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$50.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 4-201(a)(6), (b)(1), (c)(1) and (2), and (d)(1).

5 Throughout this section, the references to "wine" are substituted for the
6 former references to "light wine" to reflect that license holders in the County
7 may sell wine with an alcohol content of 22%, which is above the traditional
8 maximum level of 15.5% for light wine.

9 In subsection (b)(1) of this section, the reference to a "Class 4 limited winery
10 license" is substituted for the former reference to a "Class 4 manufacturer's
11 license" to conform to the terminology used throughout this article.

12 Also in subsection (b)(1) of this section, the former reference to a license being
13 issued "by the license issuing authority of the county in which the place of
14 business is located" is deleted as surplusage.

15 In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted
16 as implicit in the word "sell".

17 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
18 any consumer" is deleted as surplusage.

19 In subsection (c)(2) of this section, the reference to "sold" is substituted for the
20 former reference to "delivered" to conform to the terminology used throughout
21 this article.

22 Defined terms: "Board" § 17-101

23 "County" § 17-101

24 "License" § 1-101

25 "Wine" § 1-101

26 **SUBTITLE 8. BEER AND WINE LICENSES.**

27 **17-801. CLASS A BEER AND WINE LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS A BEER AND WINE LICENSE.**

30 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
2 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

3 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
4 **SEALED PACKAGE OR CONTAINER.**

5 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
6 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
7 **SOLD.**

8 **(C) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$75.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 5–101(i) and (a)(1).

12 In this section and throughout this subtitle, the references to “wine” are
13 substituted for the former references to “light wine” to reflect that license
14 holders in the County may sell wine with an alcohol content of 22%, which is
15 above the traditional maximum level of 15.5% for light wine.

16 Subsection (a) of this section is revised in standard language used throughout
17 this article to establish a license.

18 In subsection (a) of this section and throughout this subtitle, the former
19 references to the license being “issued by the license issuing authority of the
20 county in which the place of business is located” are deleted as surplusage.

21 In subsection (b)(1) of this section and throughout this subtitle, the former
22 references to “keep[ing] for sale” are deleted as implicit in the references to
23 “sell[ing]”.

24 In subsection (b)(1) of this section, the former reference to selling beer and
25 wine “in any quantity to any consumers,” is deleted as surplusage.

26 In subsection (b)(2) of this section, the word “sell” is substituted for the former
27 word “deliver” to conform to the terminology used throughout this article.

28 Defined terms: “Beer” § 1–101

29 “Wine” § 1–101

30 **17–802. CLASS B BEER AND WINE LICENSE.**

31 **(A) ESTABLISHED.**

1 **THERE IS A CLASS B BEER AND WINE LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
4 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
5 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

6 **(C) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$90.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 5-201(i) and (a)(1).

10 Subsection (a) of this section is revised in standard language used throughout
11 this article to establish a license.

12 In subsection (b) of this section, the reference to "on- and off-premises
13 consumption" is substituted for the former reference to "consumption on the
14 premises or elsewhere" for clarity.

15 Defined terms: "Beer" § 1-101

16 "Hotel" § 1-101

17 "Restaurant" § 1-101

18 "Wine" § 1-101

19 **17-803. CLASS C BEER AND WINE LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS C BEER AND WINE LICENSE.**

22 **(B) SCOPE OF AUTHORIZATION.**

23 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
24 **A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE**
25 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

26 **(C) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$100.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 5-301(i) and (a)(1).

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In subsection (b) of this section, the former reference to consumption “only” on
4 the premises is deleted as surplusage.

5 Also in subsection (b) of this section, the former reference to a “bona fide”
6 member is deleted as surplusage.

7 Defined terms: “Beer” § 1–101

8 “Club” § 1–101

9 “Wine” § 1–101

10 **17–804. CLASS D BEER AND WINE LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS D BEER AND WINE LICENSE.**

13 **(B) SCOPE OF AUTHORIZATION.**

14 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
15 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
16 **OFF-PREMISES CONSUMPTION.**

17 **(C) DRUGSTORE PROHIBITION.**

18 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

19 **(D) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$225.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 5–401(i) and (a)(1).

23 Subsection (a) of this section is revised in standard language used throughout
24 this article to establish a license.

25 In subsection (b) of this section, the reference to “on- and off-premises
26 consumption” is substituted for the former reference to “consumption on the
27 premises or elsewhere” for clarity.

28 Defined terms: “Beer” § 1–101

1 “Wine” § 1–101

2 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

3 **17–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
8 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

9 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
10 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
11 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

12 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

13 **THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE**
14 **APPLICANT:**

15 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
16 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
17 **THE LICENSE;**

18 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
19 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
20 **APPLIED FOR; OR**

21 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
22 **LEAST 3 YEARS.**

23 **(D) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$750.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 6–101(i) and (a)(1) and (3).

27 Subsection (a) of this section is revised in standard language used throughout
28 this article to establish a license.

1 In subsection (b) of this section, references to “beer, wine, [or] liquor” are
2 substituted for the former references to “alcoholic beverages” for clarity.

3 In subsection (b)(1) of this section, the former phrase “in any quantity” is
4 deleted as unnecessary.

5 Also in subsection (b)(1) of this section, the former reference “to keep[ing] for
6 sale” is deleted as included in the reference to “sell[ing]”.

7 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
8 of the application for the license” is substituted for the former phrase “that
9 length of time” for clarity.

10 In subsection (c)(3) of this section, the former reference to “actually” engaged
11 is deleted as surplusage.

12 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
13 deleted as surplusage.

14 Defined terms: “Beer” § 1–101
15 “Wine” § 1–101

16 **17–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

19 **(B) AUTHORIZED HOLDER.**

20 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

21 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
22 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

23 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

24 **(3) HAS:**

25 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

26 **(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE**
27 **PUBLIC; AND**

1 **(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND**
2 **SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
5 **LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE**
6 **LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

7 **(D) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$750.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 6–201(a)(1) and (3)(i) and (i)(2).

11 Subsection (a) of this section is standard language used throughout this article
12 to establish a license.

13 In subsection (b) of this section, the former phrase “[e]xcept in Montgomery
14 County or in the case of a contrary provision in this subtitle” is deleted as
15 unnecessary in light of the organization of this revised article.

16 In subsection (b)(3)(iii) of this section, the reference to “individuals” is
17 substituted for the former reference to “persons” because this subsection refers
18 only to human beings.

19 Former Art. 2B, § 6–201(i)(1), which stated that former Art. 2B, § 6–201(i)
20 applied only in Cecil County, is deleted as unnecessary in light of the
21 organization of this revised article.

22 Defined terms: “Beer” § 1–101

23 “Board” § 17–101

24 “Hotel” § 17–101

25 “Restaurant” § 17–101

26 “Wine” § 1–101

27 **17–903. CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT HAS:**

2 **(1) A CAPITAL INVESTMENT OF AT LEAST \$450,000 FOR DINING ROOM**
3 **FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND,**
4 **BUILDINGS, OR A LEASE; AND**

5 **(2) SEATING FOR AT LEAST 100 INDIVIDUALS.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
8 **LIQUOR FOR ON-PREMISES CONSUMPTION.**

9 **(D) HOURS AND DAYS OF SALE.**

10 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
11 **HOURS AND DAYS OF SALE AS SET OUT FOR A CLASS BLX BEER, WINE, AND LIQUOR**
12 **LICENSE UNDER § 17-2006(C) OF THIS TITLE.**

13 **(E) FEE.**

14 **(1) THE ANNUAL LICENSE FEE IS \$2,500.**

15 **(2) THERE IS NO ADDITIONAL SUNDAY FEE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 6-201(i)(3).

18 Subsection (a) of this section is standard language used throughout this article
19 to establish a license.

20 In the introductory language of subsection (b)(1) of this section, the former
21 phrase "[n]otwithstanding the license quota provisions of § 8-208 of this
22 article" is deleted as unnecessary in light of the organization of this revised
23 article.

24 In subsection (b)(2) of this section, the reference to "individuals" is substituted
25 for the former, broader reference to "persons" because the provision refers only
26 to human beings.

27 Also in subsection (b)(2) of this section, the former reference to seating
28 "capacity" is deleted as surplusage.

1 In subsections (c) and (d) of this section, the references to “beer, wine, and
2 liquor” are substituted for the former references to “alcoholic beverages” for
3 clarity.

4 In subsection (d) of this section, the reference to a “Class BLX beer, wine, and
5 liquor license under § 17–2006(c) of this title” is substituted for the former
6 reference to “during the hours and days authorized under a Class B beer, wine
7 and liquor license” for clarity.

8 Defined terms: “Beer” § 1–101

9 “Board” § 17–101

10 “Restaurant” § 17–101

11 “Wine” § 1–101

12 **17–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

17 **(1) HAS BEEN INCORPORATED FOR AT LEAST 2 YEARS BEFORE THE**
18 **LICENSE APPLICATION IS MADE;**

19 **(2) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$50 PER**
20 **YEAR PER MEMBER;**

21 **(3) MAINTAINS SLEEPING ACCOMMODATIONS ON THE CLUB**
22 **PREMISES FOR 25 CLUB MEMBERS OR GUESTS; AND**

23 **(4) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE**
24 **CLUB PREMISES TO MEMBERS AND GUESTS.**

25 **(C) SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
27 **LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES**
28 **CONSUMPTION.**

29 **(D) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$600.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 6–301(a)(1) and (i)(2) and (3).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (b) of this section, the former phrase “the club may not operate
7 as a place of public business” is deleted as implicit in the defined term “club”.

8 In subsection (b)(2) of this section, the former reference to “bona fide” members
9 is deleted as surplusage.

10 In subsection (b)(3) of this section, the former phrase “at the time” is deleted
11 as surplusage.

12 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
13 substituted for the former reference to “all alcoholic beverages” for clarity.

14 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
15 is deleted as implicit in the reference to “sell[ing]”.

16 Also in subsection (c) of this section, the former reference to selling “at retail”
17 is deleted as unnecessary in light of the phrase “for on–premises
18 consumption”.

19 Also in subsection (c) of this section, the former reference to consumption
20 “only” on the licensed premises is deleted as surplusage.

21 Former Art. 2B, § 6–301(i)(1), which stated that former Art. 2B, § 6–301(i)
22 applied only in Cecil County, is deleted as unnecessary in light of the
23 organization of this revised article.

24 Former Art. 2B, § 6–301(i)(4), which stated that on approval of the application
25 by the Board and payment of the required license fee, an applicant may obtain
26 a license from the Board, is deleted as redundant of § 4–111 of this article.

27 Defined terms: “Beer” § 1–101

28 “Board” § 17–101

29 “Club” § 1–101

30 “Wine” § 1–101

31 **17–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

32 **(A) ESTABLISHED.**

1 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
4 **LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES**
5 **CONSUMPTION.**

6 **(C) DRUGSTORE PROHIBITION.**

7 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

8 **(D) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$750.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 6-401(a)(1) and (i)(2).

12 Subsection (a) of this section is revised in standard language used throughout
13 this title to establish a license.

14 In subsection (b) of this section, the reference to "on- and off-premises
15 consumption" is substituted for the former reference to "consumption on the
16 premises or elsewhere" for clarity.

17 Also in subsection (b) of this section, the phrase "at the place described in the
18 license" is substituted for the former phrase "at the place described in it" for
19 clarity.

20 Also in subsection (b) of this section, the former phrase "at retail" is deleted as
21 surplusage.

22 Former Art. 2B, § 6-401(i)(1), which stated that former Art. 2B, § 6-401(i)
23 applied only in Cecil County, is deleted as unnecessary in light of the
24 organization of this revised article.

25 Defined terms: "Beer" § 1-101

26 "Wine" § 1-101

27 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

28 **17-1001. CLUB OR ORGANIZATION LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A BEER, WINE, AND LIQUOR CLUB OR ORGANIZATION LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **(1) THE BOARD MAY ISSUE A BEER, WINE, AND LIQUOR LICENSE FOR**
 5 **THE USE OF A CLUB OR ORGANIZATION THAT:**

6 **(I) OWNS REAL PROPERTY IN THE COUNTY; AND**

7 **(II) 1. IF A YACHT CLUB, HAS AT LEAST 150 MEMBERS, OF**
 8 **WHICH AT LEAST 50 MEMBERS OWN YACHTS, BOATS, OR OTHER VESSELS; OR**

9 **2. IF A LOCAL VETERANS', FRATERNAL, OR SORORAL**
 10 **ORGANIZATION, IS ASSOCIATED WITH A NATIONAL ORGANIZATION.**

11 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
 12 **WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

13 **(C) HOURS AND DAYS OF SALE.**

14 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 15 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
 16 **UNDER § 17-2006 OF THIS TITLE.**

17 **(D) FEE.**

18 **THE ANNUAL LICENSE FEE IS:**

19 **(1) \$2,000 FOR A FOR-PROFIT CLUB OR ORGANIZATION; AND**

20 **(2) \$500 FOR A NONPROFIT CLUB OR ORGANIZATION.**

21 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
 22 derived without substantive change from former Art. 2B, § 8-208(a).

23 In subsections (a) and (b)(1) of this section, the former references to a "7-day"
 24 license are deleted for consistency in license names throughout this article.

25 Subsection (c) of this section is new language added to provide a
 26 cross-reference to the hours and days of sale provision that applies to a Class
 27 C beer, wine, and liquor license in Cecil County.

1 Defined terms: "Beer" § 1-101

2 "Board" § 17-101

3 "Club" § 1-101

4 "County" § 17-101

5 "Wine" § 1-101

6 **17-1002. ENTERTAINMENT FACILITY LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS EF (ENTERTAINMENT FACILITY) BEER, WINE, AND LIQUOR**
9 **LICENSE.**

10 **(B) AUTHORIZED HOLDER.**

11 **(1) THE BOARD MAY ISSUE A LICENSE TO AN APPLICANT THAT HAS A**
12 **CAPITAL INVESTMENT OF AT LEAST \$35,000,000 IN THE ENTERTAINMENT FACILITY**
13 **FOR WHICH THE LICENSE IS SOUGHT, NOT INCLUDING REAL PROPERTY.**

14 **(2) THE BOARD MAY ISSUE ONE OR MORE LICENSES FOR THE SAME**
15 **ENTERTAINMENT FACILITY.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
18 **WINE, AND LIQUOR:**

19 **(I) BY THE DRINK AND BOTTLE;**

20 **(II) FROM ONE OR MORE OUTLETS IN THE ENTERTAINMENT**
21 **FACILITY; AND**

22 **(III) FOR CONSUMPTION ANYWHERE WITHIN THE**
23 **ENTERTAINMENT FACILITY.**

24 **(2) THE LICENSE AUTHORIZES THE PLAYING OF MUSIC AND DANCING.**

25 **(D) HOURS AND DAYS OF SALE.**

26 **THE LICENSE HOLDER MAY SELL AND SERVE BEER, WINE, AND LIQUOR IN THE**
27 **ENTERTAINMENT FACILITY DURING THE DAYS AND HOURS THAT THE**
28 **ENTERTAINMENT FACILITY IS OPEN FOR BUSINESS.**

29 **(E) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$7,500.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 6–201(i)(4)(i), (ii), and (iv) through (viii) and
4 11–508(a)(3)(ii)4.

5 In subsection (b)(1) of this section, the former phrase “[n]otwithstanding §
6 8–208(b) of this article” is deleted as unnecessary in light of the organization
7 of this revised article.

8 In subsection (d) of this section, the reference to the authority of the “license
9 holder” to “sell and serve” beer, wine, and liquor is substituted for the former
10 reference to the “license authorizes the sales and serving of” beer, wine, and
11 liquor for clarity and consistency with similar provisions on hours and days of
12 sale in this article.

13 Former Art. 2B, § 6–201(i)(4)(iii), which stated that a Class EF license may
14 not sell alcoholic beverages for off–sale consumption, is deleted as surplusage.

15 Defined terms: “Beer” § 1–101

16 “Board” § 17–101

17 “Wine” § 1–101

18 **17–1003. GOLF COURSE LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) AUTHORIZED HOLDER.**

22 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ORGANIZATION OR**
23 **COUNTRY CLUB THAT:**

24 **(1) IS PUBLIC OR PRIVATE;**

25 **(2) IS OPERATED FOR PROFIT;**

26 **(3) OWNS REAL ESTATE IN THE COUNTY; AND**

27 **(4) HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH AT LEAST**
28 **18 HOLES.**

29 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
2 **WINE, AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE BUILDINGS,**
3 **INCLUDING THE CLUBHOUSE, THAT ARE USED FOR GOLFING PURPOSES.**

4 **(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

5 **(3) A PROHIBITION ON THE DISTANCE THAT LICENSED PREMISES**
6 **SHALL BE FROM A STRUCTURE USED AS A HOSPITAL, HOUSE OF WORSHIP, OR**
7 **SCHOOL DOES NOT APPLY TO THE LICENSE HOLDER.**

8 **(D) HOURS AND DAYS OF SALE.**

9 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
10 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
11 **UNDER § 17-2006 OF THIS TITLE.**

12 **(E) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$2,000.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 8-501.1(b) through (h).

16 In subsection (d) of this section, the reference to the authority of the "license
17 holder" to "sell beer, wine, and liquor during the hours and days as set out for
18 a Class C beer, wine, and liquor license under § 17-2006 of this title" is
19 substituted for the former reference to the "hours and days of sale are as
20 specified ... in § 11-508 of this article" for clarity and consistency with similar
21 provisions on hours and days of sale in this article.

22 Former Art. 2B, § 8-501.1(a), which stated that the provisions of former Art.
23 2B, § 8-501.1 applied only in Cecil County, is deleted as unnecessary in light
24 of the organization of this revised article.

25 Defined terms: "Beer" § 1-101

26 "Board" § 17-101

27 "County" § 17-101

28 "Wine" § 1-101

29 **17-1004. MOTEL-RESTAURANT OR HOTEL-RESTAURANT COMPLEX LICENSE.**

30 **(A) ESTABLISHED.**

1 **THERE IS A MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT**
 2 **COMPLEX LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE TO A PERSON OWNING OR LEASING A**
 5 **MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX THAT HAS:**

6 **(1) A CAPITAL INVESTMENT OF AT LEAST \$1,000,000 IN THE**
 7 **BUILDINGS, NOT INCLUDING THE LAND; AND**

8 **(2) AN ENCLOSED DINING ROOM THAT SERVES FULL-COURSE MEALS**
 9 **FROM MENUS AT LEAST TWICE DAILY.**

10 **(C) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 12 **LIQUOR FOR ON-PREMISES CONSUMPTION.**

13 **(D) HOURS AND DAYS OF SALE.**

14 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 15 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
 16 **UNDER § 17-2006 OF THIS TITLE.**

17 **(E) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$1,500.**

19 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
 20 language derived without substantive change from the first through third
 21 sentences of former Art. 2B, § 8-208(i).

22 Subsection (d) of this section is new language added to provide a
 23 cross-reference to the hours and days of sale provision that applies to a Class
 24 B beer, wine, and liquor license in Cecil County.

25 In subsection (a) of this section, the former reference authorizing the Board to
 26 approve the issuance of an "additional" license is deleted as surplusage.

27 In the introductory language of subsection (b) of this section, the former
 28 reference to a "firm, or corporation" is deleted as included in the defined term
 29 "person".

1 The fourth sentence of former Art. 2B, § 8–208(i), which stated that the license
2 holder shall be responsible for full compliance with all applicable statutes,
3 ordinances and regulations, notwithstanding any lease or contractual
4 provisions to the contrary, is deleted as unnecessary, as it merely repeats
5 common practice.

6 Defined terms: “Beer” § 1–101

7 “Board” § 17–101

8 “Person” § 1–101

9 “Wine” § 1–101

10 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

11 **17–1101. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
14 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
15 **EXCEPTION OR VARIATION:**

16 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
17 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

18 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
19 **FROM LICENSED PREMISES”).**

20 **(B) EXCEPTION.**

21 **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
22 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

23 **(C) VARIATION.**

24 **SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
25 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 17–1102 OF**
26 **THIS SUBTITLE.**

27 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
28 general provisions relating to additional privileges of license holders.

29 Defined terms: “Beer” § 1–101

30 “County” § 17–101

31 “License” § 1–101

32 “License holder” § 1–101

1 “Wine” § 1–101

2 **17–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

3 **(A) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
5 **TO A HOLDER OF A CLASS A LICENSE OR A CLASS B LICENSE.**

6 **(B) APPLICATION FORM.**

7 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
8 **BOARD PROVIDES.**

9 **(C) HOURS OF SALE.**

10 **THE HOURS OF SALE FOR THE PERMIT BEGIN AND END AT THE SAME TIME AS**
11 **THOSE FOR THE UNDERLYING LICENSE.**

12 **(D) CALCULATION OF AVERAGE DAILY RECEIPTS.**

13 **RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE**
14 **CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
15 **BEVERAGES UNDER § 17–2001 OF THIS TITLE.**

16 **(E) REGULATIONS.**

17 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

18 **(F) FEE.**

19 **THE ANNUAL PERMIT FEE IS \$50.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 7–101(l)(8)(ii), (v), (vii), (viii), and (x).

22 In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

23 In subsection (c) of this section, the reference to the “underlying license” is
24 substituted for the former reference to the “license already held by the person
25 to whom the refillable container permit is issued” for brevity.

1 Former Art. 2B, § 7-101(l)(8)(i), (iii), (iv), (vi), and (ix) are deleted as
2 unnecessary because they merely repeated provisions concerning refillable
3 container permits that appear in § 4-1104 of this article.

4 Defined terms: "Alcoholic beverage" § 1-101
5 "Board" § 17-101

6 SUBTITLE 12. CATERER'S LICENSES.

7 17-1201. LOCAL CATERER'S LICENSE.

8 (A) ESTABLISHED.

9 THERE IS A LOCAL CATERER'S LICENSE.

10 (B) AUTHORIZED HOLDER.

11 THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:

12 (1) A CLASS B RESTAURANT OR HOTEL BEER, WINE, AND LIQUOR
13 LICENSE; OR

14 (2) A CLASS B RESTAURANT OR HOTEL BEER AND WINE LICENSE.

15 (C) SCOPE OF AUTHORIZATION.

16 THE LICENSE AUTHORIZES A HOLDER TO:

17 (1) (I) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS
18 HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR
19 HOTEL BEER, WINE, AND LIQUOR LICENSE IS ISSUED; OR

20 (II) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF
21 THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL BEER
22 AND WINE LICENSE IS ISSUED; AND

23 (2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE
24 HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.

25 (D) FOOD REQUIREMENT.

26 THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE
27 CATERED EVENT.

1 **(E) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$100.**

3 **(F) EFFECT OF SECTION.**

4 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
5 **HOTEL BEER, WINE, AND LIQUOR LICENSE OR A CLASS B RESTAURANT OR HOTEL**
6 **BEER AND WINE LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING**
7 **ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

8 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
9 expressly what was only implied in the former law, that a local caterer's
10 license exists in Cecil County.

11 Subsections (b) through (f) of this section are new language derived without
12 substantive change from former Art. 2B, § 6–712(b) through (g).

13 In subsections (b)(2), (c)(1), and (f) of this section, the references to “wine” are
14 substituted for the former references to “light wine” to reflect that license
15 holders in the County may sell wine with an alcohol content of not more than
16 22%, which is above the traditional maximum level of 15.5% for light wine.

17 In subsection (c)(1)(i) of this section, the reference to “beer, wine, and liquor”
18 is substituted for the former reference to “alcoholic beverages” for clarity.

19 In subsection (c)(1)(ii) of this section, the reference to “beer and wine” is
20 substituted for the former reference to “alcoholic beverages” for clarity.

21 In subsection (c)(2) of this section, the former phrase “under this article” is
22 deleted as surplusage.

23 Also in subsection (c)(2) of this section, the reference to “the holder's Class B
24 license” is substituted for the former reference to “a Class B restaurant or
25 hotel beer, wine and liquor license or a Class B restaurant or hotel beer and
26 light wine license” for brevity.

27 In subsection (d) of this section, the former reference to providing food “as well
28 as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1)
29 of this section.

30 In subsection (f) of this section, the reference to a “local” caterer's license is
31 added for clarity.

1 Also in subsection (f) of this section, the reference to the premises for the
2 “Class B” license is substituted for the former reference to the premises for the
3 “existing” license for clarity.

4 Also in subsection (f) of this section, the former references to an “existing”
5 Class B license are deleted as surplusage.

6 Former Art. 2B, § 6–712(a), which stated that former Art. 2B, § 6–712 applied
7 only in Cecil County, is deleted as unnecessary in light of the organization of
8 this revised article.

9 Defined terms: “Beer” § 1–101

10 “Board” § 17–101

11 “Hotel” § 1–101

12 “Restaurant” § 1–101

13 “Wine” § 1–101

14 **SUBTITLE 13. TEMPORARY LICENSES.**

15 **PART I. IN GENERAL.**

16 **17–1301. APPLICATION OF GENERAL PROVISIONS.**

17 **TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS**
18 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 the general provisions relating to local temporary licenses.

21 Defined term: “County” § 17–101

22 **17–1302. RESERVED.**

23 **17–1303. RESERVED.**

24 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

25 **17–1304. WINE FESTIVAL LICENSE.**

26 **(A) ESTABLISHED.**

27 **(1) THERE IS A WINE FESTIVAL (WF) LICENSE.**

28 **(2) THE BOARD MAY ISSUE NOT MORE THAN THREE WINE FESTIVAL**
29 **(WF) LICENSES.**

1 **(B) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
3 **CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS**
6 **DISTRIBUTED IN THE STATE.**

7 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

8 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

9 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

10 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR A WINE**
11 **FESTIVAL.**

12 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

13 **THE BOARD:**

14 **(1) MAY CHOOSE FOR EACH WINE FESTIVAL 1 WEEKEND EACH YEAR**
15 **DURING JUNE, JULY, AUGUST, OR SEPTEMBER THAT DOES NOT CONFLICT WITH**
16 **THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL, THE CUMBERLAND AND**
17 **SHENANDOAH VALLEY WINE FESTIVAL, OR THE MARYLAND WINE FESTIVAL IN**
18 **CARROLL COUNTY;**

19 **(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;**
20 **AND**

21 **(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF EACH FESTIVAL IS**
22 **THE PROMOTION OF MARYLAND WINE.**

23 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

24 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
25 **OR NATURE.**

26 **(G) FEE.**

1 **THE LICENSE FEE IS \$20.**

2 **(H) REGULATIONS.**

3 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 8-306.1(c) through (j).

6 Throughout this section, the former references to a "special" license are
7 deleted as surplusage.

8 Subsection (a)(i) of this section is revised in standard language used
9 throughout this article to establish a license.

10 In subsection (b) of this section, the reference to a "retail license" is substituted
11 for the former reference to a "State retail alcoholic beverages" license for
12 brevity.

13 In subsections (d)(2) and (e)(1) of this section, the former references to a
14 festival or location "in the county" are deleted as surplusage.

15 In subsection (c) of this section, the reference to the license "authoriz[ing] the
16 holder" to display and sell is substituted for the former reference to the
17 requirement that the "holder of a special WF license shall" display and sell for
18 clarity and consistency with terminology used throughout this article.

19 Also in subsection (c) of this section, the former requirement that wine must
20 be "[p]rice filed in accordance with regulations adopted by the Comptroller" is
21 deleted as obsolete. *See* General Revisor's Note to Division II.

22 In the introductory language of subsection (d) of this section, the reference to
23 the requirement that a "license holder shall" display and sell is substituted for
24 the former reference to a "license entitl[ing] the holder to" display and sell for
25 clarity and consistency with terminology used throughout this article.

26 In subsection (e)(2) of this section, the reference to a location that is not
27 "already licensed" is substituted for the former reference to a location that is
28 not "licensed under this article" for consistency with terminology used
29 throughout this article.

30 Also in subsection (e)(2) of this section, the former reference to a location "for
31 each festival" is deleted as surplusage.

32 In subsection (f) of this section, the reference to a license holder who "may
33 hold" another license is substituted for the former statement that "[t]his

1 section does not prohibit the license holder from holding” another license for
2 clarity.

3 Former Art. 2B, § 8–306.1(a), which defined “Board” to mean the Cecil County
4 Liquor Board, is deleted as redundant in light of the defined term “Board” in
5 § 17–101 of this title.

6 Former Art. 2B, § 8–306.1(b), which stated that former Art. 2B, § 8–306.1
7 applied only in Cecil County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Defined terms: “Board” § 17–101

10 “State” § 1–101

11 “Wine” § 1–101

12 **17–1305. WINE TASTING (CLASS T) LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A WINE TASTING (CLASS T) LICENSE.**

15 **(B) SCOPE OF AUTHORIZATION.**

16 **THE LICENSE AUTHORIZES THE HOLDER TO HOLD WINE TASTING PARTIES**
17 **AND DEMONSTRATIONS.**

18 **(C) FORM OF APPLICATION.**

19 **THE LICENSE SHALL BE:**

20 **(1) ISSUED ON A FORM THAT THE BOARD REQUIRES; AND**

21 **(2) SIGNED AND SWORN TO BY THE APPLICANT.**

22 **(D) LIMITATIONS.**

23 **(1) THE LICENSE ISSUED MAY BE ISSUED TO A PERSON NOT MORE**
24 **THAN FOUR TIMES IN A CALENDAR YEAR.**

25 **(2) THE TOTAL NUMBER OF DAYS THAT THE LICENSE IS IN EFFECT**
26 **MAY NOT EXCEED FOUR IN A CALENDAR YEAR.**

27 **(E) FEE.**

28 **THE LICENSE FEE IS \$25 PER DAY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 7-101(l)(6).

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (d)(2) of this section, the reference to the days that a license "is
6 in effect" is substituted for the former reference to the days "authorized" by
7 the license for clarity.

8 In subsection (e) of this section, the former requirement that the license fee is
9 to be paid to the Board before the license is issued is deleted as redundant of
10 § 4-411 of this article.

11 The Alcoholic Beverages Article Review Committee notes, for consideration by
12 the General Assembly, that this section does not specify to whom a Class T
13 license may be issued.

14 Defined terms: "Board" § 17-101

15 "License" § 1-101

16 "Person" § 1-101

17 "Wine" § 1-101

18 **17-1306. RESERVED.**

19 **17-1307. RESERVED.**

20 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

21 **17-1308. BOARD ACTION ON PER DIEM LICENSE APPLICATIONS.**

22 **(A) APPROVAL OR DISAPPROVAL OF APPLICATION.**

23 **(1) A SIMPLE MAJORITY OF THE TOTAL NUMBER OF THE MEMBERS OF**
24 **THE BOARD MAY ACT TO APPROVE OR DENY AN APPLICATION FOR A PER DIEM**
25 **LICENSE:**

26 **(I) IN A FORMAL MEETING, WITH A QUORUM PRESENT; OR**

27 **(II) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS**
28 **SUBSECTION, THROUGH ORAL OR WRITTEN CONTACT BY ANY METHOD BY THE CHAIR**
29 **WITH EACH MEMBER OF THE BOARD.**

1 **(2) THE CHAIR SHALL MAKE A WRITTEN RECORD UNDER PARAGRAPH**
 2 **(1)(II) OF THIS SUBSECTION OF HOW EACH MEMBER AND THE CHAIR VOTED.**

3 **(B) PUBLICATION OF APPLICATION MAY NOT BE REQUIRED.**

4 **THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION FOR A**
 5 **PER DIEM LICENSE AS A PREREQUISITE TO THE ISSUING OF THE LICENSE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 7-101(l)(3) and (5).

8 In the introductory language of subsection (a)(1) of this section, the former
 9 phrase "[i]n this subsection, where action of the Board is required," is deleted
 10 as surplusage.

11 In subsection (a)(1)(ii) of this section, the former phrase "including telephone
 12 or facsimile" is deleted as included in the reference to "any method".

13 Former Art. 2B, § 7-101(l)(1), which stated that former Art. 2B, § 7-101(l)
 14 applied only in Cecil County, is deleted as unnecessary in light of the
 15 organization of this revised article.

16 Former Art. 2B, § 7-101(l)(2), which defined the term "Board", is deleted as
 17 unnecessary because the term is defined in § 17-101 of this title.

18 Defined terms: "Board" § 17-101
 19 "License" § 1-101

20 **17-1309. LICENSE FOR USE AT ENTERTAINMENT EVENT.**

21 **(A) ESTABLISHED.**

22 **THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY CLASS TO A CLUB FOR**
 23 **USE AT AN ENTERTAINMENT EVENT.**

24 **(B) FORM OF APPLICATION.**

25 **AN APPLICATION SHALL BE:**

26 **(1) ON A FORM THAT THE BOARD REQUIRES; AND**

27 **(2) SIGNED AND SWORN TO BY THE APPLICANT.**

28 **(C) LIMITATIONS.**

1 **(1) THE TOTAL NUMBER OF DAYS FOR WHICH THE LICENSE MAY BE**
 2 **USED MAY NOT EXCEED FOUR IN A CALENDAR YEAR.**

3 **(2) THE LICENSE MAY NOT BE ISSUED TO A CLUB MORE THAN FOUR**
 4 **TIMES IN A CALENDAR YEAR.**

5 **(D) FEES.**

6 **THE FEE FOR A LICENSE IS:**

7 **(1) \$10 PER DAY FOR A PER DIEM BEER LICENSE OR PER DIEM BEER**
 8 **AND WINE LICENSE; OR**

9 **(2) \$20 PER DAY FOR A PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 7-101(l)(4)(i) and (iii).

12 In subsection (a) of this section, the former reference to "except manufacturer's
 13 and wholesaler's" is deleted as surplusage in light of the fact that the authority
 14 to issue a manufacturer's or wholesaler's license lies with the Comptroller and
 15 not the Board.

16 Also in subsection (a) of this section, the former references to a "society" and
 17 an "association" are deleted as included in the defined term "club".

18 Also in subsection (a) of this section, the former reference to a "bona fide"
 19 entertainment event is deleted as surplusage.

20 Also in subsection (a) of this section, the reference to an entertainment "event"
 21 is added to conform to the terminology used throughout this article.

22 In subsection (c)(1) of this section, the reference to the total number of days
 23 "for which the license may be used" is substituted for the former reference to
 24 the total number of days "authorized by special licenses" for clarity.

25 In subsection (c)(2) of this section, the reference to "club" is substituted for the
 26 former reference to "organization" for consistency with the rest of this section.

27 Former Art. 2B, § 7-101(l)(4)(ii), which required that the license fee be paid to
 28 the Board before the license is issued, is deleted because it simply restates the
 29 routine practice of the Board.

30 Defined terms: "Board" § 17-101

31 "Club" § 1-101

32 "License" § 1-101

1 **17-1310. MULTIPLE EVENT ENTERTAINMENT LICENSE.**

2 (A) **ESTABLISHED.**

3 **THE BOARD MAY ISSUE TO A FIRE DEPARTMENT A MULTIPLE EVENT**
4 **ENTERTAINMENT LICENSE OF ANY CLASS FOR USE AT AN ENTERTAINMENT EVENT**
5 **HELD BY THE FIRE DEPARTMENT.**

6 (B) **SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY PRIVILEGE**
8 **CONFERRED BY THE RESPECTIVE CLASS OF LICENSE.**

9 (C) **FORM OF APPLICATION.**

10 **AN APPLICATION SUBMITTED UNDER THIS SECTION SHALL BE:**

11 (1) **ON A FORM THAT THE BOARD REQUIRES; AND**

12 (2) **SIGNED BY THE APPLICANT.**

13 (D) **FEEES.**

14 **THE FEE FOR THE LICENSE IS:**

15 (1) **\$120 PER YEAR FOR A BEER OR BEER AND WINE LICENSE; OR**

16 (2) **\$240 PER YEAR FOR A BEER, WINE, AND LIQUOR LICENSE.**

17 (E) **LIMITATIONS.**

18 (1) **THE LICENSE MAY NOT BE ISSUED TO A FIRE DEPARTMENT MORE**
19 **THAN ONCE A YEAR.**

20 (2) **THE NUMBER OF DAYS FOR WHICH THE LICENSE MAY BE USED**
21 **MAY NOT EXCEED 24 PER CALENDAR YEAR.**

22 **REVISOR'S NOTE:** This section is new language derived without substantive
23 change from former Art. 2B, § 7-101(l)(7).

24 In subsection (a) of this section, the reference to a "multiple event
25 entertainment license" is substituted for the former reference to a "special
26 license[s]" to better describe the properties of the license.

1 Also in subsection (a) of this section, the term “issue” is substituted for the
2 former term “grant” to conform to the terminology used throughout this
3 article.

4 Also in subsection (a) of this section, the former reference to “Cecil County” is
5 deleted as unnecessary because the Board may issue a license to only those
6 fire departments that are in Cecil County.

7 Also in subsection (a) of this section, the former reference to a “bona fide”
8 entertainment event is deleted as surplusage.

9 Also in subsection (a) of this section, the reference to an entertainment “event”
10 is added for clarity.

11 Also in subsection (a) of this section, the former reference to “conducted” is
12 deleted as redundant of the reference to “held”.

13 In subsection (d) of this section, the former reference to the fee being “paid
14 before a license is issued” is deleted as surplusage because it simply restates
15 the routine practice of the Board.

16 In subsection (e) of this section, the former reference to the “total” number of
17 days is deleted as surplusage.

18 In subsection (e)(2) of this section, the reference to the days “for which the
19 license may be used” is substituted for the former reference to the days
20 “authorized by this special license” for clarity.

21 Defined term: “Board” § 17–101

22 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

23 **17–1401. APPLICATION OF GENERAL PROVISIONS.**

24 **(A) WITHOUT EXCEPTION OR VARIATION.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
26 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
27 **WITHOUT EXCEPTION OR VARIATION:**

28 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
29 **BOARD”);**

30 **(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

1 (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

2 (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
3 COMPANY”);

4 (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

5 (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

6 (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
7 GENERAL”);

8 (8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
9 PETITION OF SUPPORT”);

10 (9) § 4-111 (“PAYMENT OF LICENSE FEES”);

11 (10) § 4-112 (“DISPOSITION OF LICENSE FEES”);

12 (11) § 4-113 (“REFUND OF LICENSE FEES”); AND

13 (12) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

14 **(B) VARIATION.**

15 **SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF**
16 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 17-1402 THROUGH 17-1406**
17 **OF THIS SUBTITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to applications for local licenses.

20 Defined term: “County” § 17-101

21 **17-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

22 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
23 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10-103(b)(13)(vi)2A and, as it related to Cecil
26 County, 1.

27 Defined terms: “Board” § 17-101

1 “Central Repository” § 1–101

2 “License” § 1–101

3 **17–1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED**
4 **ENVELOPE.**

5 **THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A**
6 **SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR**
7 **CLERKS.**

8 REVISOR’S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10–103(b)(13)(vi)4.

10 The reference to “record information” is substituted for the former reference
11 to “records” to conform to the terminology used in CP § 10–201.

12 The former phrase “[e]xcept as provided in subparagraph 6 of this
13 subparagraph” is deleted as unnecessary in light of the organization of this
14 revised article.

15 Defined term: “Board” § 17–101

16 **17–1404. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE**
17 **RECORD INFORMATION.**

18 **THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY**
19 **NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF**
20 **INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORD**
21 **INFORMATION BY THE DATE OF THE SCHEDULED HEARING.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10–103(b)(13)(vi)5.

24 The reference to “record information” is substituted for the former reference
25 to “records check” to conform to the terminology used in CP § 10–201.

26 Defined term: “License” § 1–101

27 **17–1405. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
28 **APPLICATION PROCESS.**

29 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
30 **OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
31 **PROCESS.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–103(b)(13)(i)2 and, as it related to Cecil
3 County, (vi)1.

4 In this section, the reference to “the application process” is substituted for the
5 former reference to “its necessary use” for clarity.

6 Defined term: “Board” § 17–101

7 **17–1406. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
8 **CHECK RESULTS.**

9 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING**
10 **THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
11 **CRIMINAL HISTORY RECORDS CHECK.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 10–103(b)(13)(vi)3 and, as it applied to Cecil
14 County, (vi)1.

15 The reference to the Board’s ability to set “and charge” a fee is added to
16 expressly state what was only implied in the former law.

17 The reference to the “applicant’s” fingerprints is added for clarity.

18 Defined term: “Board” § 17–101

19 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

20 **17–1501. APPLICATION OF GENERAL PROVISIONS.**

21 **(A) WITHOUT EXCEPTION OR VARIATION.**

22 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
23 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
24 **WITHOUT EXCEPTION OR VARIATION:**

25 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**

26 **(2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

27 **(3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

28 **(4) § 4–207 (“LICENSES ISSUED TO MINORS”);**

1 (5) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);

2 (6) § 4-209 (“HEARING”);

3 (7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);

4 (8) § 4-212 (“LICENSE NOT PROPERTY”);

5 (9) § 4-213 (“REPLACEMENT LICENSES”); AND

6 (10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE
7 APPLICATIONS”).

8 (B) VARIATIONS.

9 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL
10 OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

11 (1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
12 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 17-1503 OF THIS SUBTITLE
13 AND SUBTITLE 13, PART III OF THIS TITLE;

14 (2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
15 FOR SAME PREMISES”), SUBJECT TO § 17-1503 OF THIS SUBTITLE; AND

16 (3) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), IN
17 ADDITION TO § 17-1504 OF THIS SUBTITLE.

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to the issuance of local licenses.

20 Defined terms: “County” § 17-101

21 “License” § 1-101

22 “Local licensing board” § 1-101

23 **17-1502. EXCHANGE OF LICENSE FOR ONE OF DIFFERENT CLASS OR TYPE.**

24 (A) AUTHORIZED.

25 A LICENSE HOLDER MAY APPLY TO THE BOARD TO EXCHANGE THE HOLDER’S
26 CURRENT LICENSE FOR A LICENSE OF ANY OTHER CLASS OR TYPE.

27 (B) REQUIREMENT TO GIVE SAME CONSIDERATION.

1 **THE BOARD SHALL GIVE A LICENSE HOLDER, INCLUDING A HOLDER OF A**
2 **BEER OR BEER AND WINE LICENSE, WHO APPLIES FOR A LICENSE EXCHANGE UNDER**
3 **THIS SECTION THE SAME CONSIDERATION THAT THE BOARD GIVES TO ANY OTHER**
4 **APPLICANT FOR A LICENSE, INCLUDING A BEER, WINE, AND LIQUOR LICENSE.**

5 **(C) FACTORS IN APPROVING APPLICATION.**

6 **BEFORE DECIDING WHETHER TO APPROVE AN APPLICATION FOR A LICENSE**
7 **EXCHANGE, THE BOARD SHALL:**

8 **(1) CONSIDER:**

9 **(I) THE GENERAL REPUTATION AND CHARACTER OF THE**
10 **APPLICANT;**

11 **(II) THE MANNER IN WHICH THE APPLICANT CONDUCTS AND**
12 **OPERATES THE BUSINESS BEING LICENSED; AND**

13 **(III) THE PUBLIC NECESSITY FOR THE LICENSE FOR WHICH THE**
14 **APPLICATION IS MADE; AND**

15 **(2) REQUIRE:**

16 **(I) AN INSPECTION OF THE PREMISES FOR WHICH THE**
17 **APPLICATION IS MADE; AND**

18 **(II) THE PREMISES TO COMPLY WITH ALL APPLICABLE**
19 **REGULATIONS OF THE BOARD.**

20 **(D) EXCHANGE FEES.**

21 **(1) THERE IS A \$1,000 FEE TO EXCHANGE:**

22 **(I) ANY CLASS OF BEER LICENSE FOR ANY OTHER CLASS OF**
23 **BEER LICENSE;**

24 **(II) ANY CLASS OF BEER AND WINE LICENSE FOR ANY OTHER**
25 **CLASS OF BEER AND WINE LICENSE; OR**

26 **(III) ANY CLASS OF BEER, WINE, AND LIQUOR LICENSE FOR ANY**
27 **OTHER CLASS OF BEER, WINE, AND LIQUOR LICENSE.**

28 **(2) THERE IS A \$2,000 FEE TO EXCHANGE:**

1 **(I) ANY CLASS OF BEER LICENSE OR BEER AND WINE LICENSE**
2 **FOR THE SAME CLASS OF BEER, WINE, AND LIQUOR LICENSE; OR**

3 **(II) ANY CLASS OF BEER LICENSE FOR ANY OTHER CLASS OF**
4 **BEER AND WINE LICENSE.**

5 **(3) THERE IS A \$3,000 FEE TO EXCHANGE ANY CLASS OF BEER**
6 **LICENSE OR BEER AND WINE LICENSE FOR ANY OTHER CLASS OF BEER, WINE, AND**
7 **LIQUOR LICENSE.**

8 **(4) THE EXCHANGE FEES REQUIRED UNDER PARAGRAPHS (1), (2),**
9 **AND (3) OF THIS SUBSECTION ARE IN ADDITION TO THE REGULAR ANNUAL LICENSE**
10 **FEES.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 8-208(g) and the first, fourth, fifth, seventh,
13 and eighth sentences of (c).

14 Throughout this section, the references to the "exchange" of a license are
15 substituted for the former references to the "issu[ance]", "transfer[ence]" or
16 "change" of a license to clarify that this section concerns the exchange by a
17 license holder of one license for another, rather than the acquisition of an
18 additional license or the transference of a license from one premises to
19 another.

20 In subsection (a) of this section, the reference to a license "of any other class
21 or type" is substituted for the former reference to a license "other than the
22 license then being held" for brevity.

23 Also in subsection (a) of this section, the former reference to applying "at any
24 time" is deleted as surplusage.

25 In subsection (b) of this section, the former reference to the "intent of this
26 section" is deleted as surplusage.

27 In the introductory language of subsection (c) of this section, the reference to
28 the Board "approv[ing] the application in its discretion" is deleted as
29 surplusage.

30 In subsection (c)(2)(ii) of this section, the former reference to the "rules" of the
31 Board is deleted as included in the reference to the "regulations" of the Board.

32 In subsection (d)(4) of this section, the reference to the "regular annual license
33 fees" is substituted for the former reference to the "regular fee provided in this
34 article for the license applied for" for brevity.

1 Former Art. 2B, § 8–208(d), which referred to licenses issued and outstanding
2 on June 1, 1951, is deleted as obsolete.

3 Former Art. 2B, § 15–112(i)(2), which required the Board to issue all retail
4 licenses except Class E, F, and G licenses, is deleted as unnecessary. Section
5 4–202 of this article authorizes a local licensing board to issue licenses in its
6 jurisdiction and §§ 2–402, 2–404, 2–405, and 2–406 of this article authorize
7 the Comptroller to issue Class E, F, and G licenses.

8 Defined terms: “Board” § 17–101

9 “Beer” § 1–101

10 “License” § 1–101

11 “License holder” § 1–101

12 “Wine” § 1–101

13 **17–1503. BOWLING ESTABLISHMENTS.**

14 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
15 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
16 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

17 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
18 **LICENSES; AND**

19 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
20 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 9–102(b–1)(1)(i).

23 In item (1) of this section, the reference to “Class D beer or Class D beer and
24 wine licenses” is substituted for the former reference to licenses issued
25 “[u]nder § 3–401 or § 5–401 of this article” for clarity.

26 In item (2) of this section, the former reference to the premises “operated as”
27 a bowling establishment is deleted as surplusage.

28 Defined terms: “Beer” § 1–101

29 “License” § 1–101

30 “Wine” § 1–101

31 **17–1504. ISSUANCE FEES FOR NEW LICENSES.**

32 **(A) FEES FOR BEER, BEER AND WINE, AND BEER, WINE, AND LIQUOR**
33 **LICENSES.**

1 **THE FEES FOR THE ISSUANCE OF A NEW LICENSE ARE:**

2 (1) **\$1,000 FOR ANY CLASS OF BEER LICENSE;**

3 (2) **\$2,000 FOR ANY CLASS OF BEER AND WINE LICENSE; AND**

4 (3) **\$3,000 FOR ANY CLASS OF BEER, WINE, AND LIQUOR LICENSE.**

5 **(B) FEES IN ADDITION TO ANNUAL FEES.**

6 **THE FEES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ARE IN**
 7 **ADDITION TO THE REGULAR ANNUAL FEE REQUIRED UNDER THIS TITLE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from the ninth sentence of former Art. 2B, 8–208(c).

10 The former reference to a new license “after July 1, 1972” is deleted as
 11 obsolete.

12 The reference to “this title” is substituted for the former broader reference to
 13 “this article” in light of the organization of this revised article.

14 Defined terms: “Beer” § 1–101

15 “License” § 1–101

16 “Wine” § 1–101

17 **GENERAL REVISOR'S NOTE TO SUBTITLE**

18 The second and third sentences of former Art. 2B, § 8–208(c), which specified notice
 19 and hearing requirements, are deleted as unnecessary. The same requirements are
 20 specified in Title 4, Subtitle 2 of this article and are cross–referenced in § 17–1501 of
 21 this subtitle.

22 The sixth sentence of former Art. 2B, § 8–208(c), which provided that an application
 23 is subject to the requirements of the provisions of this article applicable in the
 24 County, is deleted as unnecessary in light of the organization of this revised article.

25 Former Art. 2B, § 8–208(e), which stated that an alcoholic beverages license when
 26 issued in the County does not vest a property right in the license holder, is deleted
 27 as redundant of § 4–212 of this article.

28 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

29 **PART I. LICENSING CONDITIONS.**

1 **17-1601. LICENSE QUOTA FOR REGISTERED VOTERS.**

2 (A) **IN GENERAL.**

3 (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
 4 **MAY NOT ISSUE A NUMBER OF LICENSES THAT, IN THE AGGREGATE, EXCEEDS 1 FOR**
 5 **EVERY 400 REGISTERED VOTERS OR MAJOR FRACTION IN THE COUNTY, AS**
 6 **DETERMINED BY THE CURRENT REGISTRATION OF VOTERS.**

7 (2) **A CLASS BLX BEER, WINE, AND LIQUOR RESTAURANT LICENSE,**
 8 **CLASS C CLUB LICENSE, MOTEL-RESTAURANT COMPLEX LICENSE,**
 9 **HOTEL-RESTAURANT COMPLEX LICENSE, OR CLASS GC (GOLF COURSE) BEER,**
 10 **WINE, AND LIQUOR (ON-SALE) LICENSE MAY NOT BE COUNTED IN THE**
 11 **COMPUTATION OF THE AGGREGATE NUMBER OF LICENSES.**

12 (B) **COMPUTATION OF QUOTA FOR EACH ELECTION DISTRICT.**

13 **THE QUOTA SHALL BE COMPUTED AND APPLIED SEPARATELY FOR EACH**
 14 **ELECTION DISTRICT OF THE COUNTY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, §§ 8-208(b) and 6-201(i)(3)(i).

17 Defined terms: "Board" § 17-101

18 "County" § 17-101

19 "License" § 1-101

20 **17-1602. DRIVE-THROUGH SALES PROHIBITED.**

21 **THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR**
 22 **USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH**
 23 **SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

24 (1) **SOLD AT RETAIL; AND**

25 (2) **DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN**
 26 **OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 9-208(b), except as it related to the transfer of
 29 a license.

1 In the introductory language of this section, the reference to a “sales” facility
2 is substituted for the former reference to a “purchase” facility for clarity.

3 Defined terms: “Alcoholic beverage” § 1–101

4 “Board” § 17–101

5 “License” § 1–101

6 “Off–sale” § 1–101

7 **17–1603. RESERVED.**

8 **17–1604. RESERVED.**

9 **PART II. MULTIPLE LICENSING PLANS.**

10 **17–1605. RESERVED.**

11 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

12 **17–1701. APPLICATION OF GENERAL PROVISIONS.**

13 **(A) WITHOUT EXCEPTION OR VARIATION.**

14 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
15 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
16 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

17 **(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

18 **(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
19 **REQUIRED”); AND**

20 **(3) § 4–305 (“FILING FEE AND ENDORSEMENT”).**

21 **(B) VARIATIONS.**

22 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
23 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
24 **APPLY IN THE COUNTY:**

25 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
26 **LICENSE AND INVENTORY”), SUBJECT TO §§ 17–1702 AND 17–1703 OF THIS**
27 **SUBTITLE; AND**

1 **(2) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”),**
2 **SUBJECT TO § 17-1704 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the transfer of licenses and the substitution of
5 names of officers on licenses.

6 Defined terms: “County” § 17-101
7 “License” § 1-101

8 **17-1702. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

9 **THE BOARD MAY NOT TRANSFER AN OFF-SALE LICENSE FOR USE IN A**
10 **BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH PURCHASE**
11 **FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND**
12 **DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR**
13 **VEHICLE FOR OFF-PREMISES CONSUMPTION.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, §§ 10-503(i)(2) and, as it related to the transfer
16 of a license, 9-208(b).

17 The former references to a license “of any class” are deleted as surplusage.

18 Former Art. 2B, §§ 9-208(a) and 10-503(i)(1), which stated that former Art.
19 2B, §§ 9-208(a) and 10-503 applied only in Cecil County, are deleted as
20 unnecessary in light of the organization of this revised article.

21 Defined terms: “Alcoholic beverage” § 1-101
22 “Board” § 17-101
23 “License” § 1-101
24 “Off-sale” § 1-101

25 **17-1703. TRANSFER ALLOWED AFTER DESTRUCTION OR CONDEMNATION OF**
26 **PREMISES.**

27 **(A) TRANSFER TO BE IN SAME ELECTION DISTRICT.**

28 **ON APPROVAL BY THE BOARD, A HOLDER OF A LICENSE MAY TRANSFER THE**
29 **LICENSE TO OTHER PREMISES IN THE SAME ELECTION DISTRICT IF THE PREMISES**
30 **FOR WHICH THE LICENSE WAS ISSUED IS:**

31 **(1) SUBSTANTIALLY DESTROYED BY FIRE, EXPLOSION, OR**
32 **CATASTROPHE;**

1 **(2) TAKEN BY CONDEMNATION; OR**

2 **(3) TAKEN BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN.**

3 **(B) LICENSE EXPIRES IF TRANSFER NOT REQUESTED.**

4 **IF THE LICENSE HOLDER DOES NOT REQUEST A TRANSFER OF THE LICENSE**
5 **WITHIN 6 MONTHS AFTER THE DATE OF LOSS, THE LICENSE SHALL EXPIRE AND BE**
6 **AVAILABLE TO BE ISSUED TO AN APPLICANT.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 8-208(f).

9 In subsection (a) of this section, the former phrase "[n]otwithstanding the
10 provisions of this section" is deleted in light of the organization of this revised
11 article.

12 In subsection (b) of this section, the reference to "the license holder" is
13 substituted for the former reference to "the holder of any premises destroyed
14 as provided above" for clarity and brevity.

15 Also in subsection (b) of this section, the former phrase "as above provided" is
16 deleted as surplusage. Similarly, the former reference to issue to an applicant
17 "therefor" is deleted.

18 Defined terms: "Board" § 17-101

19 "License" § 1-101

20 "License holder" § 1-101

21 **17-1704. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE FOR**
22 **CORPORATION OR LIMITED LIABILITY COMPANY.**

23 **(A) CHANGE OF OFFICER OR AUTHORIZED PERSON.**

24 **IF THERE IS A CHANGE IN AN OFFICER OF A CORPORATION OR AUTHORIZED**
25 **PERSON OF A LIMITED LIABILITY COMPANY, THE CORPORATION OR LIMITED**
26 **LIABILITY COMPANY SHALL SUBMIT A WRITTEN NOTICE BY CERTIFIED MAIL TO THE**
27 **BOARD WITHIN 30 DAYS AFTER INSTALLATION OF THE NEW OFFICER OR**
28 **AUTHORIZED PERSON.**

29 **(B) NOTICE REQUIREMENTS.**

30 **A WRITTEN NOTICE SUBMITTED TO THE BOARD IN ACCORDANCE WITH**
31 **SUBSECTION (A) OF THIS SECTION SHALL BE ACCOMPANIED BY:**

- 1 **(1) A \$5 FEE; AND**
- 2 **(2) A SWORN STATEMENT THAT INCLUDES:**
- 3 **(I) THE NAME AND ADDRESS OF EACH NEW OFFICER OR**
 4 **AUTHORIZED PERSON;**
- 5 **(II) THE OFFICE HELD BY EACH NEW OFFICER OR AUTHORIZED**
 6 **PERSON; AND**
- 7 **(III) THE NAME AND ADDRESS OF THE PREVIOUS OFFICER OR**
 8 **AUTHORIZED PERSON.**
- 9 **(C) ISSUANCE OF REVISED LICENSE.**

10 **AFTER RECEIVING A WRITTEN NOTICE PROVIDED IN ACCORDANCE WITH THIS**
 11 **SECTION, THE BOARD SHALL ISSUE A REVISED LICENSE LISTING THE CURRENT**
 12 **OFFICERS OR AUTHORIZED PERSONS.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 9-101(j).

15 In subsection (a) of this section, the former reference to "a license [being]
 16 issued to individuals as officers of a corporation or authorized persons of a
 17 limited liability company" is deleted as surplusage.

18 Also in subsection (a) of this section, the former phrase "as the case may be"
 19 is deleted as surplusage.

20 In subsection (c) of this section, the reference to the "current officers or
 21 authorized persons" is substituted for the former reference to "the individuals
 22 as current officers of the corporation or current authorized persons of the
 23 limited liability company" for brevity.

24 Defined terms: "Board" § 17-101

25 "License" § 1-101

26 "Person" § 1-101

27 **SUBTITLE 18. RENEWAL OF LICENSES.**

28 **17-1801. APPLICATION OF GENERAL PROVISIONS.**

29 **TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF**
 30 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the renewal of local licenses.

3 Defined terms: "County" § 17-101
4 "License" § 1-101

5 **17-1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
6 **RENEWALS.**

7 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
8 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from the second sentence of former Art. 2B, § 10-103(b)(13)(vi)2C.

11 Defined term: "License" § 1-101

12 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

13 **17-1901. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
16 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
17 **WITHOUT EXCEPTION OR VARIATION:**

18 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

19 **(2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
20 **PREMISES");**

21 **(3) § 4-505 ("ALCOHOL AWARENESS PROGRAM");**

22 **(4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");**

23 **(5) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND**

24 **(6) § 4-508 ("DISPLAY OF LICENSE").**

25 **(B) VARIATION.**

1 **SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I**
2 **OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 17-1902 OF THIS**
3 **SUBTITLE.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to the conduct of local license holders.

6 Defined terms: “Alcoholic beverage” § 1-101
7 “County” § 17-101
8 “License” § 1-101
9 “License holder” § 1-101

10 **17-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

11 **A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO**
12 **SELL, SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 12-302(b)(5).

15 The reference to an “individual” is substituted for the former reference to a
16 “person” because this section applies only to human beings.

17 Defined terms: “Alcoholic beverage” § 1-101
18 “License holder” § 1-101

19 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

20 **17-2001. “RESTAURANT” DEFINED.**

21 **IN THIS SUBTITLE, “RESTAURANT” MEANS A BUSINESS ESTABLISHMENT:**

22 **(1) THAT IS FOR THE ACCOMMODATION OF THE PUBLIC;**

23 **(2) THAT HAS A PROPER AND AN ADEQUATE DINING ROOM AND**
24 **SUFFICIENT FACILITIES FOR PREPARING AND SERVING MEALS;**

25 **(3) THAT HAS BEEN APPROVED BY THE BOARD; AND**

26 **(4) WHOSE AVERAGE OF ANNUAL RECEIPTS FROM THE SALE OF FOOD**
27 **COMPRISES AT LEAST 25% OF THE AVERAGE RECEIPTS OF THE BUSINESS.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 11-508(b).

1 Defined term: "Board" § 17-101

2 **17-2002. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

3 **(A) IN GENERAL.**

4 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL**
5 **MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS**
6 **TITLE:**

7 **(I) FROM 2 A.M. TO 6 A.M. ON MONDAY THROUGH SATURDAY;**
8 **OR**

9 **(II) FROM 2 A.M. TO 8 A.M. ON SUNDAY.**

10 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
11 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
12 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

13 **(B) PENALTY.**

14 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
15 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 11-304(a)(1) and, as it related to Cecil County,
18 (2) and § 11-508(a)(1)(iii), as it related to the consumption of alcoholic
19 beverages.

20 In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided
21 under this title" is added for clarity.

22 Also in subsection (a)(1) of this section, the reference to "a premises licensed
23 under this title" is substituted for the former reference to "any premises open
24 to the general public, any place of public entertainment, or any place at which
25 setups or other component parts of mixed alcoholic drinks are sold under any
26 license issued under the provisions of the Business Regulation Article" for
27 brevity.

28 Also in subsection (a)(1) of this section, the reference to an "individual" is
29 substituted for the former reference to a "person" because the prohibition
30 against consumption applies only to human beings.

1 In subsection (a)(2) of this section, the reference to “a premises licensed under
2 this title” is substituted for the former reference to “any premises” for
3 consistency with the terminology used in subsection (a)(1) of this section.

4 In subsection (b) of this section, the reference to a person who “violates this
5 section” is substituted for the former reference to a person who is “found
6 consuming any alcoholic beverage on any premises open to the general public,
7 and any owner, operator or manager of those premises or places who
8 knowingly permits consumption between the hours provided by this section”
9 for brevity.

10 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
11 in this section” is deleted as unnecessary in light of § 3–905 of this subtitle.

12 Also in subsection (b) of this section, the former reference to a fine “not less
13 than \$5” is deleted to conform to the statement of legislative policy in §
14 14–102 of the Criminal Law Article, which sets forth the general rule that,
15 notwithstanding a statutory minimum penalty, a court may impose a lesser
16 penalty of the same character.

17 Defined terms: “Alcoholic beverage” § 1–101
18 “Person” § 1–101

19 **17–2003. PROHIBITED HOURS OF SALE — SUNDAY.**

20 **ON SUNDAY, A LICENSE HOLDER MAY NOT SELL ANY ALCOHOLIC BEVERAGE**
21 **ON ANY LICENSED PREMISES FROM 2 A.M. TO 8 A.M.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11–508(a)(1)(iii), as it related to the sale of
24 alcoholic beverages on Sunday.

25 Defined terms: “Alcoholic beverage” § 1–101
26 “License holder” § 1–101

27 **17–2004. BEER LICENSES.**

28 **(A) CLASS A BEER LICENSE.**

29 **(1) A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

30 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
31 **THE FOLLOWING DAY; AND**

32 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON**
33 **SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

1 **(2) TO SELL BEER ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS**
2 **SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

3 **(B) CLASS B BEER LICENSE.**

4 **(1) A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

5 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
6 **THE FOLLOWING DAY; AND**

7 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
8 **SUBSECTION AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON**
9 **SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

10 **(2) TO SELL BEER ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS**
11 **SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

12 **(3) SALES OF BEER FOR ON-PREMISES CONSUMPTION MAY BE**
13 **CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY BY**
14 **A LICENSED RESTAURANT.**

15 **(4) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER**
16 **ON SUNDAY.**

17 **(C) CLASS C BEER LICENSE.**

18 **(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER FOR**
19 **ON-PREMISES CONSUMPTION:**

20 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
21 **THE FOLLOWING DAY; AND**

22 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
23 **SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

24 **(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER**
25 **ON SUNDAY.**

26 **(D) CLASS D BEER LICENSE.**

27 **(1) A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

1 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
 2 **THE FOLLOWING DAY; AND**

3 **(II) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS**
 4 **SUBSECTION, ON SUNDAY FROM 1 P.M. TO 10 P.M.**

5 **(2) TO SELL BEER ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS**
 6 **SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

7 **(3) SALES OF BEER FOR ON-PREMISES CONSUMPTION MAY BE**
 8 **CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY BY**
 9 **A LICENSED RESTAURANT.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 11-403(a)(1)(ii) and, as it related to the sale of
 12 beer, (b)(2)(vii) and § 11-508(a)(1)(ii), (2)(ii), (3)(ii)1 and 3, and, as they related
 13 to beer licenses, (a)(2)(i) and (3)(i).

14 In subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the references to
 15 the authority of a "holder of a ... license may sell beer" are substituted for the
 16 former references to "the hours during which sales of any alcoholic beverages
 17 may be made" and to the authority of "all classes of alcoholic beverage license
 18 holders to sell alcoholic beverages" in light of the narrow scope of this section,
 19 which applies only to beer licenses.

20 Also in subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the former
 21 references to the authority of a license holder to sell beer "on any day" Monday
 22 through Saturday are deleted as surplusage.

23 In subsection (a)(1) of this section, the former phrase "notwithstanding any
 24 other provisions of this subtitle" is deleted in light of the organization of this
 25 revised article.

26 Also in subsection (a)(1) of this section, the former phrase "[e]xcept for a holder
 27 of a Class BLX, EF, or C beer, wine and liquor license" is deleted as
 28 unnecessary in light of the organization of this revised article.

29 In subsection (b)(3) of this section, the former reference to a restaurant "as
 30 defined under subsection (b) of this section" is deleted as surplusage.

31 In subsection (c)(1) of this section, the former reference to a Class C "(on-sale)
 32 (clubs)" license is deleted as surplusage.

33 Former Art. 2B, § 11-508(a)(1)(i), which exempted a Class EF license from the
 34 hours of sale provisions in this subtitle, is deleted as unnecessary in light of
 35 the organization of this revised article.

1 Defined terms: "Beer" § 1-101

2 "License" § 1-101

3 "License holder" § 1-101

4 "Restaurant" § 17-2001

5 **17-2005. BEER AND WINE LICENSES.**

6 (A) **CLASS A BEER AND WINE LICENSE.**

7 (1) **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER**
8 **AND WINE:**

9 (I) **ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
10 **THE FOLLOWING DAY; AND**

11 (II) **ON SUNDAY, SUBJECT TO PARAGRAPH (2) OF THIS**
12 **SUBSECTION, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

13 (2) **TO SELL BEER AND WINE ON SUNDAY UNDER PARAGRAPH (1)(II)**
14 **OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF**
15 **\$500.**

16 (B) **CLASS B BEER AND WINE LICENSE.**

17 (1) **A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER**
18 **AND WINE:**

19 (I) **ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
20 **THE FOLLOWING DAY; AND**

21 (II) **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
22 **SUBSECTION AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON**
23 **SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

24 (2) **TO SELL BEER AND WINE ON SUNDAY UNDER PARAGRAPH (1)(II)**
25 **OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF**
26 **\$500.**

27 (3) **SALES OF BEER AND WINE FOR ON-PREMISES CONSUMPTION MAY**
28 **BE CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY**
29 **BY A LICENSED RESTAURANT.**

1 **(4) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
 2 **COUNTER ON SUNDAY.**

3 **(C) CLASS C BEER AND WINE LICENSE.**

4 **(1) A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER**
 5 **AND WINE FOR ON-PREMISES CONSUMPTION:**

6 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
 7 **THE FOLLOWING DAY; AND**

8 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 9 **SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

10 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
 11 **COUNTER ON SUNDAY.**

12 **(D) CLASS D BEER AND WINE LICENSE.**

13 **(1) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL**
 14 **BEER AND WINE:**

15 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
 16 **THE FOLLOWING DAY; AND**

17 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON**
 18 **SUNDAY FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY.**

19 **(2) TO SELL BEER AND WINE ON SUNDAY UNDER PARAGRAPH (1)(II)**
 20 **OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF**
 21 **\$500.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, §§ 11-403(a)(1)(ii) and 11-508(a)(1)(ii), (2)(ii),
 24 and (3)(ii)1 and 3 and, as they related to the sale of beer and wine, §§
 25 11-403(b)(2)(vii) and 11-508(a)(1)(iii), (2)(i), and (3)(i).

26 In subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the references to
 27 the authority of a "holder of a ... license" to "sell beer and wine" are substituted
 28 for the former references to "the hours during which sales of any alcoholic
 29 beverages may be made" and to the authority of "all classes of alcoholic
 30 beverage license holders to sell alcoholic beverages" for clarity and consistency
 31 within this article.

1 Also in subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the former
2 references to the authority of a license holder to sell beer “on any day” Monday
3 through Saturday are deleted as surplusage.

4 In subsection (a)(1) of this section, the former phrase “notwithstanding any
5 other provisions of this subtitle” is deleted in light of the organization of this
6 revised article.

7 In subsection (b)(3) of this section, the former reference to a restaurant “as
8 defined under subsection (b) of this section” is deleted as surplusage.

9 In subsection (c)(1) of this section, the former reference to a Class C “(on-sale)
10 (clubs)” license is deleted as surplusage.

11 Defined terms: “Beer” § 1-101

12 “License” § 1-101

13 “License holder” § 1-101

14 “Restaurant” § 17-2001

15 “Wine” § 1-101

16 **17-2006. BEER, WINE, AND LIQUOR LICENSES.**

17 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

18 **(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY**
19 **SELL BEER, WINE, AND LIQUOR:**

20 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
21 **THE FOLLOWING DAY; AND**

22 **(II) ON SUNDAY, SUBJECT TO PARAGRAPH (2) OF THIS**
23 **SUBSECTION, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

24 **(2) TO SELL BEER, WINE, AND LIQUOR ON SUNDAY UNDER**
25 **PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN**
26 **ADDITIONAL FEE OF \$500.**

27 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

28 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY**
29 **SELL BEER, WINE, AND LIQUOR:**

30 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
31 **THE FOLLOWING DAY; AND**

1 (II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS
2 SUBSECTION AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON
3 SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

4 (2) TO SELL BEER, WINE, AND LIQUOR ON SUNDAY UNDER
5 PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN
6 ADDITIONAL FEE OF \$500.

7 (3) SALES OF BEER, WINE, AND LIQUOR FOR ON-PREMISES
8 CONSUMPTION MAY BE CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS
9 SUBSECTION ONLY BY A LICENSED RESTAURANT.

10 (4) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT
11 A BAR OR COUNTER ON SUNDAY.

12 (C) CLASS BLX BEER, WINE, AND LIQUOR LICENSE.

13 A HOLDER OF A CLASS BLX BEER, WINE, AND LIQUOR LICENSE MAY SELL
14 BEER, WINE, AND LIQUOR:

15 (1) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE
16 FOLLOWING DAY; AND

17 (2) ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY, FOR
18 ON-PREMISES CONSUMPTION.

19 (D) CLASS C BEER, WINE, AND LIQUOR LICENSE.

20 (1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY
21 SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:

22 (I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.
23 THE FOLLOWING DAY; AND

24 (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
25 SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

26 (2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT
27 A BAR OR COUNTER ON SUNDAY.

28 (E) CLASS D BEER, WINE, AND LIQUOR LICENSE.

1 **(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY**
 2 **SELL BEER, WINE, AND LIQUOR:**

3 **(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**
 4 **THE FOLLOWING DAY; AND**

5 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON**
 6 **SUNDAY FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY.**

7 **(2) TO SELL BEER, WINE, AND LIQUOR ON SUNDAY UNDER**
 8 **PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN**
 9 **ADDITIONAL FEE OF \$500.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, §§ 11-403(a)(1)(ii) and 11-508(a)(1)(ii), (2)(ii),
 12 and (3)(ii)1, 2, and 3 and, as they related to sales of beer, wine, and liquor, §§
 13 11-403(b)(2)(vii) and 11-508(a)(1)(iii), (2)(i), and (3)(i).

14 Throughout this section, the references to the authority of a license holder to
 15 “sell beer, wine, and liquor” are substituted for the former references to a
 16 licensee who “seeks to sell alcoholic beverages” for clarity and consistency
 17 within this article.

18 In subsections (a)(1), (b)(1), (c), and (d)(1) of this section, the references to the
 19 authority of a “holder of a ... license” to “sell beer, wine, and liquor” are
 20 substituted for the former references to “the hours during which sales of any
 21 alcoholic beverages may be made” and to the authority of “all classes of
 22 alcoholic beverage license holders to sell alcoholic beverages” for clarity and
 23 consistency within this article.

24 Also in subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the former
 25 references to the authority of a license holder to sell beer, wine, and liquor “on
 26 any day” Monday through Saturday are deleted as surplusage.

27 In subsection (a)(1) of this section, the former phrase “notwithstanding any
 28 other provisions of this subtitle” is deleted in light of the organization of this
 29 revised article.

30 In subsection (b)(3) of this section, the former reference to a restaurant “as
 31 defined under subsection (b) of this section” is deleted as surplusage.

32 In subsection (d)(1) of this section, the former reference to a Class C “(on-sale)
 33 (clubs)” license is deleted as surplusage.

34 Defined terms: “Beer” § 1-101
 35 “License” § 1-101

1 "License holder" § 1-101
 2 "Restaurant" § 17-2001
 3 "Wine" § 1-101

4 **17-2007. HOURS FOR SALE AND CONSUMPTION ON DECEMBER 31 AND JANUARY 1.**

5 **(A) IN GENERAL.**

6 **THIS SUBTITLE DOES NOT RESTRICT THE SALE OR CONSUMPTION OF**
 7 **ALCOHOLIC BEVERAGES ON A LICENSED PREMISES:**

8 **(1) ON JANUARY 1, BETWEEN MIDNIGHT AND 4 A.M.; OR**

9 **(2) ON DECEMBER 31, WHEN THAT DATE FALLS ON A SUNDAY,**
 10 **BETWEEN 7 P.M. AND 4 A.M. THE FOLLOWING DAY.**

11 **(B) JANUARY 1 ON SUNDAY.**

12 **WHEN JANUARY 1 FALLS ON A SUNDAY, A PERSON MAY NOT SELL OR**
 13 **CONSUME ALCOHOLIC BEVERAGES ON A LICENSED PREMISES BETWEEN 4 A.M. AND**
 14 **THE APPROPRIATE OPENING HOUR OF SALE SPECIFIED IN THIS SUBTITLE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 11-402(i)(2).

17 In subsection (a) of this section, the former reference to alcoholic beverages
 18 "under any class of license issued under this article" is deleted as surplusage.

19 In subsection (b) of this section, the former reference to "any class of" alcoholic
 20 beverages is deleted as surplusage.

21 Also in subsection (b) of this section, the reference to an opening hour of sale
 22 "specified in this subtitle" is substituted for the former reference to an hour of
 23 sale "listed in § 11-508 of this title" to conform to the organization of this
 24 revised article.

25 Former Art. 2B, § 11-402(i)(1), which stated that former Art. 2B, § 11-402(i)
 26 applied only in Cecil County, is deleted as unnecessary in light of the
 27 organization of this revised article.

28 Defined terms: "Alcoholic beverage" § 1-101
 29 "Person" § 1-101

30 **17-2008. HOURS FOR CONSUMPTION ON SUNDAY — ALLOWED BY CLASS C LICENSE**
 31 **HOLDERS.**

1 **A HOLDER OF A CLASS C BEER, BEER AND WINE, OR BEER, WINE, AND LIQUOR**
 2 **LICENSE MAY ALLOW THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES**
 3 **AUTHORIZED BY THE LICENSE ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING**
 4 **DAY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 11-403(b)(2)(vii) as it related to the
 7 consumption of alcoholic beverages.

8 The former reference to Class C "(on-sale) (clubs)" licenses is deleted as
 9 surplusage.

10 Defined terms: "Alcoholic beverage" § 1-101
 11 "License" § 1-101

12 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

13 **17-2101. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND**
 16 **SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE**
 17 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

18 **(1) § 4-602 ("POWER OF LOCAL LICENSING BOARD");**

19 **(2) § 4-603 ("REVOCATION AND SUSPENSION PROCEDURES");**

20 **(3) § 4-604 ("GROUNDS FOR REVOCATION OR SUSPENSION"); AND**

21 **(4) § 4-606 ("EFFECTS OF REVOCATION").**

22 **(B) VARIATION.**

23 **SECTION 4-605 ("NUDITY AND SEXUAL DISPLAYS") OF DIVISION I OF THIS**
 24 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 17-2102 OF THIS SUBTITLE.**

25 REVISOR'S NOTE: This section is new language added to incorporate by reference
 26 general provisions relating to the revocation and suspension of local licenses.

27 Former Art. 2B, § 10-405(a)(6), which stated that former Art. 2B, § 10-405,
 28 which related to nudity and sexual displays, applied to Cecil County, is deleted
 29 as unnecessary in light of the organization of this revised article.

1 Defined terms: "County" § 17-101
2 "License" § 1-101
3 "Local licensing board" § 1-101

4 **17-2102. NUDITY AND SEXUAL DISPLAYS.**

5 **IN ADDITION TO THE REVOCATION OF LICENSE REQUIRED UNDER § 4-605(A)**
6 **OF THIS ARTICLE, IF AN ACTIVITY LISTED IN § 4-605 IS FOUND TO HAVE OCCURRED**
7 **ON THE PREMISES FOR WHICH THE LICENSE WAS ISSUED, THE LICENSE HOLDER, OR**
8 **THE EMPLOYEE, ENTERTAINER, OR PATRON WHO PERFORMED THE ACTIVITY, IS**
9 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
10 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10-405(h).

13 The reference to a "revocation of license" is substituted for the former
14 reference to the "penalty provided" for clarity.

15 The reference to "a misdemeanor and on conviction is subject to imprisonment
16 not exceeding 2 years or a fine not exceeding \$1,000 or both" is substituted for
17 the former reference to "the penalty set forth in § 16-503 of this article" for
18 clarity.

19 Defined terms: "License" § 1-101
20 "License holder" § 1-101

21 **17-2103. REQUIREMENT FOR LICENSED PREMISES; HARDSHIP EXTENSION.**

22 **(A) LICENSED PREMISES MUST REMAIN OPEN FOR AT LEAST 30**
23 **CONSECUTIVE DAYS PER YEAR.**

24 **A LICENSE SHALL BE REVOKED IF:**

25 **(1) A LICENSED PREMISES IS NOT OPEN FOR AT LEAST 30**
26 **CONSECUTIVE DAYS ON WHICH THE LICENSE IS AUTHORIZED TO BE USED DURING 1**
27 **YEAR; OR**

28 **(2) NO SALE OF ALCOHOLIC BEVERAGES IS MADE DURING THE**
29 **30-DAY PERIOD.**

30 **(B) HARDSHIP EXTENSION OF UP TO 1 YEAR AFTER REVOCATION.**

1 **IF THE LICENSE HOLDER SHOWS HARDSHIP BEFORE THE REVOCATION, THE**
2 **BOARD MAY ALLOW THE LICENSE HOLDER AN ADDITIONAL PERIOD NOT EXCEEDING**
3 **1 YEAR BEFORE REVOKING THE LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 8–208(h).

6 In subsection (a)(1) of this section, the reference to days “on which the license
7 is authorized to be used” is added for clarity.

8 In subsection (b) of this section, the former phrase “in its discretion” is deleted
9 as surplusage.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “Board” § 17–101

12 “License” § 1–101

13 “License holder” § 1–101

14 **SUBTITLE 22. EXPIRATION OF LICENSES.**

15 **17–2201. APPLICATION OF GENERAL PROVISIONS.**

16 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
17 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

18 REVISOR'S NOTE: This section is new language added to incorporate by reference
19 the general provisions relating to the expiration of local licenses.

20 Defined terms: “County” § 17–101

21 “License” § 1–101

22 **17–2202. ADDITIONAL CONDITIONS FOR EXPIRATION OF LICENSE.**

23 **IN ADDITION TO THE CONDITIONS STATED IN TITLE 4, SUBTITLE 7 OF THIS**
24 **ARTICLE, A LICENSE EXPIRES IN THE COUNTY IF A LICENSE HOLDER:**

25 **(1) NO LONGER USES THE LICENSE;**

26 **(2) HAS THE INTENTION OF TERMINATING THE BUSINESS OF THE**
27 **LICENSED PREMISES; AND**

28 **(3) HAS NOT TIMELY FILED:**

29 **(I) AN APPLICATION FOR A TRANSFER TO ANOTHER LOCATION**
30 **OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE; OR**

1 **(II) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A**
 2 **RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 18 OF THIS**
 3 **TITLE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 10-504(g).

6 In the introductory language of this section, the word "expires" is substituted
 7 for the former phrase "is declared null and void" for clarity.

8 In item (3)(i) of this section, the reference to "an application" for a transfer "to
 9 another location or another person" is added for clarity.

10 In item (3)(ii) of this section, the reference to "an application for a certificate
 11 of permission or a renewal license for continuation of business" is substituted
 12 for the former erroneous reference to a "transfer of the license", which did not
 13 appear in former Art. 2B, § 10-506, as that former section concerned a
 14 certificate of permission or renewal license that may be issued after the death
 15 of a license holder.

16 Defined terms: "County" § 17-101

17 "License" § 1-101

18 "License holder" § 1-101

19 "Person" § 1-101

20 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

21 **17-2301. APPLICATION OF GENERAL PROVISIONS.**

22 **TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS**
 23 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

24 REVISOR'S NOTE: This section is new language added to incorporate by reference
 25 general provisions relating to the death of a local license holder.

26 Defined terms: "County" § 17-101

27 "License holder" § 1-101

28 **SUBTITLE 24. JUDICIAL REVIEW.**

29 **17-2401. APPLICATION OF GENERAL PROVISIONS.**

30 **TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE**
 31 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the appeal of the decisions of the Board.

3 Defined term: "County" § 17-101

4 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

5 **17-2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF**
6 **ALCOHOLIC BEVERAGES.**

7 **(A) IN GENERAL.**

8 **A PUBLIC CLUB, ROOM, OR OTHER UNLICENSED ESTABLISHMENT, AT A**
9 **LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY**
10 **NOT:**

11 **(1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**

12 **(2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**

13 **(3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED OR GIVEN**
14 **ALCOHOLIC BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS**
15 **PREVIOUSLY PURCHASED OR RESERVED; OR**

16 **(4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR**
17 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

18 **(B) PROHIBITION AGAINST OPERATOR OF UNLICENSED ESTABLISHMENT.**

19 **A PERSON THAT OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS**
20 **NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
21 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

22 **(C) PENALTY.**

23 **A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
24 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 20-104.

27 Subsection (a) of this section is revised as an enumeration of prohibited
28 activities for an unlicensed establishment, rather than as the definition of
29 "bottle club", for clarity and brevity. In the former law, a "bottle club" was

1 defined as an unlicensed establishment that conducts certain activities. The
2 former law then prohibited a bottle club from conducting those activities. In
3 the introductory language of subsection (a) of this section, by adding the
4 reference to an “unlicensed” establishment and deleting the former reference
5 to a “bottle club”, this subsection conforms to the terminology used throughout
6 this article.

7 In subsection (a) of this section, the former reference to a bottle club used “so
8 as to evade the alcoholic beverage license laws or hours of operation” is deleted
9 in light of the revised structure of this section.

10 In subsection (a)(1) of this section, the former references to “giv[ing]” and
11 “dispens[ing]” alcoholic beverages are deleted as included in the reference to
12 “serv[ing]” alcoholic beverages for clarity and brevity.

13 In subsection (b) of this section, the reference to the “establishment” is
14 substituted for the former reference to an “unlicensed building” for clarity.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “Person” § 1–101

17 **17–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
18 **BEVERAGES IS PROHIBITED.**

19 **(A) PROHIBITION AGAINST INDIVIDUAL.**

20 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
21 **ALCOHOLIC BEVERAGES IN:**

22 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

23 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

24 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
25 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
26 **BUSINESS REGULATION ARTICLE.**

27 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

28 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
29 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
30 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
31 **THIS SECTION.**

32 **(C) PENALTY.**

1 (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
2 ALCOHOLIC BEVERAGE”);

3 (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
4 EVIDENCE OF SALE”);

5 (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
6 ALCOHOL IN PUBLIC PLACES”); AND

7 (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
8 CONSUMPTION”).

9 **(B) EXCEPTION.**

10 SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION
11 LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS
12 SUPERSEDED BY § 17-2602 OF THIS SUBTITLE.

13 **(C) VARIATIONS.**

14 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF
15 DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

16 (1) § 6-204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO §
17 17-2603 OF THIS SUBTITLE; AND

18 (2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 17-2605 OF
19 THIS SUBTITLE.

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to enforcement.

22 Defined terms: “Alcoholic beverage” § 1-101

23 “County” § 17-101

24 “State” § 1-101

25 **17-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

26 **THE COUNTY MAY:**

27 (1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE
28 PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS
29 ARTICLE; AND

1 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
2 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
3 **HIGHWAY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 19-103(a)(5).

6 In item (1) of this section, the reference to "the prohibition against disorderly
7 intoxication under § 6-320 of this article" is substituted for the former obsolete
8 reference to "this subheading".

9 In item (2) of this section, the former reference to the public "in general" is
10 deleted as surplusage.

11 Defined terms: "Alcoholic beverage" § 1-101
12 "County" § 17-101

13 **17-2603. SERVICE OF SUMMONS.**

14 **IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6-204**
15 **OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A**
16 **SUMMONS.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 16-410(b)(2)(i)4.

19 Defined term: "Board" § 17-101

20 **17-2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

21 **(A) IN GENERAL.**

22 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
23 **ESTABLISHMENT.**

24 **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

25 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
26 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

27 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
28 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
29 **CASE PENDING BEFORE THE COURT.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16–410(c)(1)(v), (2), and (3).

3 In subsections (a) and (b)(1) of this section, the former references to “papers”
4 are deleted as included in the references to “records” and “record”.

5 In subsection (b)(1) of this section, the phrase “may petition” is substituted for
6 the former phrase “shall report the fact to” for clarity.

7 Also in subsection (b)(1) of this section, the former phrase “for the county” is
8 deleted as surplusage.

9 In subsection (b)(2) of this section, the phrase “may proceed” is substituted for
10 the former phrase “shall proceed” for clarity.

11 Also in subsection (b)(2) of this section, the former phrase “in all respects” is
12 deleted as surplusage.

13 Defined term: “Board” § 17–101

14 **17–2605. DISTRIBUTION OF FINES.**

15 **ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED**
16 **AS PROVIDED UNDER § 7–507 OF THE COURTS ARTICLE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 16–502(c), as it related to Cecil County.

19 Defined term: “County” § 17–101

20 **17–2606. OBSERVATION OF SALES BY OUT–OF–STATE OFFICIAL.**

21 **(A) REGISTRATION REQUIRED.**

22 **TO PROTECT THE PUBLIC SAFETY AND PEACE WHEN LAW ENFORCEMENT**
23 **OFFICIALS ARE PRESENT IN THE COUNTY ENFORCING THE LAWS OF OTHER STATES,**
24 **AN AGENT, AN EMPLOYEE, OR A REPRESENTATIVE OF AN ALCOHOLIC BEVERAGES**
25 **LICENSING BOARD OF ANOTHER STATE WHO ENTERS THE COUNTY TO OBSERVE AN**
26 **ALCOHOLIC BEVERAGE SALE:**

27 **(1) SHALL REGISTER IN PERSON AT LEAST 30 DAYS BEFORE ENTRY**
28 **INTO THE COUNTY; AND**

29 **(2) WHEN REGISTERING, SHALL PROVIDE:**

1 (I) A WRITTEN STATEMENT SETTING FORTH THE IDENTITY OF
2 THE REGISTRANT;

3 (II) THE PURPOSE OF THE ENTRY INTO THE COUNTY;

4 (III) THE MAKE, MODEL, AND LICENSE NUMBER OF EACH
5 VEHICLE TO BE USED FOR SURVEILLANCE ACTIVITY;

6 (IV) THE NAMES OF THE PREMISES WHERE SURVEILLANCE WILL
7 BE CONDUCTED; AND

8 (V) THE SPECIFIC TIME FOR SURVEILLANCE OF EACH
9 ESTABLISHMENT.

10 (B) CERTIFICATE OF REGISTRATION.

11 (1) THE SHERIFF'S OFFICE SHALL ISSUE A CERTIFICATE OF
12 REGISTRATION TO EACH REGISTRANT.

13 (2) A REGISTRANT SHALL KEEP THE CERTIFICATE IN THE
14 REGISTRANT'S POSSESSION DURING ALL INVESTIGATIVE ACTIVITIES.

15 (C) REGISTRATION VIOLATIONS.

16 (1) AN INDIVIDUAL WHO FAILS TO REGISTER AS REQUIRED BY THIS
17 SECTION MAY NOT REGISTER FOR 6 MONTHS AFTER BEING FOUND IN VIOLATION OF
18 THIS SECTION.

19 (2) THE BOARD SHALL SUSPEND THE REGISTRATION OF A
20 REGISTRANT WHO VIOLATES THIS SECTION FOR 6 MONTHS.

21 (D) PENALTY.

22 A PERSON WHO VIOLATES THIS SECTION WHEN THE PERSON IS PROHIBITED
23 FROM REGISTERING OR WHEN THE PERSON'S CERTIFICATE OF REGISTRATION IS
24 SUSPENDED IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
25 IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR
26 BOTH.

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 16-409.

29 In subsection (a) of this section, the former reference to "promote" is deleted
30 in light of the reference to "protect".

1 In subsection (b)(2) of this section, the former reference to “surveillance”
2 activities is deleted as included in the reference to “investigative” activities.

3 In subsection (c)(1) of this section, the phrase “may not register” is substituted
4 for the former phrase “shall lose his right to register” for brevity.

5 Also in subsection (c)(1) of this section, the phrase “after being found in
6 violation of this section” is added for clarity.

7 In subsection (c)(2) of this section, the former phrase “as the case may be” is
8 deleted as surplusage.

9 In subsection (d) of this section, the phrase “when the person is prohibited
10 from registering or when the person’s certificate of registration is suspended”
11 is substituted for the former reference to “during the period he has lost his
12 right to register,” for clarity.

13 Defined terms: “Alcoholic beverage” § 1–101

14 “Board” § 17–101

15 “County” § 17–101

16 “Person” § 1–101

17 “State” § 1–101

18 **SUBTITLE 27. PROHIBITED ACTS.**

19 **17–2701. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
22 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
23 **VARIATION:**

24 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

25 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
26 **INDIVIDUAL”);**

27 **(3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
28 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

29 **(4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
30 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
31 **YEARS”);**

- 1 (5) § 6-310 (“PROVIDING FREE FOOD”);
- 2 (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
3 DEALER”);
- 4 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 5 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
6 CONTAINER”);
- 7 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
8 DETACHABLE METAL TAB”);
- 9 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
10 REGULAR LABEL PRESUMED ILLICIT”);
- 11 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 12 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
13 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 14 (13) § 6-320 (“DISORDERLY INTOXICATION”);
- 15 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
16 PUBLIC”);
- 17 (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- 18 (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
19 MACHINE”);
- 20 (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
21 BEVERAGES”);
- 22 (18) § 6-327 (“TAX EVASION”);
- 23 (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- 24 (20) § 6-329 (“PERJURY”).
- 25 (B) VARIATIONS.

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
 2 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

3 **(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
 4 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 17–2702 OF THIS**
 5 **SUBTITLE; AND**

6 **(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
 7 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 17–2703 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
 9 general provisions relating to prohibited acts.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “County” § 17–101

12 “License holder” § 1–101

13 “Retail dealer” § 1–101

14 **17–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
 15 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

16 **(A) SUMMONS; BAIL.**

17 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 18 **CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:**

19 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 20 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 21 **EMPLOYEE; AND**

22 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 23 **COURT IN THE STATE.**

24 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
 26 **FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:**

27 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
 28 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
 29 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
 30 **OF 21 YEARS; AND**

31 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

1 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

2 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
3 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
4 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
5 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

8 In subsection (a)(2) of this section, the former reference to bail "bond" is
9 deleted as surplusage.

10 In subsection (b)(1) of this section, the reference to the "finder of fact" is
11 substituted for the former reference to the "jury or the court sitting as a jury"
12 for brevity.

13 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
14 as surplusage.

15 Former Art. 2B, § 12-108(f)(1)(ii), which stated that the provisions of former
16 Art. 2B, § 12-108(f) applied in Cecil County, is deleted as unnecessary in light
17 of the organization of this revised article.

18 Defined terms: "Board" § 17-101

19 "License holder" § 1-101

20 "State" § 1-101

21 **17-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
22 **INDIVIDUAL — CRIMINAL PROCEDURE.**

23 **(A) SUMMONS; BAIL.**

24 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
25 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

26 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
27 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
28 **EMPLOYEE; AND**

29 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
30 **COURT IN THE STATE.**

31 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

1 In subsection (b) of this section, the reference to “[f]ines” is substituted for the
2 former reference to “[a]ll moneys” for clarity.

3 Defined terms: “Board” § 17–101

4 “County” § 17–101

5 “License” § 1–101

6 **TITLE 18. CHARLES COUNTY.**

7 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

8 **18–101. DEFINITIONS.**

9 **(A) IN GENERAL.**

10 **IN THIS TITLE:**

11 **(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT**
12 **EXCEPTION OR VARIATION; AND**

13 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

14 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
15 by reference terms defined for the entire article.

16 Item (2) of this subsection is new language added as the standard introductory
17 language to a definition section.

18 **(B) BOARD.**

19 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CHARLES**
20 **COUNTY.**

21 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
22 full reference to the “Board of License Commissioners for Charles County”.

23 **(C) COUNTY.**

24 **“COUNTY” MEANS CHARLES COUNTY.**

25 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
26 full reference to “Charles County”.

27 **(D) LIGHT WINE.**

1 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
2 **ALCOHOL BY VOLUME.**

3 REVISOR’S NOTE: This subsection is new language derived without substantive
4 change from former Art. 2B, § 4–101(a) and (j).

5 The defined term “wine” is substituted for the former reference to “a fermented
6 beverage” to conform to the terminology used throughout this article.

7 Defined term: “Wine” § 1–101

8 **18–102. SCOPE OF TITLE.**

9 **THIS TITLE APPLIES ONLY IN CHARLES COUNTY.**

10 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
11 organization of this revised article.

12 **18–103. REGULATION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.**

13 **THE COUNTY COMMISSIONERS MAY REGULATE BY ORDINANCE THE**
14 **CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, INCLUDING**
15 **BUILDINGS, GROUNDS, STREETS, HIGHWAYS, ALLEYS, SIDEWALKS, AND OTHER**
16 **STRUCTURES OR ROADS ON LAND IN THE COUNTY OWNED BY:**

17 **(1) THE COUNTY;**

18 **(2) THE COUNTY BOARD OF EDUCATION; OR**

19 **(3) THE STATE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 18–105(b).

22 Former Art. 2B, § 18–105(a), as it related to Charles County, which stated
23 that former Art. 2B, § 18–105 applied to Charles County, is deleted as
24 unnecessary in light of the organization of this revised article.

25 Defined terms: “Alcoholic beverage” § 1–101

26 “County” § 18–101

27 “State” § 1–101

28 **18–104. COPY OF LEGISLATION.**

1 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
2 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
3 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
4 **MARYLAND 21401.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 18–103.

7 The reference to the “County Commissioners” is substituted for the former
8 reference to the “local governing body” for clarity.

9 The reference to this “title” is substituted for the former reference to this
10 “subtitle” to conform to the organization of this revised article. Under the
11 former law, each local governing body derived its authority to enact alcoholic
12 beverages legislation from a common subtitle. Under this revised article, each
13 local governing body derives its authority from the title dedicated to the
14 jurisdiction of the local governing body.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “County” § 18–101

17 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

18 **18–201. ESTABLISHED.**

19 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CHARLES COUNTY.**

20 REVISOR'S NOTE: This section is new language added to state expressly what was
21 only implied in the former law, that an entity known as the Board of License
22 Commissioners for Charles County exists.

23 Former Art. 2B, § 15–112(j), which provided that former Art. 2B, §
24 15–112(j) applied only in Charles County and that the Board is the alcoholic
25 beverages license issuing authority, is deleted as unnecessary in light of the
26 organization of this revised article and § 4–202 of this article, which gives each
27 local licensing board in the State the authority to issue licenses.

28 **18–202. MEMBERSHIP.**

29 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

30 **THE COUNTY COMMISSIONERS SHALL APPOINT FIVE MEMBERS TO THE**
31 **BOARD.**

32 **(B) QUALIFICATIONS.**

1 **(1) OF THE MEMBERS OF THE BOARD:**

2 **(I) AT LEAST ONE SHALL BE FROM EACH OF THE COUNTY**
3 **COMMISSIONER DISTRICTS; AND**

4 **(II) ONE SHALL BE AT LARGE.**

5 **(2) EACH MEMBER OF THE BOARD SHALL BE A REGISTERED VOTER**
6 **OF THE COUNTY.**

7 **(3) PREFERABLY, AT LEAST ONE MEMBER OF THE BOARD BEFORE**
8 **BEING APPOINTED SHALL HAVE SOME FAMILIARITY OR EXPERIENCE WITH THE**
9 **ALCOHOLIC BEVERAGES INDUSTRY.**

10 **(c) RESTRICTIONS.**

11 **(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS**
12 **AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN**
13 **OR IN ANY OTHER MANNER.**

14 **(2) A MEMBER OF THE BOARD MAY NOT:**

15 **(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A**
16 **PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD;**

17 **(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS**
18 **WHOLLY OR PARTLY DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES;**

19 **(III) OWN STOCK IN:**

20 **1. A CORPORATION THAT HAS A DIRECT OR INDIRECT**
21 **INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD; OR**

22 **2. A BUSINESS WHOLLY OR PARTIALLY DEVOTED TO THE**
23 **SALE OF ALCOHOLIC BEVERAGES;**

24 **(IV) HOLD ANY OTHER PUBLIC OFFICE OR EMPLOYMENT; OR**

25 **(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A**
26 **COMMISSION, REMUNERATION, OR GIFT FROM:**

1 **1. A PERSON ENGAGED IN THE SALE OF ALCOHOLIC**
2 **BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

3 **2. A LICENSE HOLDER.**

4 **(3) A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF**
5 **ALCOHOLIC BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, OR A LICENSE**
6 **HOLDER MAY NOT DIRECTLY OR INDIRECTLY OFFER A COMMISSION,**
7 **REMUNERATION, OR GIFT TO:**

8 **(I) A MEMBER OF THE BOARD; OR**

9 **(II) SOMEONE ON BEHALF OF A MEMBER OF THE BOARD.**

10 **(D) TENURE.**

11 **(1) THE TERM OF A MEMBER IS 4 YEARS.**

12 **(2) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE**
13 **TERMS.**

14 **(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
15 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

16 **(E) REMOVAL.**

17 **THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR:**

18 **(1) A VIOLATION OF SUBSECTION (C) OF THIS SECTION OR OTHER**
19 **MISCONDUCT IN OFFICE;**

20 **(2) INCOMPETENCE; OR**

21 **(3) WILLFUL NEGLIGENCE OF DUTY.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, §§ 15–104(b)(1)(i) through (iii) and (2) and the
24 first sentence of 15–110(b).

25 In subsection (a) of this section, the reference to “members” is substituted for
26 the former reference to “persons” to conform to the terminology used
27 throughout this subtitle. Similarly, in the introductory language of subsection
28 (c)(2) of this section, the reference to a “member of the Board” is substituted
29 for the former reference to a “Commissioner”, and in the introductory

1 language of subsection (e) of this section, the reference to a “member” is
2 substituted for the former reference to a “License Commissioner”.

3 Also in subsection (a) of this section, the former reference to members
4 “constitut[ing]” the Board “of License Commissioners for the county” is deleted
5 as surplusage.

6 In subsection (c)(2)(i) of this section, the former reference to an interest “to” a
7 premises is deleted as included in the reference to an interest “in” a premises.

8 In subsection (c)(2)(v) of this section, the former reference to any gift
9 “whatsoever” is deleted as surplusage.

10 In subsection (c)(2)(v)1 and (3) of this section, the former references to a
11 “corporation” are deleted as included in the reference to a “person”.

12 Also in subsection (c)(2)(v)1 and (3) of this section, the former references to
13 “beer or other” alcoholic beverages are deleted as included in the defined term
14 “alcoholic beverage”.

15 In subsection (c)(2)(v)2 and (3) of this section, the defined term “license holder”
16 is substituted for the former references to a “licensee, licensed under the
17 provisions of this article” to conform to the terminology used throughout this
18 article.

19 In subsection (c)(3) of this section, the former reference to “profit” is deleted
20 as included in the reference to “remuneration”.

21 In subsection (d)(1) of this section, the former reference to “the initial term of
22 one member authorized on October 1, 1993” is deleted as obsolete.

23 In subsection (d)(3) of this section, the requirement that the terms of the
24 members of the Board be staggered as required on July 1, 2016, is substituted
25 for the former obsolete requirement that the terms of members be staggered
26 “as required by the terms provided for members on October 1, 1993”. This
27 substitution is not intended to alter the term of any member of the Board of
28 License Commissioners for Charles County.

29 In the introductory language of subsection (e) of this section, the former
30 reference to the County Commissioners removing a member of a board of
31 license commissioners “appointed by them” is deleted as unnecessary because
32 all of the members are appointed by the County Commissioners.

33 In subsection (e) of this section, the references to “misconduct in office”,
34 “incompetence”, and “willful neglect of duty” are substituted for the former
35 reference to “the causes in this section prescribed” for clarity.

1 Former Art. 2B, § 15–101(j), which provided that the provisions of former Art.
2 2B, § 15–104 apply in Charles County, is deleted as unnecessary in light of
3 the organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 18–101

6 “County” § 18–101

7 “License holder” § 1–101

8 “Person” § 1–101

9 **18–203. CHAIR.**

10 **(A) ELECTION BY MEMBERS OF BOARD.**

11 **FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A CHAIR.**

12 **(B) TERM LIMIT.**

13 **A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS AS CHAIR.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 15–104(b)(1)(iv).

16 In this section, the references to a “chair” are substituted for the former
17 references to a “chairman” because SG § 2–1238 requires the use of words that
18 are neutral as to gender to the extent practicable.

19 In subsection (b) of this section, the reference to a “member” is substituted for
20 the former reference to a “person” for accuracy.

21 Defined term: “Board” § 18–101

22 **18–204. QUORUM; MEETINGS; SALARIES; STAFF.**

23 **(A) QUORUM.**

24 **THREE MEMBERS OF THE BOARD ARE A QUORUM FOR TRANSACTING**
25 **BUSINESS.**

26 **(B) MEETINGS.**

27 **THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

28 **(C) SALARIES.**

1 **THE COUNTY COMMISSIONERS SHALL SET THE SALARIES OF THE CHAIR AND**
 2 **THE OTHER MEMBERS OF THE BOARD.**

3 **(D) STAFF.**

4 **(1) THE BOARD MAY:**

5 **(I) EMPLOY:**

6 **1. A SECRETARY;**

7 **2. INSPECTORS; AND**

8 **3. CLERICAL AND OTHER ASSISTANTS AS ARE**
 9 **NECESSARY; AND**

10 **(II) SET THE COMPENSATION OF THE EMPLOYEES.**

11 **(2) (I) THE COUNTY COMMISSIONERS SHALL PROVIDE A CLERK,**
 12 **COUNSEL, AND SUPPLIES TO THE BOARD AS THE COUNTY COMMISSIONERS**
 13 **CONSIDER APPROPRIATE.**

14 **(II) THE COUNTY COMMISSIONERS MAY SET SALARIES FOR THE**
 15 **CLERK AND COUNSEL AS THE COUNTY COMMISSIONERS CONSIDER APPROPRIATE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, §§ 15-109(j), 15-112(a)(2), and
 18 15-104(b)(1)(vi) and the first sentence of (v).

19 In subsection (c) of this section, the reference to the "chair" is substituted for
 20 the former reference to the "chairman" because SG § 2-1238 requires the use
 21 of words that are neutral as to gender to the extent practicable.

22 Also in subsection (c) of this section, the reference to "other" members of the
 23 Board is substituted for the former reference to "associate" members of the
 24 Board to conform to the terminology used in other similar provisions of this
 25 article.

26 In subsection (d)(1) of this section, the former phrase "except as otherwise
 27 provided by this article" is deleted as unnecessary.

28 In subsection (d)(1)(i)3 of this section, the reference to "assistants" is
 29 substituted for the former reference to "assistance" for clarity.

1 The second sentence of former Art. 2B, § 15–104(b)(1)(v), which stated that at
2 least three members who are present at the hearing concerning an alcoholic
3 beverages license must concur in the approval, denial, revocation, suspension,
4 or reclassification of that license, is deleted as unnecessary in light of
5 subsection (a) of this section, which states that three members of the Board
6 are a quorum for transacting business.

7 Defined terms: “Board” § 18–101
8 “County” § 18–101

9 **18–205. REGULATIONS.**

10 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 16–301(a), as it related to the authority of the
13 Board to adopt regulations.

14 The defined term “Board” is substituted for the former reference to “the board
15 of license commissioners from any county or Baltimore City, respectively,”
16 because this section applies only to the Board of License Commissioners for
17 Charles County.

18 The reference to the Board “adopt[ing] regulations to carry out” this article is
19 substituted for the former reference to the Board “hav[ing] full power and
20 authority to adopt such reasonable rules and regulations as they may deem
21 necessary to enable them effectively to discharge the duties imposed upon
22 them by” this article for brevity.

23 The former phrase “[i]n addition to the powers otherwise provided by this
24 article,” is deleted as surplusage.

25 Defined term: “Board” § 18–101

26 **SUBTITLE 3. LIQUOR CONTROL.**

27 **18–301. LIQUOR CONTROL — NOT APPLICABLE.**

28 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
29 **IN THE COUNTY.**

30 REVISOR’S NOTE: This section is new language added to clarify that there is no
31 liquor control board or department of liquor control in the County.

32 Defined term: “County” § 18–101

1 **(16) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
2 **PROHIBITED PRACTICES”); AND**

3 **(17) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
4 **RETAILERS — PROHIBITED”).**

5 **(B) EXCEPTION.**

6 **SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**
7 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

8 REVISOR’S NOTE: Subsection (a) of this section is new language added to
9 incorporate by reference general provisions relating to the issuance of
10 manufacturer’s licenses.

11 Subsection (b) of this section is new language derived without substantive
12 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
13 implicit in the former law, that a limited distillery license may not be issued
14 in the County.

15 Former Art. 2B, § 2–208(b)(2)(ix), which stated that the Class 7
16 micro–brewery license shall be issued in the County, is deleted as unnecessary
17 in light of the organization of this revised article.

18 Defined terms: “County” § 18–101
19 “Manufacturer’s license” § 1–101

20 **18–402. HOURS AND DAYS OF SALE OR DELIVERY.**

21 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
22 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
23 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 11–101(b)(7).

26 Defined terms: “Alcoholic beverage” § 1–101
27 “Manufacturer’s license” § 1–101

28 **SUBTITLE 5. WHOLESALER’S LICENSES.**

29 **18–501. APPLICATION OF GENERAL PROVISIONS.**

30 **TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS**
31 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the issuance of wholesaler's licenses.

3 Defined terms: "County" § 18-101
4 "Wholesaler's license" § 1-101

5 **18-502. HOURS AND DAYS OF SALE OR DELIVERY.**

6 **EXCEPT AS PROVIDED IN § 18-503 OF THIS SUBTITLE, A HOLDER OF A**
7 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
8 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
9 **SUNDAY.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 11-102(a).

12 Defined terms: "Alcoholic beverage" § 1-101
13 "Wholesaler's license" § 1-101

14 **18-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

15 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

16 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
17 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
18 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
19 **RETURNS ON THE SAME DAY.**

20 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

21 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
22 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
23 **REQUIRED TO DISPENSE DRAFT BEER.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 11-102(b).

26 In subsection (a) of this section, the reference to a "per diem" license is
27 substituted for the former reference to a "special 1-day" license to conform to
28 the terminology used throughout this article.

29 Also in subsection (a) of this section, the reference to a per diem license issued
30 "under Subtitle 13 of this title" is substituted for the former reference to a
31 license issued "pursuant to § 7-101 of this article" to reflect the reorganization

1 of material relating to per diem licenses in titles for each applicable
2 jurisdiction in this revision.

3 Also in subsection (a) of this section, the reference to delivery of beer on the
4 “effective date of the per diem license” is substituted for the former reference
5 to delivery on the “effective day of the license” for clarity.

6 Also in subsection (a) of this section, the former reference to accepting returns
7 on the same day “of delivery” is deleted as surplusage.

8 In subsection (b) of this section, the language that the “agreement entered into
9 under subsection (a) of this section shall include [the type of equipment to
10 dispense draft beer]” is substituted for the former language that the “parties
11 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

12 Defined terms: “Beer” § 1–101
13 “Wholesaler’s license” § 1–101

14 **SUBTITLE 6. BEER LICENSES.**

15 **18–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

16 **A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 3–101(j).

19 Defined terms: “Beer” § 1–101
20 “County” § 18–101

21 **18–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

22 **A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 3–201(j).

25 Defined terms: “Beer” § 1–101
26 “County” § 18–101

27 **18–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

28 **A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 3–301(j).

1 Defined terms: "Beer" § 1-101
2 "County" § 18-101

3 **18-604. CLASS D BEER LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS D BEER LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
8 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
9 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

10 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

11 **(C) FEES.**

12 **(1) THE ANNUAL LICENSE FEE IS \$240.**

13 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
14 **SHALL ANNUALLY PAY:**

15 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
16 **ENTERTAINMENT; AND**

17 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
18 **SERVICE.**

19 **REVISOR'S NOTE:** This section is new language derived without substantive
20 change from former Art. 2B, § 3-401(j) and (a)(1).

21 In subsection (a) of this section, the former reference to a license being "issued
22 by the license issuing authority of the county in which the place of business is
23 located" is deleted as surplusage.

24 In subsection (b)(1) of this section, the reference to "on- and off-premises"
25 consumption is substituted for the former reference to consumption "on the
26 premises or elsewhere" for clarity.

27 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
28 deleted as implicit in the word "sell".

1 Defined term: "Beer" § 1-101

2 **SUBTITLE 7. LIGHT WINE LICENSES.**

3 **18-701. LIGHT WINE LICENSES — NOT APPLICABLE.**

4 **A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

5 REVISOR'S NOTE: This section is new language added to clarify that a light wine
6 license may not be issued in Charles County.

7 Defined terms: "County" § 18-101
8 "Light wine" § 18-101

9 **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

10 **18-801. CLASS A BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

11 **A CLASS A BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE**
12 **COUNTY.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 5-101(j).

15 Defined terms: "Beer" § 1-101
16 "County" § 18-101
17 "Light wine" § 18-101

18 **18-802. CLASS B BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

19 **A CLASS B BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE**
20 **COUNTY.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 5-201(j).

23 Defined terms: "Beer" § 1-101
24 "County" § 18-101
25 "Light wine" § 18-101

26 **18-803. CLASS C BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

27 **A CLASS C BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE**
28 **COUNTY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5-301(j).

3 Defined terms: "Beer" § 1-101
4 "County" § 18-101
5 "Light wine" § 18-101

6 **18-804. CLASS D BEER AND LIGHT WINE LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

9 **(B) SCOPE OF AUTHORIZATION.**

10 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
11 **WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
12 **OFF-PREMISES CONSUMPTION.**

13 **(C) DRUGSTORE PROHIBITION.**

14 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

15 **(D) FEES.**

16 **(1) THE ANNUAL LICENSE FEE IS \$340.**

17 **(2) A LICENSE HOLDER SHALL PAY, IN ADDITION TO THE ANNUAL**
18 **LICENSE FEE:**

19 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
20 **ENTERTAINMENT; AND**

21 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
22 **SERVICE.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 5-401(j) and (a)(1).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

27 In subsection (a) of this section, the former reference to the license being
28 "issued by the license issuing authority of the county in which the place of
29 business is located" is deleted as surplusage.

1 In subsection (b) of this section, the reference to “on- and off-premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 Also in subsection (b) of this section, the former reference to “keep[ing] for
5 sale” is deleted as implicit in the reference to “sell[ing]”.

6 Defined terms: “Beer” § 1-101

7 “Light wine” § 18-101

8 **18-805. CLASS H BEER AND LIGHT WINE LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS H BEER AND LIGHT WINE LICENSE.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
13 **WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE**
14 **LICENSE, FOR ON-PREMISES CONSUMPTION.**

15 **(C) FEES.**

16 **(1) THE ANNUAL LICENSE FEE IS \$340.**

17 **(2) A LICENSE HOLDER SHALL PAY, IN ADDITION TO THE ANNUAL**
18 **LICENSE FEE:**

19 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
20 **ENTERTAINMENT; AND**

21 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
22 **SERVICE.**

23 **REVISOR’S NOTE:** This section is new language derived without substantive
24 change from former Art. 2B, § 5-202(f) and (b)(1).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

27 In subsection (a) of this section, the former reference to the license being
28 “issued by the license issuing authority of the county in which the place of
29 business is located” is deleted as surplusage.

1 In subsection (b) of this section, the former reference to “keep[ing] for sale” is
2 deleted as implicit in the reference to “sell[ing]”.

3 Former Art. 2B, § 5–202(a)(3), which stated that former Art. 2B, § 5–202
4 applied in Charles County, is deleted as unnecessary in light of the
5 organization of this revised article.

6 Defined terms: “Beer” § 1–101
7 “Hotel” § 1–101
8 “Light wine” § 18–101
9 “Restaurant” § 1–101

10 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

11 **18–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

14 **(B) SCOPE OF AUTHORIZATION.**

15 **(1) THE LICENSE AUTHORIZES THE HOLDER TO:**

16 **(I) SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE**
17 **DESCRIBED IN THE LICENSE; AND**

18 **(II) SERVE BEER, WINE, AND LIQUOR FOR TASTING AND**
19 **SAMPLING IF:**

20 **1. THE TASTING OR SAMPLING IS HELD ON THE**
21 **LICENSED PREMISES; AND**

22 **2. THE HOLDER SERVES NOT MORE THAN 1 OUNCE FROM**
23 **EACH SERVING OF BEER, WINE, OR LIQUOR, IN A CONTAINER THAT HOLDS NOT MORE**
24 **THAN 4 OUNCES, TO ANY ONE INDIVIDUAL.**

25 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
26 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
27 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

28 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

1 **A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

2 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
3 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
4 **THE LICENSE;**

5 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
6 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
7 **APPLIED FOR; OR**

8 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
9 **LEAST 3 YEARS.**

10 **(D) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$960.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 6–101(a)(1) and (3) and (j).

14 Subsection (a) of this section is revised in standard language used throughout
15 this title to establish a license.

16 In subsection (b) of this section, references to “beer, wine, or liquor” are
17 substituted for the former references to “alcoholic beverages” for clarity.

18 In subsection (b)(1)(i) of this section, the reference to “sell” is substituted for
19 the former reference to “keep for sale and to sell” for brevity.

20 Also in subsection (b)(1)(i) of this section, the former phrase “in any quantity”
21 is deleted as surplusage.

22 In subsection (b)(1)(ii)2 of this section, the reference to each “serving” is
23 substituted for the former reference to each “given brand” for clarity.

24 Also in subsection (b)(1)(ii)2 of this section, the reference to an “individual” is
25 substituted for the former reference to a “person” because this provision refers
26 only to human beings and not the other entities included in the defined term
27 “person”.

28 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
29 of the application for the license” is substituted for the former phrase “that
30 length of time” for clarity.

31 In subsection (c)(3) of this section, the former reference to “actually” engaged
32 is deleted as surplusage.

1 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
2 deleted as surplusage.

3 Defined terms: “Beer” § 1–101
4 “Wine” § 1–101

5 **18–902. CLASS B–H BEER, WINE, AND LIQUOR LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS B–H (HOTEL) ON–SALE BEER, WINE, AND LIQUOR LICENSE.**

8 **(B) SCOPE OF AUTHORIZATION.**

9 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
10 **LIQUOR FOR ON–PREMISES CONSUMPTION IN A HOTEL COMMON AREA, FOR A**
11 **PREMISES PRIMARILY ENGAGED IN THE DAY–TO–DAY RENTAL OF HOTEL ROOMS.**

12 **(C) HOURS AND DAYS OF SALE.**

13 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
14 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
15 **UNDER § 18–2004(B) OF THIS TITLE.**

16 **(D) FEES.**

17 **(1) THE ANNUAL LICENSE FEE IS \$360.**

18 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
19 **SHALL YEARLY PAY:**

20 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
21 **ENTERTAINMENT; AND**

22 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
23 **SERVICE.**

24 **REVISOR’S NOTE:** Subsections (a), (b), and (d) of this section are new language
25 derived without substantive change from former Art. 2B, § 6–201(j)(6).

26 Subsection (a) of this section is revised in standard language used to establish
27 a license.

1 Subsection (c) of this section is new language added for clarity.

2 Defined terms: “Beer” § 1–101

3 “Board” § 18–101

4 “Hotel” § 1–101

5 “Wine” § 1–101

6 **18–903. CLASS B–N BEER, WINE, AND LIQUOR LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS B–N (NIGHTCLUB) ON–SALE BEER, WINE, AND LIQUOR**
9 **LICENSE.**

10 **(B) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
12 **LIQUOR FOR CONSUMPTION ON THE PREMISES OF A NIGHTCLUB FACILITY THAT:**

13 **(1) IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC**
14 **BEVERAGES, ON A DRINK–BY–DRINK BASIS; AND**

15 **(2) HAS A SEATING CAPACITY OF MORE THAN 100 PEOPLE, AS**
16 **DETERMINED BY THE STATE FIRE MARSHAL.**

17 **(C) HOURS AND DAYS OF SALE.**

18 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
19 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
20 **UNDER § 18–2004(B) OF THIS TITLE.**

21 **(D) FEES.**

22 **(1) THE ANNUAL LICENSE FEE IS \$610.**

23 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
24 **SHALL YEARLY PAY \$200 IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT.**

25 REVISOR’S NOTE: Subsections (a), (b), and (d) of this section are new language
26 derived without substantive change from former Art. 2B, § 6–201(j)(5).

27 Subsection (a) of this section is revised in standard language used to establish
28 a license.

1 Subsection (c) of this section is new language added for clarity.

2 Defined terms: "Beer" § 1-101

3 "Board" § 18-101

4 "Wine" § 1-101

5 **18-904. CLASS B-R (RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS B-R (RESTAURANT) ON-SALE BEER, WINE, AND LIQUOR**
8 **LICENSE.**

9 **(B) SCOPE OF AUTHORIZATION.**

10 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
11 **LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT THAT:**

12 **(1) IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND**
13 **NONALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; AND**

14 **(2) CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND**
15 **SERVING MEALS.**

16 **(C) HOURS AND DAYS OF SALE.**

17 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
18 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
19 **UNDER § 18-2004(B) OF THIS TITLE.**

20 **(D) PROHIBITED ACTIVITIES.**

21 **A LICENSE HOLDER MAY NOT:**

22 **(1) ESTABLISH AN AREA ON THE PREMISES OF THE RESTAURANT**
23 **THAT IS A BAR; OR**

24 **(2) PROVIDE LIVE ENTERTAINMENT.**

25 **(E) FEES.**

26 **(1) THE ANNUAL LICENSE FEE IS \$360.**

1 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
2 **SHALL YEARLY PAY \$200 IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
3 **SERVICE.**

4 REVISOR'S NOTE: Subsections (a), (b), (d), and (e) of this section are new language
5 derived without substantive change from former Art. 2B, § 6–201(j)(2).

6 Subsection (a) of this section is revised in standard language used to establish
7 a license.

8 Subsection (c) of this section is new language added for clarity.

9 Former Art. 2B, § 6–201(j)(10), which provided that the Board may adopt
10 regulations to implement former Art. 2B, § 6–301, is deleted as surplusage.

11 Defined terms: “Beer” § 1–101

12 “Restaurant” § 1–101

13 “Wine” § 1–101

14 **18–905. CLASS B–RB BEER, WINE, AND LIQUOR LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS B–RB (RESTAURANT/BAR) ON–SALE BEER, WINE, AND**
17 **LIQUOR LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE, AND**
20 **LIQUOR ON THE PREMISES OF A RESTAURANT THAT:**

21 **(1) IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND**
22 **NONALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION;**

23 **(2) HAS A DINING ROOM WITH FACILITIES FOR PREPARING AND**
24 **SERVING MEALS; AND**

25 **(3) HAS A BAR, WITH STOOLS TO ACCOMMODATE CUSTOMERS WITH**
26 **OR WITHOUT SERVICE OF FOOD.**

27 **(C) HOURS AND DAYS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
2 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
3 **UNDER § 18-2004(B) OF THIS TITLE.**

4 **(D) FEES.**

5 **(1) THE ANNUAL LICENSE FEE IS \$460.**

6 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
7 **SHALL YEARLY PAY:**

8 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
9 **ENTERTAINMENT; AND**

10 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
11 **SERVICE.**

12 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
13 derived without substantive change from former Art. 2B, § 6-201(j)(3).

14 Subsection (a) of this section is revised in standard language used to establish
15 a license.

16 Subsection (c) of this section is new language added for clarity.

17 Defined terms: "Beer" § 1-101

18 "Board" § 18-101

19 "Restaurant" § 1-101

20 "Wine" § 1-101

21 **18-906. CLASS B-T BEER, WINE, AND LIQUOR LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS B-T (TAVERN) ON-SALE BEER, WINE, AND LIQUOR**
24 **LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
27 **LIQUOR FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT OR BAR THAT:**

28 **(1) IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC**
29 **BEVERAGES, ON A DRINK-BY-DRINK BASIS; AND**

1 **(2) HAS A SEATING CAPACITY OF LESS THAN 100 PEOPLE, AS**
 2 **DETERMINED BY THE STATE FIRE MARSHAL.**

3 **(C) HOURS AND DAYS OF SALE.**

4 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 5 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
 6 **UNDER § 18-2004(B) OF THIS TITLE.**

7 **(D) FEES.**

8 **(1) THE ANNUAL LICENSE FEE IS \$460.**

9 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
 10 **SHALL YEARLY PAY:**

11 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
 12 **ENTERTAINMENT; AND**

13 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
 14 **SERVICE.**

15 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
 16 derived without substantive change from former Art. 2B, § 6-201(j)(4).

17 Subsection (a) of this section is revised in standard language used to establish
 18 a license.

19 Subsection (c) of this section is new language added for clarity.

20 Defined terms: "Beer" § 1-101

21 "Board" § 18-101

22 "License" § 1-101

23 "License holder" § 1-101

24 "Wine" § 1-101

25 **18-907. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

2 **(I) A NONPROFIT ORGANIZATION; OR**

3 **(II) A CLUB COMPOSED ONLY OF MEMBERS WHO SERVED IN THE**
4 **ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES**
5 **HAS BEEN ENGAGED.**

6 **(2) THE NONPROFIT ORGANIZATION OR CLUB FOR WHICH THE**
7 **LICENSE IS ISSUED SHALL:**

8 **(I) OPERATE ONLY FOR THE USE OF ITS MEMBERS AND GUESTS**
9 **WHEN ACCOMPANIED BY MEMBERS; AND**

10 **(II) MEET IN A CLUBHOUSE THAT IS USED EXCLUSIVELY FOR ITS**
11 **MEMBERS AND GUESTS.**

12 **(C) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
14 **LIQUOR FOR ON-PREMISES CONSUMPTION:**

15 **(1) IN THE CLUBHOUSE; OR**

16 **(2) ON PROPERTY DIRECTLY CONTIGUOUS TO THE CLUBHOUSE THAT**
17 **IS:**

18 **(I) OWNED BY THE NONPROFIT ORGANIZATION OR CLUB; AND**

19 **(II) USED EXCLUSIVELY BY MEMBERS AND GUESTS FOR SOCIAL**
20 **FUNCTIONS OR BUSINESS OF THE ORGANIZATION OR CLUB.**

21 **(D) FEE.**

22 **(1) THE ANNUAL LICENSE FEE IS \$350.**

23 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
24 **SHALL ANNUALLY PAY:**

25 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
26 **ENTERTAINMENT; AND**

1 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
 2 **SERVICE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 6–301(j)(2) through (5) and, as it related to the
 5 Board issuing the license, the first sentence of (a)(1).

6 Subsection (a) of this section is revised in standard language used throughout
 7 this article to establish a license.

8 In subsection (b)(1)(i) and (c)(2)(i) of this section, the former reference to a
 9 “bona fide” nonprofit organization is deleted as surplusage.

10 In subsection (b)(2)(ii) of this section, the reference to a clubhouse that is used
 11 “exclusively for its members and guests” is substituted for the former phrase
 12 “for no other purpose” for clarity.

13 In the introductory language of subsection (c) of this section, the reference to
 14 “beer, wine, and liquor” is substituted for the former reference to “alcoholic
 15 beverages” for clarity.

16 Former Art. 2B, § 6–301(j)(1), which stated that former Art. 2B, § 6–301(j)
 17 applied only in Charles County, is deleted as unnecessary in light of the
 18 organization of this revised article.

19 Defined terms: “Beer” § 1–101

20 “Board” § 18–101

21 “Club” § 1–101

22 “Wine” § 1–101

23 **18–908. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

24 **(A) ESTABLISHED.**

25 **THERE ARE TWO TYPES OF CLASS D BEER, WINE, AND LIQUOR LICENSES.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **THE LICENSES AUTHORIZE THE LICENSE HOLDER TO SELL AT RETAIL AT THE**
 28 **PLACE DESCRIBED IN THE LICENSE:**

29 **(1) BEER, WINE, AND LIQUOR FOR ON- AND OFF-PREMISES**
 30 **CONSUMPTION; OR**

1 **(2) BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION AND**
 2 **LIQUOR FOR OFF-PREMISES CONSUMPTION.**

3 **(C) DRUGSTORE PROHIBITION.**

4 **THE LICENSES MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

5 **(D) FEES.**

6 **(1) THE ANNUAL LICENSE FEES ARE:**

7 **(I) \$1,320, FOR A LICENSE TO SELL BEER, WINE, AND LIQUOR**
 8 **FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

9 **(II) \$1,020, FOR A LICENSE TO SELL BEER AND WINE FOR**
 10 **ON- AND OFF-PREMISES CONSUMPTION AND LIQUOR FOR OFF-PREMISES**
 11 **CONSUMPTION.**

12 **(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER**
 13 **SHALL ANNUALLY PAY:**

14 **(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE**
 15 **ENTERTAINMENT; AND**

16 **(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE**
 17 **SERVICE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 6-401(a)(1) and (j)(2) and (3).

20 Subsection (a) of this section is revised in standard language used throughout
 21 this article to establish a license.

22 In subsections (b) and (d) of this section, the references to "on- and
 23 off-premises consumption" are substituted for the former reference to
 24 "consumption on the premises or elsewhere" and the former references to
 25 "on- and off-sale" for clarity.

26 In subsection (b) of this section, the phrase "at the place described in the
 27 license" is substituted for the former phrase "at the place described in it" for
 28 clarity.

29 Former Art. 2B, § 6-401(j)(1), which stated that former Art. 2B, § 6-401(j)
 30 applied only in Charles County, is deleted as unnecessary in light of the
 31 organization of this revised article.

1 Defined terms: "Beer" § 1-101
2 "Wine" § 1-101

3 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

4 **18-1001. BASEBALL STADIUM LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS B-STADIUM (BASEBALL STADIUM) BEER, WINE, AND**
7 **LIQUOR LICENSE.**

8 **(B) AUTHORIZED HOLDER.**

9 **THE BOARD MAY ISSUE THE LICENSE TO:**

10 **(1) THE OWNER OF A PROFESSIONAL TEAM FRANCHISE, WHETHER**
11 **THE FRANCHISE IS A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY**
12 **COMPANY; OR**

13 **(2) A PRIVATE CONCESSIONAIRE THAT IS UNDER CONTRACT WITH**
14 **THE COUNTY OR A PROFESSIONAL BASEBALL TEAM FRANCHISE.**

15 **(C) SCOPE OF AUTHORIZATION.**

16 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
17 **WINE, AND LIQUOR ON THE PREMISES OF A BASEBALL STADIUM OWNED OR**
18 **OPERATED BY THE COUNTY TO INDIVIDUALS PRESENT AT A BASEBALL GAME OR**
19 **OTHER EVENT HELD AT THE STADIUM.**

20 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
21 **PARAGRAPH, BEER, WINE, AND LIQUOR SHALL BE SERVED IN PLASTIC, STYROFOAM,**
22 **OR PAPER CONTAINERS ON THE STADIUM PREMISES.**

23 **(II) BEER, WINE, AND LIQUOR MAY BE SERVED IN GLASS**
24 **CONTAINERS IN AN ENCLOSED STADIUM DINING AREA IN WHICH PATRONS ARE**
25 **SEATED.**

26 **(3) A PATRON:**

27 **(I) MAY CONSUME AND CARRY BEER AND WINE ANYWHERE ON**
28 **THE STADIUM PREMISES; BUT**

1 **(II) 1. MAY CONSUME LIQUOR ONLY IN AN ENCLOSED**
 2 **STADIUM DINING AREA OR BAR; AND**

3 **2. MAY NOT CARRY LIQUOR OUT OF THE ENCLOSED**
 4 **STADIUM DINING AREA OR BAR.**

5 **(4) THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY**
 6 **ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

7 **(D) HOURS AND DAYS OF SALE.**

8 **EXCEPT AS PROVIDED IN REGULATIONS ADOPTED UNDER SUBSECTION (E) OF**
 9 **THIS SECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING**
 10 **THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
 11 **UNDER § 18–2004 OF THIS TITLE.**

12 **(E) REGULATIONS.**

13 **THE BOARD MAY ADOPT REGULATIONS RELATING TO:**

14 **(1) THE MANNER OF SERVING ALCOHOLIC BEVERAGES;**

15 **(2) THE NUMBER OF OUTLETS AUTHORIZED TO SERVE ALCOHOLIC**
 16 **BEVERAGES; AND**

17 **(3) THE HOURS AND DAYS OF SALE.**

18 **(F) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$2,200.**

20 **REVISOR'S NOTE:** This section is new language derived without substantive
 21 change from former Art. 2B, § 6–201(j)(9).

22 In subsection (c)(4) of this section, the former phrase “[e]xcept for a distributor
 23 of beer who is conducting business with a holder of a Class B–Stadium license
 24 for the purposes of this paragraph” is deleted as unnecessary.

25 In subsection (d) of this section, the reference to the authority for the license
 26 holder to “sell beer, wine, and liquor during the hours and days as set out for
 27 a Class B beer, wine, and liquor license under § 18–2004 of this title” is added
 28 to provide a cross–reference to the provisions on hours and days of sale for a
 29 Class B beer, wine, and liquor license in Charles County.

1 In the introductory language of subsection (e) of this section, the former
2 reference to “additional” regulations is deleted as surplusage.

3 Also in the introductory language of subsection (e) of this section, the former
4 reference to regulations “consistent with this paragraph” is deleted as
5 surplusage.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Beer” § 1–101

8 “Board” § 18–101

9 “County” § 18–101

10 “Wine” § 1–101

11 **18–1002. BED AND BREAKFAST BEER, WINE, AND LIQUOR LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS B–B&B (BED AND BREAKFAST) BEER, WINE, AND LIQUOR**
14 **LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A BED AND BREAKFAST**
17 **THAT:**

18 **(1) HAS ROOMS, EXCLUDING THE RESIDENT MANAGEMENT**
19 **QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR SLEEPING**
20 **ACCOMMODATIONS FOR A SPECIFIED TIME;**

21 **(2) DOES NOT HAVE DINING FACILITIES THAT ARE OPEN TO THE**
22 **PUBLIC; AND**

23 **(3) MEETS ALL OTHER QUALIFICATIONS TO HOLD A LICENSE ISSUED**
24 **BY THE BOARD.**

25 **(C) SCOPE OF AUTHORIZATION.**

26 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
27 **WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ONLY TO A GUEST:**

28 **(I) WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY**
29 **THAT THE BED AND BREAKFAST MAINTAINS; AND**

1 **(II) WHO IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED**
 2 **AND BREAKFAST.**

3 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR**
 4 **TO AN INDIVIDUAL WHO IS REGISTERED ONLY TO OBTAIN ALCOHOLIC BEVERAGES.**

5 **(3) IF THE LICENSED PREMISES ENDS OPERATIONS AS A BED AND**
 6 **BREAKFAST, THE LICENSE IS VOID.**

7 **(D) HOURS AND DAYS OF SALE.**

8 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 9 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
 10 **UNDER § 18–2004 OF THIS TITLE.**

11 **(E) FEES.**

12 **THE ANNUAL LICENSE FEE IS:**

13 **(1) \$25 FOR A BED AND BREAKFAST WITH FIVE OR FEWER BEDROOMS;**
 14 **AND**

15 **(2) \$50 FOR A BED AND BREAKFAST WITH SIX OR MORE BEDROOMS.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 6–201(j)(8)(i) through (viii) and (x).

18 In subsection (b)(1) of this section, the former reference to a specified “period
 19 of” time is deleted as surplusage.

20 In subsection (b)(2) of this section, the former reference to the “general” public
 21 is deleted as surplusage.

22 In subsection (c)(3) of this section, the former reference to a bed and breakfast
 23 “establishment” is deleted as surplusage.

24 In subsection (d) of this section, the reference to the authority of the “license
 25 holder” to “sell beer, wine, and liquor during the hours and days as set out for
 26 a Class B beer, wine, and liquor license under § 18–2004 of this title” is
 27 substituted for the former reference to the “hours and days of sale for sale
 28 under the license shall be in accordance with § 11–509 of this article” for
 29 clarity and consistency with similar provisions on hours and days of sale in
 30 this article.

1 Former Art. 2B, § 6–201(j)(8)(ix), which authorized the Board to adopt
2 additional regulations consistent with this paragraph, is deleted as
3 unnecessary because the Board has the power to adopt regulations under §
4 18–205 of this title.

5 Defined terms: “Alcoholic beverage” § 1–101

6 “Beer” § 1–101

7 “Board” § 18–101

8 “Wine” § 1–101

9 **18–1003. GOLF COURSE LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS GC (GOLF COURSE) LICENSE.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AND AN**
14 **INDIVIDUAL TO CONSUME ALCOHOLIC BEVERAGES ALLOWED UNDER THE LICENSE**
15 **ON THE LICENSED PREMISES OF A PUBLICLY OR PRIVATELY OWNED GOLF COURSE.**

16 REVISOR’S NOTE: Subsection (a) of this section is new language added as the
17 standard language establishing a license in this article.

18 Subsection (b) of this section is new language derived without substantive
19 change from former Art. 2B, § 8–502(b).

20 In subsection (b) of this section, the reference to an “individual” is substituted
21 for the former reference to a “person” for clarity.

22 Former Art. 2B, § 8–502(a), which stated that the provisions of former Art.
23 2B, § 8–502 applied only in Charles County, is deleted as unnecessary in light
24 of the organization of this revised article.

25 The Alcoholic Beverages Article Review Committee notes, for consideration by
26 the General Assembly, that the hours and days of sale for the license are not
27 stated in statutory law.

28 Defined term: “Alcoholic beverage” § 1–101

29 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

30 **18–1101. APPLICATION OF GENERAL PROVISIONS.**

1 (A) WITHOUT EXCEPTION OR VARIATION.

2 THE FOLLOWING SECTION OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE
3 PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT
4 EXCEPTION OR VARIATION:

5 (1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED
6 FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

7 (2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE
8 FROM LICENSED PREMISES”).

9 (B) EXCEPTION.

10 SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION
11 I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

12 (C) VARIATION.

13 SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”) OF
14 DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 18-1102 OF
15 THIS SUBTITLE.

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to additional privileges of license holders.

18 Defined terms: “Beer” § 1-101

19 “County” § 18-101

20 “License” § 1-101

21 “License holder” § 1-101

22 “Wine” § 1-101

23 18-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.

24 (A) AUTHORIZED HOLDER.

25 THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER
26 TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS C LICENSE.

27 (B) APPLICATION FORM.

28 AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE
29 BOARD PROVIDES.

1 **(C) HOURS OF SALE.**

2 **THE HOURS OF SALE FOR THE PERMIT:**

3 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
4 **LICENSE; AND**

5 **(2) END AT MIDNIGHT.**

6 **(D) FEES.**

7 **THE ANNUAL PERMIT FEES ARE:**

8 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
9 **PRIVILEGE; AND**

10 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
11 **OFF-SALE PRIVILEGE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 8-209(d), (e), and (f).

14 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

15 In subsection (c) of this section, the reference to the "underlying license" is
16 substituted for the former reference to the "license already held by the person
17 to whom the refillable container permit is issued" for brevity.

18 Former Art. 2B, § 8-103(a)(1)(iii), which stated that former Art. 2B, § 8-103
19 applied with respect to draft beer in Charles County, and former Art. 2B, §
20 8-209(a), which stated that former Art. 2B, § 8-209 applied only in the
21 County, are deleted as unnecessary in light of the organization of this revised
22 article.

23 Former Art. 2B, § 8-209(b), which defined the term "Board" to mean the
24 Charles County Board of License Commissioners, is deleted as redundant of
25 the defined term "Board" in § 18-101 of this title.

26 Former Art. 2B, § 8-209(c), which stated that there is a refillable container
27 permit, is deleted as unnecessary in light of § 4-1104 of this article.

28 Former Art. 2B, § 8-209(g), which authorized the Board to adopt regulations
29 to carry out this section, is deleted as unnecessary because the Board has
30 power to adopt regulations under § 18-205 of this title.

1 Defined terms: “Beer” § 1–101
 2 “Board” § 18–101
 3 “License” § 1–101
 4 “Off–sale” § 1–101

5 **SUBTITLE 12. CATERER’S LICENSES.**

6 **18–1201. RESERVED.**

7 **SUBTITLE 13. TEMPORARY LICENSES.**

8 **PART I. IN GENERAL.**

9 **18–1301. APPLICATION OF GENERAL PROVISIONS.**

10 **(A) WITHOUT EXCEPTION OR VARIATION.**

11 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
 12 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 13 **EXCEPTION OR VARIATION:**

14 **(1) § 4–1202 (“PER DIEM LICENSES”);**

15 **(2) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
 16 **LICENSE”);**

17 **(3) § 4–1205(B) (“LICENSE FEES – CLASS C PER DIEM BEER, WINE,**
 18 **AND LIQUOR LICENSE”);**

19 **(4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

20 **(5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

21 **(6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

22 **(7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

23 **(B) EXCEPTIONS.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
 25 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

26 **(1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
 27 **AND WINE LICENSES”); AND**

1 **(2) § 4-1205(A) (“LICENSE FEES – CLASS C PER DIEM BEER AND**
2 **CLASS C PER DIEM BEER AND WINE LICENSES”)**.

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 the general provisions relating to local temporary licenses.

5 Defined term: “County” § 18-101

6 **18-1302. RESERVED.**

7 **18-1303. RESERVED.**

8 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

9 **18-1304. BEER AND WINE FESTIVAL LICENSE.**

10 **(A) “FESTIVAL” DEFINED.**

11 **IN THIS SECTION, “FESTIVAL” MEANS THE CHARLES COUNTY BEER AND**
12 **WINE FESTIVAL.**

13 **(B) ESTABLISHED.**

14 **THERE IS A CHARLES COUNTY BEER AND WINE FESTIVAL (CBWF) LICENSE.**

15 **(C) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
17 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

18 **(D) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:**

20 **(1) WINE THAT IS:**

21 **(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

22 **(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE**
23 **APPLICATION IS FILED; AND**

24 **(2) BEER THAT IS BREWED BY A BREWER:**

1 6. **QUEEN ANNE’S COUNTY BEER AND WINE FESTIVAL;**

2 7. **MARYLAND WINE FESTIVAL IN SOMERSET COUNTY;**

3 8. **CUMBERLAND AND SHENANDOAH VALLEY WINE**
4 **FESTIVAL IN WASHINGTON COUNTY; OR**

5 9. **WORCESTER COUNTY BEER AND WINE FESTIVAL.**

6 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

7 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
8 **OR NATURE.**

9 **(H) INVOICING AND DELIVERY.**

10 **BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

11 **(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3**
12 **WINERY, OR CLASS 4 LIMITED WINERY; AND**

13 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
14 **THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

15 **(I) DELIVERY AGREEMENT.**

16 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
17 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

18 **(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
19 **EFFECTIVE DATE OF THE FESTIVAL LICENSE; AND**

20 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
21 **EXPIRATION DATE OF THE FESTIVAL LICENSE.**

22 **(J) FEE.**

23 **THE BOARD MAY SET THE LICENSE FEE.**

24 **(K) REGULATIONS.**

25 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8–308(c) through (i) and (a)(1) and (3).

3 Throughout this section, the former references to a “special” license are
4 deleted as surplusage.

5 Subsection (b) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (c) of this section, the reference to a “retail” license is substituted
8 for the former reference to an “existing State retail alcoholic beverages ...
9 license issued under this article” for brevity.

10 Also in subsection (c) of this section, the former phrase “[n]otwithstanding any
11 other provision of this article” is deleted as unnecessary in light of the
12 organization of this revised article.

13 In subsection (d) of this section, the former requirement that wine must be
14 “[p]rice filed in accordance with regulations adopted by the Comptroller” is
15 deleted as obsolete. *See* General Revisor’s Note to Division II.

16 In the introductory language of subsection (d) of this section, the reference to
17 the “license authoriz[ing] the holder” to display and sell is substituted for the
18 former reference to the authorization that the “licensee may” display and sell
19 for clarity and consistency with terminology used throughout this article.

20 In subsection (f)(2)(i) of this section, the reference to a location “that is not
21 already licensed” is substituted for the former reference to a location “which
22 is not licensed under this article” for consistency with terminology used
23 throughout this article.

24 Also in subsection (f)(2)(i) of this section, the former reference to a location “for
25 this Festival” is deleted as surplusage.

26 Also in subsection (f)(2)(i) of this section, the former reference to a location “in
27 the county” is deleted as surplusage.

28 In subsection (g) of this section, the reference to a license holder who “may
29 hold” another license is substituted for the former statement that “[t]his
30 section does not prohibit the holder ... from holding” another license for
31 clarity.

32 In the introductory language of subsection (h) of this section, the reference to
33 “[b]eer and wine” is substituted for the former reference to “[p]roducts” for
34 clarity.

1 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
2 winery, or Class 4 limited winery” is substituted for the former reference to a
3 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
4 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
5 or Class 4 limited winery” is substituted for the former reference to the
6 “wholesaler, winery, or limited winery”, and in the introductory language of
7 subsection (i) of this section, the reference to a “holder of a wholesale, Class 3
8 winery, or Class 4 limited winery license” is substituted for the former
9 reference to “holders of wholesale, winery, or limited winery licenses”.

10 In subsection (i) of this section, the former phrase “[w]henever a special
11 festival license is issued under this section” is deleted as surplusage.

12 In subsection (i)(1) of this section, the reference to the delivery of beer and
13 wine “not earlier than” 2 days before the effective date is added for clarity.
14 Similarly, in subsection (i)(2) of this section, the reference to the acceptance of
15 returns “not later than” 2 days after the expiration date is added for clarity.

16 Former Art. 2B, § 8–308(a)(2), which defined “Board” as meaning the Charles
17 County Board of License Commissioners, is deleted as redundant in light of
18 the defined term “Board” in § 18–101 of this title.

19 Former Art. 2B, § 8–308(b), which stated that former Art. 2B, § 8–308 applied
20 only in Charles County, is deleted as unnecessary in light of the organization
21 of this revised article.

22 Defined terms: “Beer” § 1–101

23 “Board” § 18–101

24 “State” § 1–101

25 “Wholesaler” § 1–101

26 “Wine” § 1–101

27 **18–1305. RESERVED.**

28 **18–1306. RESERVED.**

29 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

30 **18–1307. CLASS D BEER LICENSE.**

31 **(A) ESTABLISHED.**

32 **THERE IS A CLASS D PER DIEM BEER LICENSE.**

33 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE FOR A RELIGIOUS,**
 2 **FRATERNAL, CIVIC, VETERANS', CHARITABLE, OR HOSPITAL SUPPORTING**
 3 **ORGANIZATION.**

4 **(2) SUBJECT TO ANY CONDITIONS THE BOARD MAY IMPOSE, THE**
 5 **LICENSE MAY BE ISSUED FOR A PERIOD NOT EXCEEDING 10 CONSECUTIVE DAYS.**

6 **(C) FEE.**

7 **THE LICENSE FEE IS \$45.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 7-101(m)(2).

10 In this section, the term "license" is substituted for the former term "permit"
 11 to conform to the terminology used throughout this article.

12 In subsection (b)(1) of this section, the former reference to a "bona fide"
 13 religious, fraternal, civic, veterans', hospital, or charitable organization is
 14 deleted as surplusage.

15 Also in subsection (b)(1) of this section, the reference to a hospital "supporting"
 16 organization is added for clarity, reflecting the terminology used in the
 17 Internal Revenue Code.

18 In subsection (b)(2) of this section, the former reference to a period not
 19 exceeding 10 consecutive days "from the effective date of the license" is deleted
 20 as surplusage.

21 Former Art. 2B, § 7-101(m)(1), which stated that former Art. 2B, §
 22 7-101(m) applied only in Charles County, is deleted as unnecessary in light of
 23 the organization of this revised article.

24 Defined terms: "Beer" § 1-101

25 "Board" § 18-101

26 "License" § 1-101

27 **18-1308. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

1 **(1) THE BOARD MAY ISSUE A CLASS C BEER, WINE, AND LIQUOR**
2 **LICENSE FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT**
3 **CONDUCTED BY A CLUB, A SOCIETY, OR AN ASSOCIATION AT THE PLACE DESCRIBED**
4 **IN THE LICENSE.**

5 **(2) THE LICENSE MAY BE ISSUED FOR A PERIOD NOT EXCEEDING 7**
6 **CONSECUTIVE DAYS.**

7 **(C) FEE.**

8 **THE LICENSE FEE IS \$25 PER DAY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 7-101(d)(1)(i) and (7).

11 In subsection (b) of this section, the former reference to the license "entitl[ing]
12 the holder to exercise any of the privileges conferred by this class of license"
13 is deleted as surplusage.

14 Defined terms: "Beer" § 1-101

15 "Board" § 18-101

16 "Wine" § 1-101

17 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

18 **18-1401. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
21 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
22 **WITHOUT EXCEPTION OR VARIATION:**

23 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
24 **BOARD");**

25 **(2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**

26 **(3) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

27 **(4) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**

28 **(5) § 4-110 ("REQUIRED INFORMATION ON APPLICATION —**
29 **PETITION OF SUPPORT");**

1 **(6) § 4-111 (“PAYMENT OF LICENSE FEES”);**

2 **(7) § 4-113 (“REFUND OF LICENSE FEES”); AND**

3 **(8) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

4 **(B) VARIATIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
6 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

7 **(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
8 **SUBJECT TO § 18-1404 OF THIS SUBTITLE;**

9 **(2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
10 **COMPANY”), SUBJECT TO § 18-1404 OF THIS SUBTITLE;**

11 **(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
12 **18-1402, 18-1403, 18-1407, AND 18-1408 OF THIS SUBTITLE;**

13 **(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
14 **GENERAL”), SUBJECT TO § 18-1405 OF THIS SUBTITLE; AND**

15 **(5) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
16 **18-1410 OF THIS SUBTITLE.**

17 REVISOR’S NOTE: This section is new language added to incorporate by reference
18 general provisions relating to applications for local licenses.

19 Defined term: “County” § 18-101

20 **18-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

21 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
22 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 10-103(b)(13)(vi)2A and, as it related to Charles
25 County, 1.

26 Defined terms: “Board” § 18-101

27 “Central Repository” § 1-101

28 “License” § 1-101

1 **18-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED**
2 **ENVELOPE.**

3 **THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A**
4 **SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR**
5 **CLERKS.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-103(b)(13)(vi)4.

8 The reference to "record information" is substituted for the former reference
9 to "records" to conform to the terminology used in CP § 10-201.

10 The former phrase "[e]xcept as provided in subparagraph 6 of this
11 subparagraph" is deleted as unnecessary in light of the organization of this
12 revised article.

13 Defined term: "Board" § 18-101

14 **18-1404. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

15 **(A) IN GENERAL.**

16 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICANT**
17 **FOR A NEW LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL**
18 **CERTIFY TO THE BOARD THAT THE APPLICANT:**

19 **(1) IS AN OFFICER OF THE CORPORATION OR LIMITED LIABILITY**
20 **COMPANY;**

21 **(2) MEETS ANY OTHER QUALIFICATION FOR LICENSING;**

22 **(3) OWNS AT LEAST A 20% INTEREST OF THE STOCK OF THE**
23 **CORPORATION OR A 20% INTEREST IN THE LIMITED LIABILITY COMPANY; AND**

24 **(4) WILL MAINTAIN AT LEAST 20% OF THE STOCK OR AT LEAST A 20%**
25 **INTEREST AS LONG AS THE APPLICANT IS THE LICENSE HOLDER.**

26 **(B) CLASS BLX LICENSE EXCEPTION.**

27 **(1) THE OWNERSHIP REQUIREMENT IN SUBSECTION (A) OF THIS**
28 **SECTION DOES NOT APPLY TO AN APPLICANT FOR A CLASS BLX LICENSE ON BEHALF**
29 **OF A CORPORATION OR LIMITED LIABILITY COMPANY IN WHICH:**

1 **(I) THE STOCK OF THE CORPORATION OR INTEREST IN THE**
2 **LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES**
3 **SECURITIES AND EXCHANGE COMMISSION; OR**

4 **(II) A MAJORITY OF THE STOCK OF THE CORPORATION OR**
5 **INTEREST IN THE LIMITED LIABILITY COMPANY IS:**

6 **1. OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY**
7 **BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY COMPANIES; AND**

8 **2. IS AUTHORIZED FOR SALE BY THE UNITED STATES**
9 **SECURITIES AND EXCHANGE COMMISSION.**

10 **(C) REQUIREMENTS FOR DOCUMENTATION.**

11 **AN APPLICANT FOR A LICENSE FOR A CORPORATION OR LIMITED LIABILITY**
12 **COMPANY SHALL SUBMIT TO THE BOARD:**

13 **(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR**
14 **ARTICLES OF ORGANIZATION; AND**

15 **(2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A**
16 **SCHEDULE THAT SHOWS:**

17 **(I) FOR EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE**
18 **STOCK OF A CORPORATION, THE NAME, ADDRESS, AND PERCENTAGE OF STOCK**
19 **HELD; OR**

20 **(II) FOR EACH MEMBER HOLDING AT LEAST A 5% INTEREST IN A**
21 **LIMITED LIABILITY COMPANY, THE NAME, ADDRESS, AND PERCENTAGE OF**
22 **INTEREST HELD.**

23 **(D) SECURITIES AND EXCHANGE COMMISSION EXCEPTION.**

24 **THE SCHEDULE REQUIREMENT UNDER SUBSECTION (C)(2) OF THIS**
25 **SUBSECTION DOES NOT APPLY IF THE STOCK OF THE CORPORATION OR INTEREST**
26 **IN THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED**
27 **STATES SECURITIES AND EXCHANGE COMMISSION.**

28 **REVISOR'S NOTE:** This section is new language derived without substantive
29 change from former Art. 2B, § 9–101(l)(2) through (4) and, as it related to
30 applicants for new licenses, (1).

1 In subsection (a)(2) of this section, the former reference to licensing “under
2 this section” is deleted as surplusage.

3 In subsection (a)(3) of this section, the reference to a 20% “interest” in the
4 stock is added for clarity.

5 In subsection (a)(4) of this section, the phrase “of the stock” is added for
6 consistency throughout the subsection.

7 Also in subsection (a)(4) of this section, the reference to “at least” a 20%
8 interest is added for clarity.

9 Also in subsection (a)(4) of this section, the former reference to “in the
10 corporation or limited liability company” is deleted for brevity.

11 In subsection (c)(1) of this section, the former phrase “as the case may be” is
12 deleted as surplusage.

13 Defined terms: “Board” § 18–101
14 “License” § 1–101

15 **18–1405. STATEMENTS REQUIRED IN APPLICATION.**

16 **(A) IN GENERAL.**

17 **THE APPLICATION SHALL INCLUDE:**

18 **(1) A SIGNED STATEMENT BY THE APPLICANT THAT:**

19 **(I) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY;**
20 **OR**

21 **(II) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
22 **IF THE APPLICATION IS MADE ON BEHALF OF A CORPORATION, THAT THE**
23 **APPLICANT AND NONE OF THE STOCKHOLDERS OF THAT CORPORATION HAVE BEEN**
24 **CONVICTED OF A FELONY;**

25 **(2) A STATEMENT THAT THE APPLICANT IS AT LEAST 21 YEARS OLD;**

26 **(3) A CERTIFIED STATEMENT FROM THE TREASURER OF THE COUNTY**
27 **THAT SHOWS THE VALUE OF THE MERCHANDISE, FIXTURES, AND INVENTORY, AS**
28 **CERTIFIED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, FOR THE**
29 **BUSINESS FOR WHICH THE APPLICATION IS MADE FOR THE CALENDAR YEAR**
30 **IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE IS TO BE ISSUED;**
31 **AND**

1 **(4) A CERTIFIED STATEMENT FROM THE COUNTY TREASURER’S**
 2 **OFFICE THAT SHOWS THAT NO UNPAID TAXES ARE DUE ON THE MERCHANDISE,**
 3 **FIXTURES, AND INVENTORY FROM THE APPLICANT TO THE COUNTY OR**
 4 **MUNICIPALITY WHERE THE LICENSED PREMISES IS TO BE LOCATED.**

5 **(B) EXCEPTION.**

6 **THE REQUIREMENT UNDER SUBSECTION (A)(1)(II) OF THIS SECTION DOES**
 7 **NOT APPLY TO AN APPLICANT FOR A CLASS B BEER, WINE, AND LIQUOR (BLX)**
 8 **LUXURY RESTAURANT LICENSE.**

9 REVISOR’S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, §§ 10–103(b)(9)(iv)3 and 10–104(j)(1).

11 In subsection (a)(3) and (4) of this section, the references to “inventory” are
 12 substituted for the former references to “stock-in-trade” to conform to the
 13 terminology used throughout this article.

14 Defined terms: “County” § 18–101
 15 “License” § 1–101

16 **18–1406. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE**
 17 **RECORDS CHECK.**

18 **THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY**
 19 **NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF**
 20 **INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK**
 21 **BY THE DATE OF THE SCHEDULED HEARING.**

22 REVISOR’S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 10–103(b)(13)(vi)5.

24 Defined term: “License” § 1–101

25 **18–1407. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
 26 **APPLICATION PROCESS.**

27 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
 28 **OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
 29 **PROCESS.**

30 REVISOR’S NOTE: This section is new language derived without substantive
 31 change from former Art. 2B, § 10–103(b)(13)(i)2 and, as it related to Charles
 32 County, (vi)1.

1 The reference to “record information” is substituted for the former reference
2 to “records” to conform to the terminology used in CP § 10–201.

3 In this section, the reference to “the application process” is substituted for the
4 former reference to “its necessary use” for clarity.

5 Defined term: “Board” § 18–101

6 **18–1408. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
7 **CHECK RESULTS.**

8 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING**
9 **THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
10 **CRIMINAL HISTORY RECORDS CHECK.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10–103(b)(13)(vi)3.

13 The reference to the Board’s ability to set “and charge” a fee is added to
14 expressly state what was only implied in the former law.

15 The reference to the “applicant’s” fingerprints is added for clarity.

16 Defined term: “Board” § 18–101

17 **18–1409. APPLICATION FEE FOR NEW LICENSES.**

18 **(A) IN GENERAL.**

19 **THE BOARD SHALL CHARGE AN APPLICATION FEE FOR A NEW LICENSE THAT**
20 **IS:**

21 **(1) \$200, IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE;**
22 **AND**

23 **(2) NONREFUNDABLE, WHETHER THE APPLICATION IS APPROVED OR**
24 **DENIED.**

25 **(B) USE OF FEE.**

26 **THE BOARD SHALL USE THE APPLICATION FEE TO PAY ITS EXPENSES TO**
27 **PROCESS THE APPLICATION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–104(j)(2)(ii) and (iii) and, as it related to an
3 application fee for a new license, (i).

4 Defined terms: “Board” § 18–101
5 “License” § 1–101

6 **18–1410. DISPOSITION OF LICENSE FEES.**

7 **(A) REMITTANCE TO BOARD OF COUNTY COMMISSIONERS.**

8 **THE BOARD OF LICENSE COMMISSIONERS SHALL REMIT PROMPTLY TO THE**
9 **BOARD OF COUNTY COMMISSIONERS THE FEES COLLECTED AND REFUNDS PAID**
10 **UNDER THIS ARTICLE.**

11 **(B) DEPOSIT OF FEES INTO GENERAL FUND.**

12 **THE BOARD OF COUNTY COMMISSIONERS SHALL DEPOSIT FEES RECEIVED IN**
13 **ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IN THE GENERAL FUND OF**
14 **THE COUNTY.**

15 **(C) PENALTY.**

16 **A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS SUBJECT TO A**
17 **FINE NOT EXCEEDING \$500.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10–204(j).

20 The Alcoholic Beverages Article Review Committee notes, for consideration by
21 the General Assembly, that the meaning of subsection (a) of this section is
22 unclear. The subsection requires the Board of License Commissioners to remit
23 to the Board of County Commissioners the fees collected and refunds paid
24 under this article.

25 Defined terms: “County” § 18–101
26 “Person” § 1–101

27 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

28 **18–1501. APPLICATION OF GENERAL PROVISIONS.**

29 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL
2 OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
3 WITHOUT EXCEPTION OR VARIATION:

4 (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

5 (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);

6 (3) § 4–207 (“LICENSES ISSUED TO MINORS”);

7 (4) § 4–209 (“HEARING”);

8 (5) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);

9 (6) § 4–212 (“LICENSE NOT PROPERTY”); AND

10 (7) § 4–213 (“REPLACEMENT LICENSES”).

11 (B) EXCEPTION.

12 SECTION 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”) OF
13 DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED
14 BY § 18–1504 OF THIS SUBTITLE.

15 (C) VARIATIONS.

16 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL
17 OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

18 (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT
19 TO § 18–1502 OF THIS SUBTITLE;

20 (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
21 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 18–1503 OF THIS SUBTITLE
22 AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;

23 (3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
24 FOR SAME PREMISES”), SUBJECT TO § 18–1503 OF THIS SUBTITLE AND SUBTITLE
25 13, PART III OF THIS TITLE;

26 (4) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”),
27 SUBJECT TO § 18–1505 OF THIS SUBTITLE; AND

1 **(5) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
 2 **APPLICATIONS”), SUBJECT TO § 18-1507 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
 4 general provisions relating to the issuance of local licenses.

5 Defined terms: “County” § 18-101

6 “License” § 1-101

7 “Local licensing board” § 1-101

8 **18-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

9 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
 10 **LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT**
 11 **HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

12 REVISOR’S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 9-102(b-3)(6), except as it related to the
 14 renewal of a license by a person that holds an out-of-state license.

15 The reference to “[t]he Board” is added for clarity.

16 The reference to an “out-of-state” license is substituted for the former
 17 reference to a license “in any other state or in Washington, D.C.” for brevity.

18 The former reference to a “corporation, or limited liability company” is deleted
 19 as included in the defined term “person”.

20 Defined terms: “Alcoholic beverage” § 1-101

21 “Beer” § 1-101

22 “Board” § 18-101

23 “License” § 1-101

24 “Light wine” § 18-101

25 “Person” § 1-101

26 “State” § 1-101

27 “Wine” § 1-101

28 **18-1503. BOWLING ESTABLISHMENTS.**

29 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 30 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 31 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

32 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**
 33 **WINE LICENSES; AND**

1 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
2 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 9-102(b-1)(1)(i).

5 In item (1) of this section, the reference to "Class D beer or Class D beer and
6 light wine licenses" is substituted for the former reference to licenses issued
7 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

8 In item (2) of this section, the former reference to the premises "operated as"
9 a bowling establishment is deleted as surplusage.

10 Defined terms: "Beer" § 1-101

11 "License" § 1-101

12 "Light wine" § 18-101

13 **18-1504. NOTICE OF LICENSE APPLICATION.**

14 **(A) PUBLICATION IN NEWSPAPER OF GENERAL CIRCULATION.**

15 **BEFORE THE BOARD MAY APPROVE AN APPLICATION FOR A LICENSE, THE**
16 **BOARD SHALL PUBLISH NOTICE OF THE APPLICATION TWO TIMES IN 2 SUCCESSIVE**
17 **WEEKS IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.**

18 **(B) POSTING NOTICE.**

19 **(1) AN APPLICANT FOR A NEW LICENSE OR AN UPGRADE OF AN**
20 **EXISTING LICENSE SHALL POST THE NOTICE IN A CONSPICUOUS PLACE IN THE**
21 **LOCATION DESCRIBED IN THE APPLICATION FOR 20 CONSECUTIVE DAYS BEFORE**
22 **THE APPLICATION HEARING.**

23 **(2) THE BOARD SHALL SUPPLY THE APPLICANT WITH THE NOTICE ON**
24 **A SIGN THAT MEASURES AT LEAST 24 BY 36 INCHES AND INCLUDES:**

25 **(I) THE CLASS OF LICENSE FOR WHICH THE APPLICATION IS**
26 **MADE;**

27 **(II) THE NAME AND TRADE NAME OF THE APPLICANT;**

28 **(III) THE DATE, TIME, AND LOCATION OF THE APPLICATION**
29 **HEARING; AND**

1 (IV) CONTACT INFORMATION FOR THE APPLICANT.

2 (3) AN APPLICANT SHALL PAY TO THE BOARD A ONE-TIME POSTING
3 FEE OF \$35 FOR A NEW LICENSE OR AN UPGRADE OF AN EXISTING LICENSE.

4 (C) ADDITIONAL NOTICE.

5 IF THE LOCATION DESCRIBED IN THE APPLICATION IS UNDER CONSTRUCTION
6 OR RENOVATION OR IS NOT EASILY ACCESSIBLE TO THE PUBLIC, THE APPLICANT
7 SHALL POST AN ADDITIONAL NOTICE ON THE PERIMETER OF THE LOCATION THAT
8 IS EASILY ACCESSIBLE TO THE PUBLIC, SUCH AS:

9 (1) THE ENTRANCE TO THE LOCATION;

10 (2) A DRIVEWAY TO THE LOCATION; OR

11 (3) THE CURB OF THE LOCATION.

12 (D) SUBSTANTIAL COMPLIANCE WITH POSTING REQUIREMENTS
13 SUFFICIENT.

14 THE BOARD MAY HOLD A HEARING AND ACT ON THE LICENSE APPLICATION
15 WITHOUT FULL COMPLIANCE WITH THE POSTING REQUIREMENTS UNDER THIS
16 SECTION IF THE APPLICANT DEMONSTRATES BY A PREPONDERANCE OF THE
17 EVIDENCE THAT THE APPLICANT SUBSTANTIALLY COMPLIED.

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-202(a-1) and (b)(3)(ii), (iii), (iv), and (v) and,
20 except as it related to the transfer of an existing license, (i).

21 Throughout this section, the references to an "application" hearing are added
22 for clarity.

23 Also throughout this section, the references to "location" are substituted for
24 the former references to "premises" for consistency with the terminology used
25 in this article.

26 In subsection (a) of this section, the reference to "publish[ing] notice" is
27 substituted for the former reference to "caus[ing] notice ... to be published" for
28 brevity.

29 Also in subsection (a) of this section, the former phrase "[n]otwithstanding the
30 provisions of subsection (a) of this section, in Charles County" is deleted in
31 light of the organization of this revised article.

1 In subsection (b) of this section, the former phrase “[i]n addition to the
 2 requirements set forth in subsection (a-1) of this section in Charles County”
 3 is deleted as unnecessary.

4 In subsection (d) of this section, the reference to the Board’s authority to “hold
 5 a hearing and act on the license application without full compliance with the
 6 posting requirements” is substituted for the former reference to “[f]ailure to
 7 comply with the posting requirements ... not divest[ing] the Board with
 8 jurisdiction to conduct the hearing” for clarity.

9 Also in subsection (d) of this section, the former reference to compliance “with
 10 the notice requirement” is deleted as surplusage.

11 Defined terms: “Board” § 18-101
 12 “County” § 18-101
 13 “License” § 1-101

14 **18-1505. ADDITIONAL BOARD DETERMINATIONS.**

15 **IN A HEARING ON AN APPLICATION OR A PROTEST, THE GENERAL REPUTATION**
 16 **OF THE FOLLOWING IS ADMISSIBLE:**

- 17 **(1) THE APPLICANT OR LICENSE HOLDER;**
- 18 **(2) THE LOCATION DESCRIBED IN THE APPLICATION; AND**
- 19 **(3) THE PERSONS WHO CONGREGATE AT THE LOCATION DESCRIBED**
 20 **IN THE APPLICATION.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 10-202(g).

23 In the introductory language of this section, the reference to a “protest”
 24 hearing is substituted for the former reference to a hearing on
 25 “remonstrances” for clarity.

26 In item (2) of this section, the reference to the “location described in the
 27 application” is substituted for the former reference to the “place of business”
 28 to conform to terminology used throughout this article.

29 In item (3) of this section, the reference to persons who congregate “at the
 30 location described in the application” is substituted for the former reference to
 31 “therein and thereat” for clarity.

32 Defined terms: “License holder” § 1-101
 33 “Person” § 1-101

1 **18-1506. ISSUANCE OF LICENSE BEFORE COMPLETION OF ESTABLISHMENT.**

2 **(A) IN GENERAL.**

3 **THE BOARD MAY:**

4 **(1) GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN**
5 **ESTABLISHMENT THAT IS NOT COMPLETED, BASED ON PLANS AND SPECIFICATIONS**
6 **THAT ACCOMPANY THE APPLICATION; AND**

7 **(2) ISSUE THE LICENSE WHEN CONSTRUCTION IS COMPLETED IN**
8 **ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

9 **(B) EFFECT OF SECTION.**

10 **THIS SECTION DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF A**
11 **LICENSE ISSUED BEFORE MAY 1, 2014.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 9-209(c) and, as it related to the renewal or
14 transfer of a license, (e).

15 In the introductory language of this section, the former reference to an
16 "application for a liquor license is made" is deleted as implicit in the reference
17 to "give tentative approval to issuing a license".

18 In subsection (a)(1) of this section, the term "establishment" is substituted for
19 the former term "building" to conform to the terminology used throughout this
20 article.

21 In subsection (a)(2) of this section, the reference to "when construction is
22 completed" is substituted for the former reference to "[u]pon completion of the
23 building" for clarity.

24 In subsection (b) of this section, the former reference to "affect, or prohibit" is
25 deleted as included in the reference to "apply to".

26 Former Art. 2B, § 9-209(a), which stated that former Art. 2B, § 9-209 applied
27 only in Charles County, is deleted as unnecessary in light of the organization
28 of this revised article.

29 Defined terms: "Board" § 18-101

30 "License" § 1-101

1 **18-1507. WAITING PERIOD AFTER DENIAL.**

2 **THE WAITING PERIODS SPECIFIED IN § 4-214(A) OF THIS ARTICLE DO NOT**
3 **APPLY IF THE GROUNDS FOR THE DENIALS WERE THAT:**

4 **(1) THE LICENSE WAS NOT NECESSARY TO ACCOMMODATE THE**
5 **PUBLIC;**

6 **(2) UNDER THE LICENSE, THE PREMISES WOULD NOT BE SUITABLE**
7 **FOR THE SALE OF ALCOHOLIC BEVERAGES; OR**

8 **(3) THE BOARD DETERMINED THE APPLICANT NOT TO BE A PROPER**
9 **LICENSE HOLDER.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-208(f) and the second sentence of (a)(2)(ii).

12 In item (3) of this section, the reference to the "Board" is added to clarify that
13 the Board determines whether an applicant is a proper person to be issued a
14 license.

15 Defined terms: "Alcoholic beverage" § 1-101
16 "License" § 1-101
17 "License holder" § 1-101

18 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

19 **PART I. LICENSING CONDITIONS.**

20 **18-1601. OFF-SALE LICENSE QUOTA.**

21 **(A) IN GENERAL.**

22 **(1) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS**
23 **PARAGRAPH, THE BOARD MAY NOT ISSUE MORE THAN ONE OF ANY LICENSE WITH**
24 **AN OFF-SALE PRIVILEGE FOR EVERY 1,350 RESIDENTS IN AN ELECTION DISTRICT IN**
25 **THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS.**

26 **(ii) IN THE SIXTH ELECTION DISTRICT, THE BOARD MAY NOT**
27 **ISSUE MORE THAN ONE OF ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR EVERY**
28 **2,700 RESIDENTS IN THE ELECTION DISTRICT, AS DETERMINED BY THE LATEST**
29 **FEDERAL CENSUS.**

1 **(2) THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE**
 2 **ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM ONE ELECTION**
 3 **DISTRICT TO ANOTHER.**

4 **(3) THE BOARD MAY NOT ISSUE A NEW LICENSE IN AN ELECTION**
 5 **DISTRICT UNLESS THE ISSUE MAY BE MADE WITHOUT EXCEEDING THE QUOTAS**
 6 **PROVIDED FOR IN PARAGRAPH (1) OF THIS SUBSECTION.**

7 **(B) EFFECT OF SECTION.**

8 **(1) THIS SECTION DOES NOT REQUIRE THE FORFEITURE OR**
 9 **REVOCAION OF A LICENSE IN EFFECT ON OCTOBER 1, 1992.**

10 **(2) IN AN ELECTION DISTRICT IN WHICH A QUOTA ESTABLISHED IN**
 11 **SUBSECTION (A)(1) OF THIS SECTION WAS EXCEEDED AS OF OCTOBER 1, 1992, THE**
 12 **TOTAL NUMBER OF LICENSES MAY BE REDUCED ONLY:**

13 **(I) BY THE VOLUNTARY RELINQUISHMENT OF A LICENSE BY**
 14 **THE LICENSE HOLDER;**

15 **(II) BY THE BANKRUPTCY OF THE LICENSE HOLDER; OR**

16 **(III) IN ACCORDANCE WITH ANOTHER PROVISION OF THIS**
 17 **ARTICLE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 9-209(b).

20 In subsection (a)(2) of this section, the reference to the Board "approv[ing] the"
 21 transfer "of" a license is added for accuracy.

22 In subsection (b)(1) of this section, the reference to a license "in effect" is
 23 substituted for the former reference to a license "issued and outstanding" for
 24 brevity.

25 In subsection (b)(2)(iii) of this section, the phrase "in accordance with" another
 26 provision of this article is substituted for the former phrase "by the workings
 27 of" another provision of this article for clarity.

28 Defined terms: "Board" § 18-101

29 "County" § 18-101

30 "License" § 1-101

31 "License holder" § 1-101

32 "Off-sale" § 1-101

1 **18-1602. DISTANCE RESTRICTION FROM SCHOOL.**

2 **(A) IN GENERAL.**

3 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
4 **BOARD MAY NOT ISSUE A LICENSE:**

5 **(I) WITH AN ON-SALE PRIVILEGE, FOR AN ESTABLISHMENT**
6 **THAT IS WITHIN 500 FEET OF A SCHOOL ACCREDITED BY THE STATE BOARD OF**
7 **EDUCATION; OR**

8 **(II) WITH AN OFF-SALE PRIVILEGE, FOR AN ESTABLISHMENT**
9 **THAT IS WITHIN 1,000 FEET OF A SCHOOL ACCREDITED BY THE STATE BOARD OF**
10 **EDUCATION.**

11 **(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE SCHOOL IS TO**
12 **BE MEASURED IN A DIRECT LINE FROM THE NEAREST WALL OF THE ESTABLISHMENT**
13 **TO THE PROPERTY LINE OF THE SCHOOL.**

14 **(B) EXCEPTIONS.**

15 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
16 **SECTION DOES NOT APPLY TO:**

17 **(1) A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE ISSUED**
18 **FOR AN ESTABLISHMENT LOCATED IN A MUNICIPALITY IN THE COUNTY;**

19 **(2) A SCHOOL THAT LOCATES ITS BUILDING WITHIN 500 FEET OF AN**
20 **EXISTING LICENSED PREMISES; OR**

21 **(3) THE RENEWAL OR TRANSFER OF A LICENSE ISSUED BEFORE MAY**
22 **1, 2014.**

23 **REVISOR'S NOTE:** This section is new language derived without substantive
24 change from former Art. 2B, § 9-209(d) and (e).

25 In subsection (a)(1)(i) and (ii) of this section, the references to an
26 "establishment" are substituted for the former references to a "building" to
27 conform to the terminology used throughout this article. Similarly, in
28 subsection (b)(1) of this section, the reference to an "establishment" is
29 substituted for the former reference to a "premises".

1 Also in subsection (a)(1)(i) and (ii) of this section, the former references to a
2 license “to sell alcoholic beverages” are deleted as included in the defined term
3 “license”.

4 In subsection (a)(2) of this section, the reference to “[t]he distance from the
5 establishment to the school [being]” measured is added for clarity.

6 In subsection (b)(2) of this section, the former phrase “in the event” is deleted
7 as unnecessary.

8 In subsection (b)(3) of this section, the former reference to certain provisions
9 not “affect[ing], or prohibit[ing], in any manner,” the renewal or transfer of a
10 certain license is deleted as included in the reference to the provisions not
11 “apply[ing] to” the renewal or transfer of a certain license.

12 Defined terms: “Board” § 18–101

13 “County” § 18–101

14 “License” § 1–101

15 “Off–sale” § 1–101

16 “On–sale” § 1–101

17 **18–1603. RESERVED.**

18 **18–1604. RESERVED.**

19 **PART II. MULTIPLE LICENSING PLANS.**

20 **18–1605. CLASS B–BLX (LUXURY RESTAURANT) LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS B–BLX (LUXURY RESTAURANT) ON–SALE BEER, WINE, AND**
23 **LIQUOR LICENSE.**

24 **(B) SCOPE OF AUTHORIZATION.**

25 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LUXURY–TYPE**
26 **RESTAURANT THAT HAS:**

27 **(I) A CAPITAL INVESTMENT OF AT LEAST \$550,000 FOR DINING**
28 **ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND,**
29 **BUILDINGS, OR LEASES; AND**

30 **(II) SEATING FOR AT LEAST 150 INDIVIDUALS.**

1 **(2) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF**
2 **BEER, WINE, AND LIQUOR.**

3 **(C) SIX-LICENSE LIMIT.**

4 **A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN MORE THAN**
5 **SIX CLASS B AND CLASS BLX LICENSES IN ANY COMBINATION.**

6 **(D) PRESUMPTION OF INDIRECT INTEREST.**

7 **AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION**
8 **OF PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

9 **(1) A COMMON PARENT COMPANY;**

10 **(2) A FRANCHISE AGREEMENT;**

11 **(3) A LICENSING AGREEMENT;**

12 **(4) A CONCESSION AGREEMENT;**

13 **(5) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY**
14 **OWNED AND OPERATED;**

15 **(6) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR**
16 **MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR**
17 **MEMBERS OF PARENTS OR SUBSIDIARIES;**

18 **(7) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE**
19 **SALE OF ALCOHOLIC BEVERAGES; OR**

20 **(8) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR**
21 **THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

22 **(E) BOARD TO DEFINE “LUXURY-TYPE RESTAURANT”.**

23 **SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE**
24 **BOARD SHALL DEFINE “LUXURY-TYPE RESTAURANT” BY REGULATION.**

25 **(F) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$2,400.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6–201(7)(i) and (iii) through (vii).

3 In subsection (b)(1)(ii) of this section, the reference to “individuals” is
4 substituted for the former reference to “persons” because the provision refers
5 only to human beings.

6 Also in subsection (b)(1)(ii) of this section, the former reference to seating
7 “capacity” is deleted as surplusage.

8 In subsection (c) of this section, the defined term “person” is substituted for
9 the former reference to “individual, corporation, limited liability company,
10 partnership, limited partnership, joint venture, association, or other person or
11 combination of persons” for brevity. Similarly, in the introductory language of
12 subsection (d) of this section, the word “persons” is substituted for the former
13 reference to “individuals, corporations, limited liability companies,
14 partnerships, limited partnerships, joint ventures, associations, or other
15 persons”.

16 In subsection (e) of this section, the phrase “[s]ubject to the requirements of
17 subsection (b) of this section” is added for clarity.

18 Former Art. 2B, § 6–201(j)(1), which stated that former Art. 2B, § 6–201(j)
19 applied only in Charles County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Former Art. 2B, § 6–201(j)(7)(ii), which stated that the license shall be applied
22 for in the same manner as other classes of licenses, is deleted as an
23 unnecessary statement of common practice.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Beer” § 1–101

26 “Board” § 18–101

27 “Person” § 1–101

28 “Restaurant” § 1–101

29 “Wine” § 1–101

30 GENERAL REVISOR'S NOTE TO PART

31 Former Art. 2B, § 9–102(p), which authorized the Charles County Board of License
32 Commissioners to issue two additional Class BLX licenses for use in a luxury–type
33 restaurant for each Charles County Class BLX licensee who applies, is deleted as
34 obsolete.

35 SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.

36 18–1701. APPLICATION OF GENERAL PROVISIONS.

1 (A) WITHOUT EXCEPTION OR VARIATION.

2 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL
3 LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE
4 APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

5 (1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

6 (2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT
7 REQUIRED”); AND

8 (3) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).

9 (B) VARIATIONS.

10 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL
11 LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE
12 APPLY IN THE COUNTY:

13 (1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF
14 LICENSE AND INVENTORY”), SUBJECT TO § 18–1702 OF THIS SUBTITLE; AND

15 (2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO
16 § 18–1703 OF THIS SUBTITLE.

17 REVISOR’S NOTE: This section is new language added to incorporate by reference
18 general provisions relating to the transfer of licenses and the substitution of
19 names of officers on licenses.

20 Defined terms: “County” § 18–101

21 “License” § 1–101

22 18–1702. REQUIREMENTS FOR TRANSFER.

23 (A) RECORD OF CRIMINAL CONVICTIONS.

24 (1) IF A LICENSE IS TO BE TRANSFERRED TO A DIFFERENT LICENSE
25 HOLDER, THE BOARD SHALL INVESTIGATE WHETHER THE TRANSFEREE HAS A
26 RECORD OF CRIMINAL CONVICTIONS AND REQUEST FROM THE CRIMINAL JUSTICE
27 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
28 SAFETY AND CORRECTIONAL SERVICES A STATE AND NATIONAL CRIMINAL
29 HISTORY RECORDS CHECK.

1 **(2) THE BOARD SHALL ADOPT REGULATIONS TO PRESERVE THE**
2 **CONFIDENTIALITY OF THE RECORDS OBTAINED UNDER PARAGRAPH (1) OF THIS**
3 **SUBSECTION.**

4 **(B) CONSIDERATION OF NEED FOR LICENSE AT DIFFERENT LOCATION.**

5 **IF A LICENSE IS TO BE TRANSFERRED TO A DIFFERENT LOCATION, THE BOARD**
6 **SHALL CONSIDER THE EXISTING NEED FOR THAT CLASS OF LICENSE AT THE**
7 **PROPOSED LOCATION.**

8 **(C) CERTIFICATION SHOWING VALUE OF PROPERTY AND PAYMENT OF**
9 **TAXES.**

10 **A TRANSFER OF A LICENSE MAY NOT BE MADE UNLESS THE BOARD IS**
11 **PRESENTED WITH:**

12 **(1) A CERTIFICATE FROM THE TREASURER OF THE COUNTY SHOWING**
13 **THE VALUE OF THE MERCHANDISE, FIXTURES, AND INVENTORY, AS CERTIFIED TO**
14 **THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, FOR**
15 **THE BUSINESS FOR WHICH THE APPLICATION IS MADE FOR THE CALENDAR YEAR**
16 **IMMEDIATELY PRECEDING THE YEAR THE LICENSE IS TO BE ISSUED; AND**

17 **(2) A CERTIFICATE FROM THE COUNTY OR A MUNICIPALITY SHOWING**
18 **THAT ALL REAL OR PERSONAL PROPERTY TAXES DUE THE COUNTY, THE**
19 **MUNICIPALITY, OR THE STATE ARE PAID.**

20 **(D) TRANSFER PROHIBITED TO CERTAIN ESTABLISHMENTS.**

21 **EXCEPT BY WAY OF RENEWAL, A LICENSE MAY NOT BE TRANSFERRED TO A**
22 **CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE OR ITS FRANCHISOR OR**
23 **FRANCHISEE, OR CONCESSIONAIRE OF ANY KIND.**

24 **REVISOR'S NOTE:** This section is new language derived without substantive
25 change from former Art. 2B, § 10-503(j)(3) through (5) and, as it related to the
26 transfer of a license, (6).

27 In subsection (a)(1) of this section, the reference to a requirement to “request
28 from the Criminal Justice Information System Central Repository of the
29 Department of Public Safety and Correctional Services a State and national
30 criminal history records check” is added as implicit in the requirement for the
31 Board to “investigate whether the transferee has a police record of criminal
32 convictions”.

1 Also in subsection (a)(1) of this section, the former reference to a “police”
2 record of criminal convictions is deleted as surplusage.

3 In subsection (b) of this section, the former reference to a proposed “new”
4 location is deleted as surplusage.

5 In the introductory language of subsection (c) of this section, the former
6 reference to a transfer “as authorized in subsection (a) of this section” is
7 deleted as surplusage.

8 In subsection (c)(2) of this section, the reference to unpaid “real or personal
9 property taxes” is substituted for unpaid taxes due to the “County,
10 incorporated city, or place where the licensed premises is to be located” and
11 the “County or State of Maryland on the ... fixtures, and
12 stock-in-trade where the licensed premises is to be located” for brevity.

13 Also in subsection (c)(2) of this section, the reference to the “County or a
14 municipality” is substituted for the former reference to the “Treasurer of the
15 county” for accuracy.

16 Also in subsection (c)(2) of this section, the reference to the requirement to
17 show “that all real or personal property taxes due to the County, the
18 municipality, or the State are paid” is substituted for the former reference to
19 the requirement to show “that there are no unpaid taxes due from transferor
20 or assignor to the:

21 1. County, incorporated city, or place where the licensed premises
22 is to be located; and

23 2. County or State of Maryland on the merchandise, fixtures, and
24 stock-in-trade where the licensed premises is to be located” for clarity,
25 consistency, and brevity. *See, e.g.*, § 12-1502 of this article.

26 In subsection (d) of this section, the former reference to “any business
27 establishment of the type known as” chain stores is deleted as surplusage.

28 Also in subsection (d) of this section, the former reference to a license “of any
29 class” is deleted as surplusage.

30 Former Art. 2B, § 10-503(j)(1), which stated that former Art. 2B, §
31 10-503(j) applied only in Charles County, is deleted as unnecessary in light of
32 the organization of this revised article.

33 Defined terms: “Board” § 18-101

34 “County” § 18-101

35 “License” § 1-101

36 “License holder” § 1-101

37 “State” § 1-101

1 **18-1703. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

2 **(A) IN GENERAL.**

3 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICANT**
4 **FOR A TRANSFER OF LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY**
5 **SHALL CERTIFY TO THE BOARD THAT THE APPLICANT:**

6 **(1) IS AN OFFICER OF THE CORPORATION OR LIMITED LIABILITY**
7 **COMPANY;**

8 **(2) MEETS ANY OTHER QUALIFICATION FOR LICENSING;**

9 **(3) OWNS AT LEAST A 20% INTEREST OF THE STOCK OF THE**
10 **CORPORATION OR A 20% INTEREST IN THE LIMITED LIABILITY COMPANY; AND**

11 **(4) WILL MAINTAIN AT LEAST 20% OF THE STOCK OR AT LEAST A 20%**
12 **INTEREST AS LONG AS THE APPLICANT IS THE LICENSE HOLDER.**

13 **(B) CLASS BLX LICENSE EXCEPTION.**

14 **(1) THE OWNERSHIP REQUIREMENT IN SUBSECTION (A) OF THIS**
15 **SECTION DOES NOT APPLY TO AN APPLICANT FOR A TRANSFER OF A CLASS BLX**
16 **LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY IN**
17 **WHICH:**

18 **(I) THE STOCK OF THE CORPORATION OR INTEREST IN THE**
19 **LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES**
20 **SECURITIES AND EXCHANGE COMMISSION; OR**

21 **(II) A MAJORITY OF THE STOCK OF THE CORPORATION OR**
22 **INTEREST IN THE LIMITED LIABILITY COMPANY IS:**

23 **1. OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY**
24 **BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY COMPANIES; AND**

25 **2. IS AUTHORIZED FOR SALE BY THE UNITED STATES**
26 **SECURITIES AND EXCHANGE COMMISSION.**

27 **(C) REQUIREMENTS FOR DOCUMENTATION.**

28 **AN APPLICANT FOR A TRANSFER OF A LICENSE FOR A CORPORATION OR**
29 **LIMITED LIABILITY COMPANY SHALL SUBMIT TO THE BOARD:**

1 **(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR**
2 **ARTICLES OF ORGANIZATION; AND**

3 **(2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A**
4 **SCHEDULE THAT SHOWS:**

5 **(I) FOR EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE**
6 **STOCK OF A CORPORATION, THE NAME, ADDRESS, AND PERCENTAGE OF STOCK**
7 **HELD; OR**

8 **(II) FOR EACH MEMBER HOLDING AT LEAST A 5% INTEREST IN A**
9 **LIMITED LIABILITY COMPANY, THE NAME, ADDRESS, AND PERCENTAGE OF**
10 **INTEREST HELD.**

11 **(D) SECURITIES AND EXCHANGE COMMISSION EXCEPTION.**

12 **THE SCHEDULE REQUIREMENT UNDER SUBSECTION (C)(2) OF THIS SECTION**
13 **DOES NOT APPLY IF THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED**
14 **LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES**
15 **AND EXCHANGE COMMISSION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 9–101(l)(2) through (4) and, as it related to an
18 applicant for a transfer of a license, (1).

19 In subsection (a)(2) of this section, the former reference to licensing “under
20 this section” is deleted as surplusage.

21 In subsection (a)(3) of this section, the reference to a 20% “interest” in the
22 stock is added for clarity.

23 In subsection (a)(4) of this section, the phrase “of the stock” is added for
24 consistency throughout the subsection.

25 Also in subsection (a)(4) of this section, the reference to “at least” a 20%
26 interest is added for clarity.

27 Also in subsection (a)(4) of this section, the former reference to “in the
28 corporation or limited liability company” is deleted for brevity.

29 In subsection (c)(1) of this section, the former phrase “as the case may be” is
30 deleted as surplusage.

31 Defined terms: “Board” § 18–101

1 “License” § 1–101

2 **18–1704. FEES.**

3 **(A) IN GENERAL.**

4 **THE FEE FOR A TRANSFER OF A LICENSE IS \$200, WHICH IS NONRETURNABLE.**

5 **(B) POSTING FEE.**

6 **IN ADDITION TO THE FEE REQUIRED UNDER SUBSECTION (A) OF THIS**
 7 **SECTION, AN APPLICANT FOR A TRANSFER OF A LICENSE SHALL PAY TO THE BOARD**
 8 **A ONETIME POSTING FEE OF \$35.**

9 REVISOR’S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 10–503(j)(2) and, as they related to the transfer
 11 of a license, §§ 10–104(j)(2)(i) and 10–202(b)(3)(i).

12 In subsection (a) of this section, the former reference to “an assignment” is
 13 deleted as included in the reference to “a transfer”.

14 In subsection (b) of this section, the reference to the “fee required” is
 15 substituted for the former reference to the “requirements set forth” for clarity.

16 Also in subsection (b) of this section, the former reference to the transfer of an
 17 “existing” license is deleted as implicit.

18 Former Art. 2B, § 10–104(j)(3), which stated that former Art. 2B, § 10–104 did
 19 not apply to renewals of licenses, is deleted as unnecessary in light of the
 20 organization of this revised article.

21 Defined terms: “Board” § 18–101

22 “License” § 1–101

23 **SUBTITLE 18. RENEWAL OF LICENSES.**

24 **18–1801. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
 27 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 28 **EXCEPTION OR VARIATION:**

29 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

- 1 **(2) § 4-403 (“RENEWAL APPLICATION”);**
2 **(3) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);**
3 **(4) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);**
4 **(5) § 4-409 (“MULTIPLE LICENSES”); AND**
5 **(6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

6 **(B) EXCEPTION.**

7 **SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION**
8 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §**
9 **18-1802 OF THIS SUBTITLE.**

10 **(C) VARIATIONS.**

11 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
12 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

13 **(1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §**
14 **18-1803 OF THIS SUBTITLE; AND**

15 **(2) § 4-406 (“PROTESTS”), SUBJECT TO § 18-1804 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to the renewal of local licenses.

18 Defined terms: “County” § 18-101

19 “License” § 1-101

20 **18-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

21 **(A) TIME FOR FILING.**

22 **TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN**
23 **APPLICATION WITH THE BOARD ON OR BEFORE MARCH 31.**

24 **(B) LATE FILING.**

25 **THE BOARD:**

1 **(1) SHALL ACCEPT LATE RENEWAL APPLICATIONS THROUGH THE**
2 **DATE OF THE NEXT BOARD MEETING FOLLOWING MARCH 31; AND**

3 **(2) MAY FINE THE LICENSE HOLDER \$50 FOR EACH DAY THE**
4 **APPLICATION IS LATE, UP TO A MAXIMUM TOTAL OF \$500 PER RENEWAL**
5 **APPLICATION.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-301(i)(2).

8 In subsection (a) of this section, the reference to filing an application "with the
9 Board" is added for clarity.

10 Also in subsection (a) of this section, the reference to "the license holder" is
11 added to state expressly what was only implied in the former law, that the
12 renewal application must be filed by the license holder.

13 In subsection (b) of this section, the reference stating that "[t]he Board ... shall
14 accept" a late renewal application, subject to a fine, is substituted for the
15 former reference stating that "a person who files" a late renewal application,
16 subject to a penalty, for clarity.

17 In subsection (b)(1) of this section, the reference to a "late" renewal application
18 is substituted for the former reference to a renewal application filed "after
19 March 31" for clarity.

20 Also in subsection (b)(1) of this section, the reference to the acceptance of late
21 renewal applications "through" the date of the next Board meeting is
22 substituted for the former reference stating that "[a] renewal application may
23 not be submitted later than" the date of the next Board meeting for clarity and
24 brevity.

25 In subsection (b)(2) of this section, the reference stating that the Board "may
26 fine the license holder" \$50 per day the renewal application is late is
27 substituted for the former reference stating that a person who files a late
28 renewal application "is subject to a penalty of" \$50 per day the renewal
29 application is late for clarity.

30 Defined terms: "Board" § 18-101

31 "License" § 1-101

32 "License holder" § 1-101

33 **18-1803. PAYMENT OF TAXES.**

1 **THE BOARD MAY NOT RENEW A LICENSE UNLESS THE LICENSE HOLDER**
 2 **PRESENTS TO THE BOARD CERTIFICATION FROM THE TREASURER OF THE COUNTY**
 3 **SHOWING:**

4 **(1) THE VALUE OF THE INVENTORY AND PERSONAL PROPERTY, AS**
 5 **CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENT AND**
 6 **TAXATION, OF THE UNDERLYING BUSINESS FOR THE PREVIOUS CALENDAR YEAR;**
 7 **AND**

8 **(2) THAT THERE ARE NO UNPAID TAXES DUE FROM THE APPLICANT**
 9 **TO:**

10 **(i) THE COUNTY, A MUNICIPALITY, OR A TOWN WHERE THE**
 11 **LICENSED PREMISES IS LOCATED; AND**

12 **(ii) THE COUNTY OR THE STATE ON THE INVENTORY AND**
 13 **PERSONAL PROPERTY OF THE UNDERLYING BUSINESS.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 10-301(i)(1).

16 The references to the "inventory" of a business are substituted for the former
 17 references to the "stock-in-trade" of a business for clarity, brevity, and
 18 consistency within this revision.

19 In item (1) of this section, the reference to the "inventory and personal
 20 property ... of the underlying business" is substituted for the former reference
 21 to the merchandise, fixtures, or "stock-in-trade for the business for which the
 22 application is made" for brevity. Similarly, in item (2)(ii) of this section, the
 23 reference to "the underlying business" is substituted for the former reference
 24 to "where the licensed premises is to be located".

25 Also in item (1) of this section, the reference to the "previous" calendar year is
 26 substituted for the former reference to the calendar year "next preceding the
 27 year the license is to be issued" for clarity and brevity.

28 In item (2)(i) of this section, the reference to a "municipality" is substituted for
 29 the former reference to an "incorporated city" for consistency with the
 30 terminology of the Local Government Article.

31 Defined terms: "Board" § 18-101

32 "County" § 18-101

33 "License" § 1-101

34 "License holder" § 1-101

35 "State" § 1-101

1 **18-1804. PROTESTS.**

2 (A) **BASIS OF PROTEST; OATH REQUIRED.**

3 **A PROTEST OF A LICENSE RENEWAL SHALL:**

4 (1) **SPECIFY THE BASIS ON WHICH THE PROTEST IS MADE; AND**

5 (2) **BE FILED UNDER OATH.**

6 (B) **DENIAL OF PROTEST WITHOUT HEARING.**

7 **THE BOARD WITHOUT A HEARING MAY APPROVE A LICENSE RENEWAL THAT**
 8 **IS UNDER PROTEST IF THE BOARD FINDS THAT THE BASIS OF THE PROTEST LACKS**
 9 **SUBSTANCE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 10-301(a)(1)(iii)3, the first clause of 1, and, as
 12 it related to protests of license renewals in Charles County, 2.

13 In the introductory language of subsection (a) of this section, the reference to
 14 a protest "of a license renewal" is added for clarity.

15 In subsection (b) of this section, the reference to a license renewal "that is
 16 under protest" is added for clarity.

17 Defined terms: "Board" § 18-101

18 "License" § 1-101

19 **18-1805. HOLDERS OF OUT-OF-STATE LICENSES.**

20 **NOTWITHSTANDING § 18-1502 OF THIS TITLE, THE BOARD MAY RENEW A**
 21 **CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**
 22 **WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
 23 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

24 REVISOR'S NOTE: This section is new language derived without substantive
 25 change from former Art. 2B, § 9-102(b-3)(6), as it related to the renewal of a
 26 license by a person who holds an out-of-state license.

27 The phrase "[n]otwithstanding § 18-1502 of this title," is added to clarify that
 28 this section is an exception to § 18-1502.

1 The reference to an “out-of-state” license is substituted for the former
2 reference to a license “in any other state or in Washington, D.C.” for brevity.

3 The reference to the authority of “the Board” to “renew” a license “originally
4 issued to a holder of an out-of-state” license is substituted for the former
5 reference to the “except[ion] by way of renewal, to a person, corporation, or
6 limited liability company holding” an out-of-state license for clarity and to
7 avoid the implication that a licensee can obtain an
8 out-of-state license after obtaining the original license and continue to renew
9 the original license.

10 Defined terms: “Alcoholic beverage” § 1-101
11 “Beer” § 1-101
12 “Board” § 18-101
13 “State” § 1-101
14 “Wine” § 1-101

15 **18-1806. ISSUANCE OF LICENSE BEFORE COMPLETION OF ESTABLISHMENT.**

16 **SECTION 18-1506 OF THIS TITLE DOES NOT APPLY TO THE RENEWAL OF A**
17 **LICENSE ISSUED BEFORE MAY 1, 2014.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 9-209(e), as it related to the renewal of a license.

20 The former reference to provisions “affect[ing], or prohibit[ing], in any
21 manner,” is deleted as unnecessary.

22 Defined term: “License” § 1-101

23 **18-1807. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
24 **RENEWALS.**

25 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
26 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from the second sentence of former Art. 2B, § 10-103(b)(13)(vi)2C.

29 Defined term: “License” § 1-101

30 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

31 **18-1901. APPLICATION OF GENERAL PROVISIONS.**

1 (A) WITHOUT EXCEPTION OR VARIATION.

2 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL
3 LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
4 WITHOUT EXCEPTION OR VARIATION:

5 (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);

6 (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED
7 PREMISES”);

8 (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);

9 (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);

10 (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND

11 (6) § 4-508 (“DISPLAY OF LICENSE”).

12 (B) VARIATION.

13 SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I
14 OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 18-1902 OF THIS
15 SUBTITLE.

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to the conduct of local license holders.

18 Defined terms: “Alcoholic beverage” § 1-101

19 “County” § 18-101

20 “License” § 1-101

21 “License holder” § 1-101

22 18-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.

23 (A) INDIVIDUALS AT LEAST 18 YEARS OLD.

24 AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES
25 IN A RESTAURANT IN CONNECTION WITH SERVING A MEAL.

26 (B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.

27 AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS BARTENDER
28 OR IN ANY SOLELY BAR-RELATED CAPACITY.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 12–209.2.

3 The references to an “individual” are substituted for the former references to
4 “[p]ersons” because this section applies only to human beings.

5 In subsection (b) of this section, the former reference to a “barmaid” is deleted
6 as included in the reference to a “bartender”.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
8 the General Assembly, that in subsection (b) of this section, the phrase
9 “bar–related capacity” is unclear.

10 Defined terms: “Alcoholic beverage” § 1–101
11 “Restaurant” § 1–101

12 **18–1903. UNOBSTRUCTED VIEW REQUIRED.**

13 **(A) IN GENERAL.**

14 **A LICENSE HOLDER OR AGENT OR EMPLOYEE OF THE LICENSE HOLDER MAY**
15 **SELL ALCOHOLIC BEVERAGES ONLY IN A ROOM HAVING AT LEAST ONE PLAIN GLASS**
16 **WINDOW OR DOOR THAT ALLOWS AN INDIVIDUAL STANDING ON THE OUTSIDE TO**
17 **OBSERVE THE INTERIOR OF THE LICENSED PREMISES AT ALL HOURS.**

18 **(B) OBSTRUCTIONS NOT ALLOWED.**

19 **THE VIEW AFFORDED BY THE WINDOW OR DOOR MAY NOT BE OBSTRUCTED.**

20 **(C) PENALTY.**

21 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
22 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250 OR IMPRISONMENT OR**
23 **BOTH.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 12–209.

26 In subsection (a) of this section, the reference to “an individual” is substituted
27 for the former reference to “persons” because this section applies only to
28 human beings.

29 Also in subsection (a) of this section, the former reference to a “servant” is
30 deleted as included in the reference to an “agent or employee”.

1 In subsection (b) of this section, the language stating that “[t]he view afforded
2 by the window or door may not be obstructed” is substituted for the former
3 language stating that “no curtain, blind, screen or other obstruction shall be
4 placed before such windows, or doors” for clarity.

5 In subsection (c) of this section, the former reference to “any of the provisions
6 of” this section is deleted as surplusage.

7 Also in subsection (c) of this section, the former phrase “upon trial” is deleted
8 as unnecessary in light of the phrase “on conviction”.

9 Also in subsection (c) of this section, the former phrase “in the county jail or
10 in the house of correction” is deleted as surplusage.

11 Also in subsection (c) of this section, the former references to a fine of “not less
12 than \$50” and confinement “for not less than 60 days” are deleted to conform
13 to the statement of legislative policy in § 14–102 of the Criminal Law Article,
14 which sets forth the general rule that, notwithstanding a statutory minimum
15 penalty, a court may impose a lesser penalty of the same character.

16 The Alcoholic Beverages Article Review Committee notes, for consideration by
17 the General Assembly, that in subsection (c) of this section, there is no
18 maximum imprisonment time indicated.

19 Defined terms: “Alcoholic beverage” § 1–101

20 “License holder” § 1–101

21 “Person” § 1–101

22 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

23 **18–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

24 **(A) IN GENERAL.**

25 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
26 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
27 **PREMISES LICENSED UNDER THIS TITLE.**

28 **(2) AN OWNER, OPERATOR, OR MANAGER OF A LICENSED PREMISES**
29 **UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED**
30 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

31 **(B) PENALTY.**

1 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
2 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 11-304(a)(1) and, as it related to Charles
5 County, (2) and the first clause of the first sentence of § 11-509(b).

6 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
7 under this title” is added for clarity.

8 Also in subsection (a)(1) of this section, the reference to an “individual” is
9 substituted for the former reference to a “person” because the prohibition
10 against consumption applies only to human beings.

11 Also in subsection (a)(1) of this section, the reference to “a premises licensed
12 under this title” is substituted for the former reference to “any premises open
13 to the general public, any place of public entertainment, or any place at which
14 setups or other component parts of mixed alcoholic drinks are sold under any
15 license issued under the provisions of the Business Regulation Article” for
16 brevity.

17 In subsection (a)(2) of this section, the reference to “a licensed premises under
18 this title” is substituted for the former reference to “the premises” for
19 consistency with the terminology used in subsection (a)(1) of this section.

20 In subsection (b) of this section, the reference to a person who “violates this
21 section” is substituted for the former reference to a person who is “found
22 consuming any alcoholic beverage on any premises open to the general public,
23 and any owner, operator or manager of those premises or places who
24 knowingly permits consumption between the hours provided by this section”
25 for brevity.

26 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
27 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
28 section.

29 Also in subsection (b) of this section, the former reference to a fine “not less
30 than \$5” is deleted to conform to the statement of legislative policy in §
31 14-102 of the Criminal Law Article, which sets forth the general rule that,
32 notwithstanding a statutory minimum penalty, a court may impose a lesser
33 penalty of the same character.

34 Defined terms: “Alcoholic beverage” § 1-101
35 “Person” § 1-101

36 **18-2002. BEER LICENSES.**

1 **(A) CLASS A BEER LICENSE.**

2 **RESERVED.**

3 **(B) CLASS B BEER LICENSE.**

4 **RESERVED.**

5 **(C) CLASS C BEER LICENSE.**

6 **RESERVED.**

7 **(D) CLASS D BEER LICENSE.**

8 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

9 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
10 **FOLLOWING DAY; AND**

11 **(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

12 **(E) PART OF PREMISES OPEN ONLY DURING HOURS OF SALE.**

13 **(1) THE PART OF A PREMISES WHERE ALCOHOLIC BEVERAGES ARE**
14 **SOLD OR DISPLAYED MAY BE OPEN ONLY DURING THE HOURS OF SALE FOR**
15 **ALCOHOLIC BEVERAGES SET OUT IN SUBSECTION (D) OF THIS SECTION.**

16 **(2) A LICENSE HOLDER WITH AN ON-SALE LICENSE SHALL REMOVE**
17 **ALL BOTTLES AND CONTAINERS FROM THE TABLE ON OR BEFORE THE CLOSING TIME**
18 **SET OUT IN SUBSECTION (D) OF THIS SECTION.**

19 **(F) SALE OF NONALCOHOLIC ITEMS.**

20 **A LICENSE HOLDER MAY SELL NONALCOHOLIC ITEMS:**

21 **(1) ON MONDAY THROUGH SATURDAY, FROM 5 A.M. TO 2 A.M. THE**
22 **FOLLOWING DAY; AND**

23 **(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

24 **(G) PENALTY.**

1 **A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
2 **ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR**
3 **BOTH.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 11-509(a)(2) and (3), the second clause of the
6 first sentence and the second sentence of (b), and the second sentence of (c).

7 In the introductory language of subsection (d) of this section, the reference to
8 "sell beer" is substituted for the former reference to "the hours of sale for
9 alcoholic beverages" to conform to the terminology used throughout this
10 article.

11 In subsection (g) of this section, the reference to "imprisonment" is substituted
12 for the former reference to "confine[ment] in the county jail or in the house of
13 correction" to conform to the terminology used in this and other revised
14 articles.

15 Also in subsection (g) of this section, the former minimum penalty of \$50 or 60
16 days in the county jail or house of correction is deleted to conform to the
17 statement of legislative policy in § 14-102 of the Criminal Law Article, which
18 sets forth the general rule that, notwithstanding a statutory minimum
19 penalty, a court may impose a lesser penalty of the same character.

20 Former Art. 2B, § 11-509(a)(1), which stated that former Art. 2B, § 11-509
21 applied only in Charles County, is deleted as unnecessary in light of the
22 organization of this revised article.

23 The first sentence of former Art. 2B, § 11-509(c), which stated that the hours
24 stated in this section are in accordance with Eastern Standard Time or
25 daylight time, when either is in effect, is deleted as surplusage.

26 Defined terms: "Alcoholic beverage" § 1-101

27 "On-sale" § 1-101

28 "Person" § 1-101

29 **18-2003. BEER AND LIGHT WINE LICENSES.**

30 **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

31 **RESERVED.**

32 **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

33 **RESERVED.**

1 (C) CLASS C BEER AND LIGHT WINE LICENSE.

2 RESERVED.

3 (D) CLASS D BEER AND LIGHT WINE LICENSE.

4 A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND
5 LIGHT WINE:

6 (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE
7 FOLLOWING DAY; AND

8 (2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.

9 (E) CLASS H BEER AND LIGHT WINE LICENSE.

10 A HOLDER OF A CLASS H BEER AND LIGHT WINE LICENSE MAY SELL BEER AND
11 LIGHT WINE:

12 (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE
13 FOLLOWING DAY; AND

14 (2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.

15 (F) PART OF PREMISES OPEN ONLY DURING HOURS OF SALE.

16 (1) THE PART OF A PREMISES WHERE ALCOHOLIC BEVERAGES ARE
17 SOLD OR DISPLAYED MAY BE OPEN ONLY DURING THE HOURS OF SALE FOR
18 ALCOHOLIC BEVERAGES SET OUT IN SUBSECTIONS (D) AND (E) OF THIS SECTION.

19 (2) A LICENSE HOLDER WITH AN ON-SALE LICENSE SHALL REMOVE
20 ALL BOTTLES AND CONTAINERS FROM THE TABLE ON OR BEFORE THE CLOSING TIME
21 SET OUT IN SUBSECTIONS (D) AND (E) OF THIS SECTION.

22 (G) SALE OF NONALCOHOLIC ITEMS.

23 A LICENSE HOLDER MAY SELL NONALCOHOLIC ITEMS:

24 (1) ON MONDAY THROUGH SATURDAY, FROM 5 A.M. TO 2 A.M. THE
25 FOLLOWING DAY; AND

26 (2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.

1 **(H) PENALTY.**

2 **A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 3 **ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR**
 4 **BOTH.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 11-509(a)(2) and (3), the second clause of the
 7 first sentence and the second sentence of (b), and the second sentence of (c).

8 In subsection (h) of this section, the reference to "imprisonment" is substituted
 9 for the former reference to "confine[ment] in the county jail or in the house of
 10 correction" to conform to the terminology used in this and other revised
 11 articles.

12 Also in subsection (h) of this section, the former minimum penalty of \$50 or
 13 60 days in the county jail or house of correction is deleted to conform to the
 14 statement of legislative policy in § 14-102 of the Criminal Law Article, which
 15 sets forth the general rule that, notwithstanding a statutory minimum
 16 penalty, a court may impose a lesser penalty of the same character.

17 Defined terms: "Alcoholic beverage" § 1-101
 18 "On-sale" § 1-101
 19 "Person" § 1-101

20 **18-2004. BEER, WINE, AND LIQUOR LICENSES.**

21 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

22 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
 23 **WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION:**

24 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
 25 **FOLLOWING DAY; AND**

26 **(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

27 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSES.**

28 **A HOLDER OF A CLASS B-BLX (LUXURY RESTAURANT), B-H (HOTEL), B-N**
 29 **(NIGHTCLUB), B-R (RESTAURANT), B-RB (RESTAURANT/BAR), OR B-T (TAVERN)**
 30 **BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

31 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
 32 **FOLLOWING DAY; AND**

1 **(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

2 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

3 **A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
4 **WINE, AND LIQUOR:**

5 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
6 **FOLLOWING DAY; AND**

7 **(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

8 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

9 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
10 **WINE, AND LIQUOR:**

11 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
12 **FOLLOWING DAY; AND**

13 **(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

14 **(E) PART OF PREMISES OPEN ONLY DURING HOURS OF SALE.**

15 **(1) THE PART OF A PREMISES WHERE ALCOHOLIC BEVERAGES ARE**
16 **SOLD OR DISPLAYED MAY BE OPEN ONLY DURING THE HOURS OF SALE FOR**
17 **ALCOHOLIC BEVERAGES SET OUT IN SUBSECTIONS (A) THROUGH (D) OF THIS**
18 **SECTION.**

19 **(2) A LICENSE HOLDER WITH AN ON-SALE LICENSE SHALL REMOVE**
20 **ALL BOTTLES AND CONTAINERS FROM THE TABLE ON OR BEFORE THE CLOSING TIME**
21 **SET OUT IN SUBSECTIONS (A) THROUGH (D) OF THIS SECTION.**

22 **(F) SALE OF NONALCOHOLIC ITEMS.**

23 **A LICENSE HOLDER MAY SELL NONALCOHOLIC ITEMS:**

24 **(1) ON MONDAY THROUGH SATURDAY, FROM 5 A.M. TO 2 A.M. THE**
25 **FOLLOWING DAY; AND**

26 **(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

1 **(G) PENALTY.**

2 **A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
3 **ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR**
4 **BOTH.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 11-509(a)(2) and (3), the second clause of the
7 first sentence and the second sentence of (b), and the second sentence of (c).

8 In subsection (g) of this section, the reference to "imprisonment" is substituted
9 for the former reference to "confine[ment] in the county jail or in the house of
10 correction" to conform to the terminology used in this and other revised
11 articles.

12 Also in subsection (g) of this section, the former minimum penalty of \$50 or 60
13 days in the county jail or house of correction is deleted to conform to the
14 statement of legislative policy in § 14-102 of the Criminal Law Article, which
15 sets forth the general rule that, notwithstanding a statutory minimum
16 penalty, a court may impose a lesser penalty of the same character.

17 Defined terms: "Alcoholic beverage" § 1-101

18 "Beer" § 1-101

19 "On-sale" § 1-101

20 "Person" § 1-101

21 "Wine" § 1-101

22 **18-2005. HOURS ON JANUARY 1.**

23 **ON APPLICATION, THE BOARD SHALL ISSUE A SPECIAL PERMIT AUTHORIZING**
24 **THE LICENSE HOLDER TO STAY OPEN ON JANUARY 1 DURING HOURS THAT ARE**
25 **SUBJECT TO REGULATIONS THAT THE BOARD ADOPTS.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 11-402(j)(2).

28 The defined term "license holder" is substituted for the former reference to
29 "licensees therein" for clarity.

30 The reference to an authorization for a license holder to stay open, subject "to
31 regulations that the Board adopts" is substituted for the former reference to
32 an authorization "without regard to any restrictions as to hours or days of sale
33 contained in this subtitle. However, licensees are subject to regulations adopt
34 by the Board" for brevity.

1 The former reference to regulations “restricting and specifying the hours
2 during which classes of those licensees may stay open on New Year’s Day” is
3 deleted as surplusage.

4 Former Art. 2B, § 11–402(j)(1), which stated that former Art. 2B, § 11–402(j)
5 applied only in Charles County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Defined terms: “Board” § 18–101
8 “License holder” § 1–101

9 GENERAL REVISOR’S NOTE TO SUBTITLE

10 Former Art. 2B, § 11–403(a)(10), which stated that former Art. 2B, § 11–403(a)(1)
11 did not apply in Charles County, is deleted as unnecessary in light of the
12 organization of this revised article.

13 The third sentence of former Art. 2B, § 11–509(b), which prohibited the sale of any
14 alcoholic beverages between midnight on Sunday and 6 a.m. on Monday, is deleted
15 as redundant of §§ 18–2002(d), 18–2003(d) and (e), and 18–2004, which prohibit the
16 sale of alcoholic beverages before 6 a.m. on Monday and after midnight on Sunday.

17 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

18 **18–2101. APPLICATION OF GENERAL PROVISIONS.**

19 **TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”)**
20 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
21 **VARIATION.**

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
23 general provisions relating to the revocation and suspension of local licenses.

24 Former Art. 2B, § 10–405(a)(7), which stated that former Art. 2B,
25 § 10–405, which related to nudity and sexual displays, applied in Charles
26 County, is deleted as unnecessary in light of the organization of this revised
27 article.

28 Defined terms: “County” § 18–101
29 “License” § 1–101

30 **SUBTITLE 22. EXPIRATION OF LICENSES.**

31 **18–2201. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
2 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 the general provisions relating to the expiration of local licenses.

5 Defined terms: “County” § 18–101
6 “License” § 1–101

7 **18–2202. SEASONAL CLOSING.**

8 **THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR**
9 **NOT MORE THAN 6 MONTHS IF:**

10 **(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS**
11 **SEASONALLY OPERATED; AND**

12 **(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE**
13 **BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF CLOSING.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10–504(f)(2)(i) and, as it related to Charles
16 County, (1).

17 In item (1) of this section, the former phrase “under its jurisdiction” is deleted
18 as surplusage.

19 Defined terms: “Board” § 18–101
20 “License holder” § 1–101

21 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

22 **18–2301. APPLICATION OF GENERAL PROVISIONS.**

23 **(A) WITHOUT EXCEPTION OR VARIATION.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE**
25 **HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
26 **EXCEPTION OR VARIATION:**

27 **(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE**
28 **HOLDER”);**

29 **(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

1 **(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
 2 **RESTRICTION”); AND**

3 **(4) § 4–806 (“REFUND”).**

4 **(B) VARIATION.**

5 **SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
 6 **CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
 7 **COUNTY, SUBJECT TO § 18–2302 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
 9 general provisions relating to the death of a local license holder.

10 Defined terms: “County” § 18–101

11 “License” § 1–101

12 “License holder” § 1–101

13 **18–2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
 14 **PARTNERSHIP OR CORPORATION.**

15 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
 16 **SURVIVING OFFICER.**

17 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
 18 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**
 19 **CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED**
 20 **TO:**

21 **(I) THE SURVIVING SPOUSE;**

22 **(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE**
 23 **PARTNERSHIP; OR**

24 **(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION**
 25 **FOR THE BENEFIT OF THE CORPORATION.**

26 **(2) THE NEW LICENSE SHALL BE ISSUED:**

27 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

28 **(II) WITHOUT FURTHER PROCEEDINGS.**

1 **(B) RENEWAL LICENSE.**

2 **(1) A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY**
3 **ARE QUALIFIED TO HOLD THE LICENSE:**

4 **(I) THE SURVIVING SPOUSE;**

5 **(II) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

6 **(III) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR**
7 **THE BENEFIT OF THE CORPORATION.**

8 **(2) THE BOARD MAY ISSUE A RENEWAL LICENSE UNDER THIS**
9 **SUBSECTION WITHOUT A HEARING.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-506(d) and (b)(5).

12 In the introductory language of subsection (a)(1) of this section, the former
13 phrase "[n]otwithstanding any provisions to the contrary in this article" is
14 deleted as surplusage.

15 Also in the introductory language of subsection (a)(1) of this section, the
16 former reference to an application to "the Comptroller ..., as the case may be,
17 that granted the license" is deleted as surplusage.

18 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
19 officer "of the corporation" is added for clarity.

20 In subsection (a)(2)(i) of this section, the former reference to the "current"
21 license year is deleted as implicit.

22 In subsection (a)(2)(ii) of this section, the former reference to "the necessity of"
23 further proceedings is deleted as surplusage.

24 In the introductory language of subsection (b)(1) of this section, the former
25 reference to being qualified to hold the license "under this article" is deleted
26 as surplusage.

27 In subsection (b)(1)(ii) of this section, the reference to the surviving "partners"
28 of a partnership is substituted for the former reference to the surviving
29 "members" of a partnership for accuracy.

30 In subsection (b)(1)(iii) of this section, the reference to the "senior surviving
31 officer of a corporation for the benefit of the corporation" is substituted for the

1 former reference to the “surviving members of a ... corporation” for accuracy
2 and for consistency with subsection (a) of this section.

3 In subsection (b)(2) of this section, the reference to the authority of the Board
4 to “issue a renewal license under this subsection without a hearing” is
5 substituted for the former reference stating that the “requirements for a
6 renewal license ... shall be handled by the Board of License Commissioners
7 administratively and without the necessity of a hearing” for clarity and
8 brevity.

9 Defined terms: “Board” § 18–101

10 “License” § 1–101

11 “License holder” § 1–101

12 **SUBTITLE 24. JUDICIAL REVIEW.**

13 **18–2401. APPLICATION OF GENERAL PROVISIONS.**

14 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
15 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to the appeal of the decisions of the Board.

18 Defined term: “County” § 18–101

19 **18–2402. COSTS.**

20 **(A) CLERK TO COLLECT.**

21 **BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4,**
22 **SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY**
23 **SHALL:**

24 **(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

25 **(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT**
26 **THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE**
27 **HEARING BEFORE THE BOARD HAVE BEEN PAID.**

28 **(B) NO ASSESSMENT AGAINST BOARD.**

29 **THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE**
30 **ASSESSED AGAINST THE BOARD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16–101(d), as it related to Charles County.

3 In subsection (a) of this section, the references to “an action for judicial review”
4 and “the petitioner” are substituted for the former incorrect references to “an
5 appeal” and “the persons or persons so appealing” to reflect that this section
6 concerns the judicial review of an administration agency – a board of license
7 commissioners – and not a court.

8 Defined terms: “Board” § 18–101
9 “County” § 18–101

10 **18–2403. COURT MAY REMAND.**

11 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
12 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
13 **REMAND THE PROCEEDINGS TO THE BOARD.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 16–101(e)(4)(ii)5.

16 The reference to the “circuit court for the County” is substituted for the former
17 reference to the “court” for clarity.

18 Defined terms: “Board” § 18–101
19 “County” § 18–101

20 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

21 **18–2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF**
22 **ALCOHOLIC BEVERAGES.**

23 **(A) IN GENERAL.**

24 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN UNLICENSED**
25 **ESTABLISHMENT THAT OFFERS OR PROVIDES LIVE ENTERTAINMENT MAY NOT, AT A**
26 **LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, SELL,**
27 **SERVE, KEEP, OR ALLOW TO BE CONSUMED:**

28 **(1) ALCOHOLIC BEVERAGES;**

29 **(2) SETUPS; OR**

30 **(3) OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

1 **(B) EXCEPTION.**

2 **AS LONG AS LIVE ENTERTAINMENT IS NOT OFFERED OR PROVIDED ON MORE**
 3 **THAN 8 DAYS IN A CALENDAR MONTH, THE FOLLOWING ARE EXEMPTED FROM THE**
 4 **PROHIBITIONS IN SUBSECTION (A) OF THIS SECTION:**

5 **(1) THE ROOM OF A REGISTERED GUEST IN A HOTEL OR MOTEL;**

6 **(2) PROPERTY OWNED BY A VOLUNTEER FIRE COMPANY;**

7 **(3) PROPERTY OWNED AND OPERATED BY A COMMUNITY OR**
 8 **HOMEOWNERS ASSOCIATION COMPOSED ONLY OF PROPERTY OWNERS IN A SINGLE**
 9 **SUBDIVISION; OR**

10 **(4) PROPERTY OWNED BY A RELIGIOUS INSTITUTION.**

11 **(C) PENALTY.**

12 **A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 13 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 14 **NOT EXCEEDING \$10,000 OR BOTH.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 20–105(a), (b), (d), (e), and (f).

17 In subsection (a) of this section, the former reference to a club serving or
 18 allowing a customer to consume alcoholic beverages “after legal closing hours
 19 for establishments licensed under this article from supplies that the patrons
 20 previously purchased or reserved” is deleted as included in the prohibition
 21 against an establishment serving or allowing a customer to consume at any
 22 time alcoholic beverages that have been previously purchased by the
 23 customer.

24 Also in subsection (a) of this section, the reference to an “establishment” is
 25 substituted for the former reference to a “person, corporation, partnership,
 26 club, or organization” for clarity and consistency within this article.

27 In subsection (a)(1) of this section, the former reference to an establishment
 28 that offers or provides live entertainment “to its members or to the public” is
 29 deleted as surplusage.

30 In subsection (b)(4) of this section, the former reference to a “bona fide”
 31 religious institution is deleted as setting an unconstitutional standard for a
 32 religious institution to meet.

1 Former Art. 2B, § 20–105(c), which stated that former Art. 2B, § 20–105
2 applied only in Charles County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101
5 “License holder” § 1–101
6 “Person” § 1–101

7 **18–2502. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

8 **(A) CONSUMING OR TRANSFERRING OF ALCOHOLIC BEVERAGES.**

9 **ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT INTO AN ESTABLISHMENT**
10 **AND CONSUMED OR TRANSFERRED IF THE ESTABLISHMENT IS A PLACE OF ADULT**
11 **ENTERTAINMENT THAT PROVIDES ENTERTAINMENT LISTED UNDER § 4–605 OF THIS**
12 **ARTICLE.**

13 **(B) PENALTY.**

14 **(1) AN OPERATOR OF A PLACE OF ADULT ENTERTAINMENT THAT**
15 **KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION IN THE ESTABLISHMENT IS**
16 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
17 **EXCEEDING \$5,000 FOR EACH VIOLATION.**

18 **(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A**
19 **SEPARATE VIOLATION.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 11–304(j)(2).

22 In subsections (a) and (b) of this section, the references to “establishment” are
23 substituted for the former references to “premises” for clarity and consistency
24 within this subtitle.

25 Also in subsections (a) and (b) of this section, the references to “adult”
26 entertainment are substituted for the former references to “public”
27 entertainment for clarity.

28 Former Art. 2B, § 11–304(j)(1), which provided that former Art. 2B, §
29 11–304(j) applied only in Charles County, is deleted as unnecessary in light of
30 the organization of this revised article.

31 Defined term: “Alcoholic beverage” § 1–101

1 **18–2503. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 2 **BEVERAGES IS PROHIBITED.**

3 (A) **PROHIBITION AGAINST INDIVIDUAL.**

4 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
 5 **ALCOHOLIC BEVERAGES IN:**

6 (1) **AN ESTABLISHMENT OPEN TO THE PUBLIC;**

7 (2) **A PLACE OF PUBLIC ENTERTAINMENT; OR**

8 (3) **A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
 9 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
 10 **BUSINESS REGULATION ARTICLE.**

11 (B) **PROHIBITION AGAINST OWNER OR MANAGER.**

12 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
 13 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
 14 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
 15 **THIS SECTION.**

16 (C) **PENALTY.**

17 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 18 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 11–304(a)(1) and the introductory language of
 21 (2).

22 In subsections (a)(1) and (b) of this section, the references to an
 23 “establishment” are substituted for the former references to “premises” to
 24 avoid the implication that the establishment is licensed.

25 In subsection (a)(1) of this section, the former reference to the “general” public
 26 is deleted as surplusage.

27 In subsection (b) of this section, the former reference to an “operator” is deleted
 28 as included in the reference to a “manager”.

29 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
 30 to conform to the statement of legislative policy in § 14–102 of the Criminal
 31 Law Article, which sets forth the general rule that, notwithstanding a

1 statutory minimum penalty, a court may impose a lesser penalty of the same
2 character.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "Person" § 1-101

5 **SUBTITLE 26. ENFORCEMENT.**

6 **18-2601. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION.**

8 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
9 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
10 **VARIATION:**

11 **(1) § 6-202 ("INSPECTIONS");**

12 **(2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND**
13 **QUALITY OF ALCOHOLIC BEVERAGES");**

14 **(3) § 6-204 ("POWER TO SUMMON WITNESSES");**

15 **(4) § 6-205 ("PEACE OFFICERS");**

16 **(5) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
17 **ALCOHOLIC BEVERAGE");**

18 **(6) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
19 **EVIDENCE OF SALE");**

20 **(7) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF**
21 **ALCOHOL IN PUBLIC PLACES");**

22 **(8) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
23 **CONSUMPTION"); AND**

24 **(9) § 6-211 ("FINES AND FORFEITURES").**

25 **(B) EXCEPTION.**

26 **SECTION 6-210 ("STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
27 **LAWS") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS**
28 **SUPERSEDED BY § 18-2602 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to enforcement.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "County" § 18-101
5 "State" § 1-101

6 **18-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

7 **THE COUNTY MAY:**

8 **(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE**
9 **PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS**
10 **ARTICLE; AND**

11 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
12 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
13 **HIGHWAY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 19-103(a)(6).

16 In item (1) of this section, the reference to "the prohibition against disorderly
17 intoxication under § 6-320 of this article" is substituted for the former obsolete
18 reference to "this subheading".

19 In item (2) of this section, the former reference to the public "in general" is
20 deleted as surplusage.

21 Defined terms: "Alcoholic beverage" § 1-101
22 "County" § 18-101

23 **SUBTITLE 27. PROHIBITED ACTS.**

24 **18-2701. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 ("PROHIBITED ACTS")**
27 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
28 **VARIATION:**

29 **(1) § 6-305 ("PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES");**

- 1 (2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
2 INDIVIDUAL”);
- 3 (3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF
4 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 5 (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR
6 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
7 YEARS”);
- 8 (5) § 6-310 (“PROVIDING FREE FOOD”);
- 9 (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
10 DEALER”);
- 11 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 12 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
13 CONTAINER”);
- 14 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
15 DETACHABLE METAL TAB”);
- 16 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
17 REGULAR LABEL PRESUMED ILLICIT”);
- 18 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 19 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
20 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 21 (13) § 6-320 (“DISORDERLY INTOXICATION”);
- 22 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
23 PUBLIC”);
- 24 (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- 25 (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
26 MACHINE”);
- 27 (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
28 BEVERAGES”);

1 (18) § 6-327 (“TAX EVASION”);

2 (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

3 (20) § 6-329 (“PERJURY”).

4 **(B) VARIATIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
6 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

7 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
8 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 18-2702 OF THIS**
9 **SUBTITLE; AND**

10 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
11 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 18-2703 OF THIS SUBTITLE.**

12 REVISOR’S NOTE: This section is new language added to incorporate by reference
13 general provisions relating to prohibited acts.

14 Defined terms: “Alcoholic beverage” § 1-101

15 “County” § 18-101

16 “License holder” § 1-101

17 “Retail dealer” § 1-101

18 **18-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
19 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

20 **(A) SUMMONS; BAIL.**

21 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
22 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

23 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
24 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
25 **EMPLOYEE; AND**

26 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
27 **COURT IN THE STATE.**

28 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

1 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
2 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

3 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
4 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
5 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
6 **OF 21 YEARS; AND**

7 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

8 **(C) PENALTY.**

9 **(1) IF A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER**
10 **VIOLATES § 6-304 OF THIS ARTICLE:**

11 **(I) THE BOARD MAY IMPOSE ON THE LICENSE HOLDER:**

12 **1. FOR THE FIRST OFFENSE, A FINE NOT EXCEEDING**
13 **\$750 OR A SUSPENSION OF THE LICENSE NOT EXCEEDING 3 DAYS OR BOTH; AND**

14 **2. FOR EACH SUBSEQUENT OFFENSE, A PENALTY THAT**
15 **THE BOARD DETERMINES; AND**

16 **(II) THE BOARD MAY IMPOSE ON THE EMPLOYEE A FINE NOT**
17 **EXCEEDING \$500 FOR EACH OFFENSE.**

18 **(2) WHEN DETERMINING THE NUMBER OF DAYS FOR A SUSPENSION**
19 **OF A LICENSE FOR A SUBSEQUENT OFFENSE AS PROVIDED FOR IN PARAGRAPH**
20 **(1)(I)2 OF THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

21 **(I) THE CLASS OF LICENSE; AND**

22 **(II) THE ECONOMIC IMPACT THAT THE SUSPENSION WILL HAVE**
23 **ON THE BUSINESS, TAKING INTO ACCOUNT THE TOTAL SALES OF ALCOHOLIC**
24 **BEVERAGES OF THE LICENSED ESTABLISHMENT BEFORE THE SUSPENSION**
25 **COMPARED TO THE ESTIMATED TOTAL SALES DURING THE SUSPENSION.**

26 **(3) A FINE IMPOSED UNDER THIS SECTION SHALL BE IMPOSED**
27 **SUBJECT TO § 10-1001 OF THE STATE GOVERNMENT ARTICLE.**

28 **(D) DISPOSITION OF FINES.**

1 **FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL**
2 **FUND OF THE COUNTY.**

3 **(E) NO BAR TO ADMINISTRATIVE ACTION.**

4 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
5 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
6 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
7 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, §§ 12-108(a)(2) and (3)(ii) and (f)(2) and
10 16-507(j)(2), (3), and (4) and the second sentence of (1).

11 In subsection (a)(2) of this section, the former reference to bail "bond" is
12 deleted as surplusage.

13 In subsection (b)(1) of this section, the reference to the "finder of fact" is
14 substituted for the former reference to the "jury or the court sitting as a jury"
15 for brevity.

16 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
17 as surplusage.

18 In subsection (c)(1) of this section, the reference to "violat[ing] § 6-304 of this
19 article" is substituted for the former reference to "sell[ing] alcoholic beverages
20 to a person under 21 years of age" for brevity and clarity.

21 In subsection (c)(1)(i) of this section, the reference to imposing certain
22 penalties "on the license holder" is added for clarity.

23 In subsection (c)(2)(ii) of this section, the former phrase "ratio between" is
24 deleted as surplusage.

25 Also in subsection (c)(2)(ii) of this section, the reference to the total sales of
26 alcoholic beverages "of the licensed establishment" is added for clarity.

27 In subsection (c)(3) of this section, the references to a fine "imposed" are
28 substituted for the former references to a fine "levied" for clarity and
29 consistency with other similar provisions of this article.

30 In subsection (d) of this section, the reference to "[f]ines" is substituted for the
31 former reference to "[a]ll moneys" for clarity.

1 Former Art. 2B, § 12-108(f)(1)(iii), which stated that former Art. 2B, §
2 12-108(f)(2) applied to Charles County, is deleted as unnecessary in light of
3 the organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1-101

5 “Board” § 18-101

6 “County” § 18-101

7 “License” § 1-101

8 “License holder” § 1-101

9 “State” § 1-101

10 **18-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
11 **INDIVIDUAL — CRIMINAL PROCEDURE.**

12 **(A) SUMMONS; BAIL.**

13 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
14 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

15 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
16 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
17 **EMPLOYEE; AND**

18 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
19 **COURT IN THE STATE.**

20 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

21 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
22 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS**
23 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
24 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

25 **REVISOR’S NOTE:** This section is new language derived without substantive
26 change from former Art. 2B, § 12-108(a)(2) and (f)(2).

27 In subsection (a)(2) of this section, the former reference to bail “bond” is
28 deleted as surplusage.

29 Defined terms: “Board” § 18-101

30 “License holder” § 1-101

31 “State” § 1-101

32 **18-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL**
33 **DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

1 **(A) “KNOWINGLY” DEFINED.**

2 **IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE**
3 **INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE**
4 **HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

5 **(B) PROHIBITED.**

6 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT**
7 **KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

8 **(1) A HABITUAL DRUNKARD;**

9 **(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

10 **(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN**
11 **WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER**
12 **NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE**
13 **OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND**
14 **MIND.**

15 **(C) PENALTY.**

16 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
17 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

18 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

19 **(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT**
20 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

21 **REVISOR’S NOTE:** This section is new language derived without substantive
22 change from former Art. 2B, § 12–110(a) and, as it related to Charles County,
23 the first sentence of (b).

24 In subsection (a) of this section, the former reference to the definition of
25 knowingly applying “as to habitual drunkards” is deleted as surplusage.

26 In subsection (b) of this section, the defined term “alcoholic beverage” is
27 substituted for the former references to “intoxicating beverages” for clarity
28 and consistency with the terminology used throughout this article.

1 Also in subsection (b) of this section, the former references to “barter” and
2 “furnish” are deleted as included in the references to “sell” and “provide”.

3 In subsection (b)(2) of this section, the reference to an individual with an
4 “intellectual disability” is substituted for the former reference to a “mentally
5 deficient” person to conform to the requirements of Chapter 119 of the Acts of
6 2009. Chapter 119 requires the substitution of the term “mentally retarded”
7 in the Code with “intellectual disability”.

8 In subsection (b)(3) of this section, the reference to a “family member or
9 guardian” is substituted for the former reference to “parent or parents,
10 guardian, husband, wife, son, daughter, brother, or sister” for brevity.

11 Also in subsection (b)(3) of this section, the reference to an “employee of the
12 license holder” is added for consistency within this subsection.

13 In subsection (c) of this section, the former reference to imprisonment “in the
14 county jail” and to both fine and imprisonment “in the discretion of the court”
15 are deleted as surplusage and to conform to standard language for imposition
16 of a penalty for a criminal conviction.

17 The Alcoholic Beverages Article Review Committee notes, for consideration by
18 the General Assembly, that the penalty stated in subsection (c) of this section
19 applies only to a license holder who violates this section and not to an
20 employee of a license holder, even though, under subsection (b) of this section,
21 both a license holder and the license holder’s employee are prohibited from
22 selling or providing an alcoholic beverage to a habitual drunkard, an
23 individual with an intellectual disability, or an individual whose relative has
24 given notice. The employee would, presumably, be subject to the general
25 penalty for a violation of this article under § 6–402 of this article.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “License holder” § 1–101

28 **18–2705. SELLING OR PROVIDING GO CUPS.**

29 **A RETAIL DEALER MAY NOT SELL OR PROVIDE A GO CUP TO AN INDIVIDUAL TO**
30 **CONSUME ALCOHOLIC BEVERAGES OFF THE LICENSED PREMISES.**

31 REVISOR’S NOTE: This section is new language derived without substantive
32 change from former Art. 2B, § 12–209.1.

33 The defined term “retail dealer” is substituted for the former reference to a
34 “retail alcoholic beverages licensee” to conform to the terminology used
35 throughout this article.

36 The former word “give” is deleted as included in the word “provide”.

1 Defined terms: “Alcoholic beverage” § 1–101
2 “Retail dealer” § 1–101

3 **SUBTITLE 28. PENALTIES.**

4 **18–2801. APPLICATION OF GENERAL PROVISION.**

5 **SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE**
6 **APPLIES IN THE COUNTY.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to imposing a penalty for a violation for which no
9 specific penalty is provided.

10 Defined term: “County” § 18–101

11 **18–2802. PENALTY IMPOSED BY BOARD.**

12 **(A) IN GENERAL.**

13 **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
14 **IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH FOR A**
15 **VIOLATION OF A PROVISION OF THIS ARTICLE THAT APPLIES IN THE COUNTY.**

16 **(2) THE FINE SHALL BE IMPOSED SUBJECT TO § 10–1001 OF THE**
17 **STATE GOVERNMENT ARTICLE.**

18 **(B) DISPOSITION OF FINES.**

19 **FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL**
20 **FUND OF THE COUNTY.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 16–507(j)(1) and (4).

23 In subsection (a) of this section, the former phrase “[n]otwithstanding any
24 provision of this Code to the contrary” is deleted as surplusage.

25 In subsection (a)(2) of this section, the reference to a fine “imposed” is
26 substituted for the former reference to a fine “levied” for clarity and
27 consistency with other similar provisions of this article.

28 In subsection (b) of this section, the reference to “[f]ines” is substituted for the
29 former reference to “[a]ll moneys” for clarity.

1 Defined terms: “Board” § 18–101

2 “County” § 18–101

3 “License” § 1–101

4 **TITLE 19. DORCHESTER COUNTY.**

5 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

6 **19–101. DEFINITIONS.**

7 **(A) IN GENERAL.**

8 **IN THIS TITLE:**

9 **(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT**
10 **EXCEPTION OR VARIATION; AND**

11 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

12 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
13 by reference terms defined for the entire article.

14 Item (2) of this subsection is new language added as the standard introductory
15 language to a definition section.

16 **(B) BOARD.**

17 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR**
18 **DORCHESTER COUNTY.**

19 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
20 full reference to the “Board of License Commissioners for Dorchester County”.

21 **(C) COUNTY.**

22 **“COUNTY” MEANS DORCHESTER COUNTY.**

23 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
24 full reference to “Dorchester County”.

25 **19–102. SCOPE OF TITLE.**

26 **THIS TITLE APPLIES ONLY IN DORCHESTER COUNTY.**

1 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
2 organization of this revised article.

3 **19-103. COPY OF LEGISLATION.**

4 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
5 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
6 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
7 **MARYLAND 21401.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 18-103.

10 The reference to this "title" is substituted for the former reference to this
11 "subtitle" to conform to the organization of this revised article. Under the
12 former law, each local governing body derived its authority to enact alcoholic
13 beverages legislation from a common subtitle. Under this revised article, each
14 local governing body derives its authority from the title dedicated to the
15 jurisdiction of the local governing body.

16 Defined terms: "Alcoholic beverage" § 1-101
17 "County" § 19-101

18 **GENERAL REVISOR'S NOTE TO SUBTITLE**

19 Throughout this title, the references to "wine" are substituted for the former
20 references to "light wine" to reflect that license holders in the County may sell wine
21 with a maximum alcohol content of 22%, which is above the traditional maximum
22 level of 15.5% for light wine.

23 Correspondingly, former Art. 2B, § 4-101(k), which defined "light wine" in the
24 County as a fermented beverage that contains not in excess of 22% of alcohol by
25 volume, is deleted because the definition is not used in this title.

26 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

27 **19-201. ESTABLISHED.**

28 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR DORCHESTER**
29 **COUNTY.**

30 REVISOR'S NOTE: This section is new language added to state expressly what was
31 only implied in the former law, that a Board of License Commissioners for
32 Dorchester County exists.

1 **19-202. MEMBERSHIP.**

2 (A) **COMPOSITION.**

3 **THE COUNTY COUNCIL SITS AS THE BOARD.**

4 (B) **SUBSTITUTE MEMBER.**

5 (1) **EACH MEMBER OF THE COUNTY COUNCIL MAY APPOINT A**
6 **SUBSTITUTE MEMBER TO THE BOARD.**

7 (2) **THE SUBSTITUTE MEMBER SHALL BE FROM THE SAME COUNTY**
8 **COUNCIL DISTRICT AS THE APPOINTING MEMBER OF THE COUNTY COUNCIL.**

9 (3) **THE SUBSTITUTE MEMBER SERVES:**

10 (I) **AT THE WILL OF THE APPOINTING MEMBER OF THE COUNTY**
11 **COUNCIL; AND**

12 (II) **FOR AS LONG AS THE APPOINTING MEMBER OF THE COUNTY**
13 **COUNCIL REMAINS IN OFFICE AS A MEMBER OF THE COUNTY COUNCIL.**

14 (4) **THE SUBSTITUTE MEMBER HAS ALL THE POWERS AND DUTIES OF**
15 **THE APPOINTING MEMBER OF THE COUNTY COUNCIL WHEN ACTING ON THE BOARD.**

16 (C) **RESTRICTIONS.**

17 (1) **A MEMBER OF THE BOARD MAY NOT:**

18 (I) **HAVE A FINANCIAL INTEREST, DIRECTLY OR INDIRECTLY, IN**
19 **THE MANUFACTURE OF ANY ALCOHOLIC BEVERAGE; OR**

20 (II) **DERIVE PROFIT OR REMUNERATION FROM THE PURCHASE**
21 **OR SALE OF AN ALCOHOLIC BEVERAGE, OTHER THAN THE SALARY PAYABLE FOR THE**
22 **PERFORMANCE OF THE DUTIES OF THE POSITION REQUIRED UNDER THIS SECTION.**

23 (2) **A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
24 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
25 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$2,000.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, §§ 15-105(b) and, as it related to Dorchester
28 County, (a) and 15-112(k)(2)(ii) and, as it related to members of the Board, (i).

1 In subsections (a) and (b) of this section, references to the “County Council”
 2 are substituted for the former obsolete references to the “Board of County
 3 Commissioners” and “County Commissioners”. Similarly, in subsection (b) of
 4 this section, the references to a “member of the County Council” are
 5 substituted for the former references to a “commissioner” or “County
 6 Commissioner”.

7 In subsection (a) of this section, the reference to “sits as” is substituted for the
 8 former reference to “shall ex officio constitute” for brevity.

9 In subsection (b)(1) of this section, the reference to “[e]ach member of” the
 10 County Council is added for clarity.

11 In subsection (b)(4) of this section, the former reference to the “authority” of
 12 the substitute member is deleted as included in the reference to the “powers
 13 and duties” of the substitute member.

14 In subsection (c)(1)(i) of this section, the former phrase “in any alcoholic
 15 beverage purchased or sold under the provisions of this article” is deleted as
 16 included in subsection (c)(1)(ii) of this section.

17 In subsection (c)(1)(ii) of this section, the former reference to “wages” is deleted
 18 as included in the reference to “salary”.

19 Also in subsection (c)(1)(ii) of this section, the former reference to an “office” is
 20 deleted as included in the reference to a “position”.

21 Also in subsection (c)(1)(ii) of this section, the former reference to duties of the
 22 position “authorized” under this section is deleted as included in the reference
 23 to duties of the position “required” under this section.

24 Former Art. 2B, § 15–101(k), which provided a cross–reference to provisions
 25 applicable to Dorchester County, is deleted as unnecessary in light of the
 26 organization of this revised article.

27 Defined terms: “Alcoholic beverage” § 1–101

28 “Board” § 19–101

29 “County” § 19–101

30 “Person” § 1–101

31 **19–203. COMPENSATION; STAFF.**

32 **(A) COMPENSATION.**

33 **(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL**
 34 **SALARY OF \$3,000.**

1 (II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN
2 ANNUAL SALARY OF \$2,500.

3 (2) EXPENSES OF THE BOARD:

4 (I) ARE SUBJECT TO COUNTY PERSONNEL POLICIES AND
5 RULES; AND

6 (II) SHALL BE PROVIDED FOR IN THE COUNTY BUDGET.

7 (B) STAFF.

8 (1) THE BOARD MAY:

9 (I) EMPLOY AND SET THE COMPENSATION OF CLERICAL AND
10 OTHER ASSISTANTS AS ARE NECESSARY; AND

11 (II) WITH THE APPROVAL OF THE COUNTY COUNCIL:

12 1. EMPLOY AN INSPECTOR AND A RECORDING
13 SECRETARY WHO SHALL BE EMPLOYEES OF THE COUNTY AS PROVIDED IN THE
14 COUNTY BUDGET; AND

15 2. APPOINT LEGAL COUNSEL.

16 (2) RESTRICTIONS APPLICABLE TO MEMBERS OF THE BOARD UNDER
17 § 19-202(C) OF THIS SUBTITLE SHALL APPLY TO LEGAL COUNSEL AND STAFF
18 ASSIGNED TO THE BOARD.

19 (3) COUNTY PERSONNEL POLICIES AND RULES SHALL APPLY TO:

20 (I) STAFF ASSIGNED TO THE BOARD; AND

21 (II) STAFF EXPENSES.

22 (4) STAFF EXPENSES SHALL BE PROVIDED FOR IN THE COUNTY
23 BUDGET.

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, §§ 15-109(k) and 15-112(a)(2) and, as it related
26 to employees, (k)(2) and (3).

1 In subsection (a)(1)(i) of this section, the reference to a “chair” is substituted
2 for the former reference to a “Chairman” because SG § 2–1238 requires the
3 use of words that are neutral as to gender to the extent practicable.

4 In subsection (a)(1)(ii) of this section, the reference to “other” members of the
5 Board is substituted for the former reference to “regular” members of the
6 Board for clarity.

7 In subsection (b)(1) of this section, the former phrase “except as otherwise
8 provided by this article” is deleted as unnecessary.

9 In subsection (b)(1)(i) of this section, the reference to “assistants” is
10 substituted for the former reference to “assistance” for clarity.

11 Former Art. 2B, § 15–112(k)(1), which provided that former Art. 2B, § 15–112
12 applied only in Dorchester County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Defined terms: “Board” § 19–101
15 “County” § 19–101

16 **19–204. INSPECTOR MAY ISSUE SUMMONS.**

17 **THE INSPECTOR ASSIGNED TO THE BOARD MAY SERVE A SUMMONS.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 16–410(b)(2)(i)5.

20 Defined term: “Board” § 19–101

21 **19–205. REGULATIONS.**

22 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 16–301(a), as it related to the authority of the
25 Board to adopt regulations.

26 The defined term “Board” is substituted for the former reference to “the board
27 of license commissioners from any county or Baltimore City, respectively,”
28 because this section applies only to the Board of License Commissioners for
29 Dorchester County.

30 The reference to the Board “adopt[ing] regulations to carry out” this article is
31 substituted for the former reference to the Board “hav[ing] full power and
32 authority to adopt such reasonable rules and regulations as they may deem

1 necessary to enable them effectively to discharge the duties imposed upon
2 them by” this article for brevity.

3 The former phrase “[i]n addition to the powers otherwise provided by this
4 article,” is deleted as surplusage.

5 Defined term: “Board” § 19–101

6 SUBTITLE 3. LIQUOR CONTROL.

7 19–301. LIQUOR CONTROL — NOT APPLICABLE.

8 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
9 **IN THE COUNTY.**

10 REVISOR’S NOTE: This section is new language added to clarify that there is no
11 liquor control board or department of liquor control in the County.

12 Defined term: “County” § 19–101

13 GENERAL REVISOR’S NOTE TO SUBTITLE

14 Former Art. 2B, § 18–201, which required the Dorchester County Dispensary system
15 to remain in operation until such time as the General Assembly enacts a
16 comprehensive plan of legislation that creates a rational system of alcoholic
17 beverages licenses for the county, is deleted as obsolete. There is no longer a
18 dispensary system in the County. The Board of License Commissioners for the
19 County is the license issuing authority.

20 SUBTITLE 4. MANUFACTURER’S LICENSES.

21 19–401. APPLICATION OF GENERAL PROVISIONS.

22 (A) **WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
24 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
25 **EXCEPTION OR VARIATION:**

26 (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

27 (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);

28 (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);

- 1 (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- 2 (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- 3 (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- 4 (7) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- 5 (8) § 2-211 (“RESIDENCY REQUIREMENT”);
- 6 (9) § 2-212 (“ADDITIONAL LICENSES”);
- 7 (10) § 2-213 (“ADDITIONAL FEES”);
- 8 (11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- 9 (12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
10 PROHIBITED”);
- 11 (13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
12 AND RETAILERS”);
- 13 (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
14 PROHIBITED PRACTICES”); AND
- 15 (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
16 RETAILERS — PROHIBITED”).

17 **(B) EXCEPTION.**

18 SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF
19 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

20 **(C) VARIATIONS.**

21 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
22 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- 23 (1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO §
24 19-403 OF THIS SUBTITLE; AND
- 25 (2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §
26 19-404 OF THIS SUBTITLE.

1 REVISOR'S NOTE: Subsections (a) and (c) of this section are new language added to
2 incorporate by reference general provisions relating to the issuance of
3 manufacturer's licenses.

4 Subsection (b) of this section is new language derived without substantive
5 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
6 implicit in the former law, that a limited distillery license may not be issued
7 in the County.

8 Defined terms: "County" § 19–101
9 "Manufacturer's license" § 1–101

10 **19–402. HOURS AND DAYS OF SALE OR DELIVERY.**

11 **A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER**
12 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
13 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 11–101(a).

16 The former phrase "[e]xcept as provided in subsections (b) and (c)" is deleted
17 as unnecessary.

18 Defined terms: "Alcoholic beverage" § 1–101
19 "Manufacturer's license" § 1–101

20 **19–403. CLASS 6 PUB-BREWERY LICENSE.**

21 **(A) APPLICATION OF SECTION.**

22 **THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE**
23 **COUNTY.**

24 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

25 **SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

26 **(C) HOURS AND DAYS OF RETAIL SALE.**

27 **A HOLDER OF A CLASS 6 PUB-BREWERY LICENSE MAY SELL ALCOHOLIC**
28 **BEVERAGES AT RETAIL:**

1 **(1) MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 1:45 A.M. THE**
 2 **FOLLOWING DAY; AND**

3 **(2) SUNDAY FROM NOON TO MIDNIGHT, EXCEPT IF CHRISTMAS EVE**
 4 **OR NEW YEAR’S EVE IS ON A SUNDAY, THEN FROM NOON TO 2 A.M. THE FOLLOWING**
 5 **DAY.**

6 **(D) ENTERPRISE ZONES.**

7 **(1) THE COMPTROLLER MAY ISSUE TO A SINGLE APPLICANT ONE**
 8 **CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT**
 9 **NOT BOTH, FOR A LOCATION IN AN ENTERPRISE ZONE IN THE COUNTY, IF THE**
 10 **APPLICANT HOLDS NO MORE THAN THREE CLASS B BEER, WINE, AND LIQUOR**
 11 **LICENSES.**

12 **(2) THIS SUBSECTION DOES NOT LIMIT THE NUMBER OF CLASS 6**
 13 **PUB-BREWERY LICENSES THAT THE COMPTROLLER MAY ISSUE IN THE COUNTY.**

14 REVISOR’S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a
 16 Class 6 pub-brewery license in Dorchester County, and, as it authorized
 17 off-sale privileges of beer in refillable containers only in specific jurisdictions,
 18 not including Dorchester County, the introductory language of (g)(1), §
 19 11-510(b)(8), and, as it related to the availability of a Class 6 pub-brewery
 20 license in an enterprise zone, § 12-104(e)(6).

21 In the introductory language of subsection (c) of this section, the former phrase
 22 “[n]otwithstanding any other provisions of this subtitle” is deleted as
 23 unnecessary in light of the organization of this revised article.

24 In subsection (c) of this section, the reference to selling alcoholic beverages “at
 25 retail” is added for clarity.

26 Defined terms: “Alcoholic beverage” § 1-101
 27 “Comptroller” § 1-101
 28 “County” § 19-101
 29 “License” § 1-101

30 **19-404. CLASS 7 MICRO-BREWERY LICENSE.**

31 **(A) APPLICATION OF SECTION.**

32 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
 33 **COUNTY.**

1 **(B) AUTHORIZED HOLDER.**

2 **NOTWITHSTANDING § 2-209(B) OF THIS ARTICLE, THE LICENSE MAY BE**
 3 **ISSUED ONLY TO THE HOLDER OF:**

4 **(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
 5 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY;**
 6 **OR**

7 **(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR**
 8 **USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE**
 9 **COUNTY.**

10 **(C) ENTERPRISE ZONES.**

11 **(1) THE COMPTROLLER MAY ISSUE TO A SINGLE APPLICANT ONE**
 12 **CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT**
 13 **NOT BOTH, FOR A LOCATION IN AN ENTERPRISE ZONE IN THE COUNTY, IF THE**
 14 **APPLICANT HOLDS NO MORE THAN THREE CLASS B BEER, WINE, AND LIQUOR**
 15 **LICENSES.**

16 **(2) THIS SUBSECTION DOES NOT LIMIT THE NUMBER OF CLASS 7**
 17 **MICRO-BREWERY LICENSES THAT THE COMPTROLLER MAY ISSUE IN THE COUNTY.**

18 **(D) HOURS AND DAYS OF SALE.**

19 **THE HOURS AND DAYS OF SALE UNDER A CLASS 7 MICRO-BREWERY LICENSE**
 20 **ARE THE SAME AS THOSE FOR A CLASS D BEER LICENSE.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, §§ 2-208(a), (b)(2)(x) and (3)(i) and (iii)3, and
 23 (f)(1)(iv) and, as it related to the availability of a Class 7 micro-brewery license
 24 in an enterprise zone, 12-104(e)(6).

25 In the introductory language of subsection (b) of this section, the qualification
 26 "[n]otwithstanding § 2-209(b) of this article" is added to reflect the availability
 27 of a Class 7 micro-brewery license to the holder of a Class D alcoholic
 28 beverages license in Dorchester County, even though the general rule, revised
 29 in § 2-209(b) of Division I of this article, allows only the holder of a Class B
 30 beer, wine, and liquor license to hold a Class 7 license.

31 Defined terms: "Comptroller" § 1-101

32 "County" § 19-101

33 "License" § 1-101

1 **SUBTITLE 5. WHOLESALER'S LICENSES.**

2 **19-501. APPLICATION OF GENERAL PROVISIONS.**

3 **TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS**
4 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

5 REVISOR'S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to the issuance of wholesaler's licenses.

7 Defined terms: "County" § 19-101
8 "Wholesaler's license" § 1-101

9 **19-502. HOURS AND DAYS OF SALE OR DELIVERY.**

10 **EXCEPT AS PROVIDED IN § 19-503 OF THIS SUBTITLE, A HOLDER OF A**
11 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
12 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
13 **SUNDAY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 11-102(a).

16 Defined terms: "Alcoholic beverage" § 1-101
17 "Wholesaler's license" § 1-101

18 **19-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

19 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

20 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
21 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
22 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
23 **RETURNS ON THE SAME DAY.**

24 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

25 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
26 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
27 **REQUIRED TO DISPENSE DRAFT BEER.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 11-102(b).

1 In subsection (a) of this section, the reference to a “per diem” license is
2 substituted for the former reference to a “special 1–day” license to conform to
3 the terminology used throughout this article.

4 Also in subsection (a) of this section, the reference to a per diem license issued
5 “under Subtitle 13 of this title” is substituted for the former reference to a
6 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
7 of material relating to per diem licenses in titles for each applicable
8 jurisdiction in this revision.

9 Also in subsection (a) of this section, the reference to delivery of beer on the
10 “effective date of the per diem license” is substituted for the former reference
11 to delivery on the “effective day of the license” for clarity.

12 Also in subsection (a) of this section, the former reference to accepting returns
13 on the same day “of delivery” is deleted as surplusage.

14 In subsection (b) of this section, the language that the “agreement entered into
15 under subsection (a) of this section shall include [the type of equipment to
16 dispense draft beer]” is substituted for the former language that the “parties
17 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

18 Defined terms: “Beer” § 1–101
19 “Wholesaler’s license” § 1–101

20 SUBTITLE 6. BEER LICENSES.

21 19–601. CLASS A BEER LICENSE.

22 (A) ESTABLISHED.

23 THERE IS A CLASS A BEER LICENSE.

24 (B) SCOPE OF AUTHORIZATION.

25 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
26 AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

27 (2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED
28 PACKAGE OR CONTAINER.

29 (3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
30 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

31 (C) FEE.

1 **THE ANNUAL LICENSE FEE IS \$200.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 3-101(k) and (a)(1).

4 In subsection (a) of this section, the former reference to a license being "issued
5 by the license issuing authority of the county in which the place of business is
6 located" is deleted as surplusage.

7 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
8 as implicit in the word "sell".

9 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
10 deleted as surplusage.

11 In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for
12 the former reference to "deliver[ing]" for clarity and accuracy.

13 Defined terms: "Beer" § 1-101
14 "Consumer" § 1-101

15 **19-602. CLASS B BEER LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS B BEER LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
20 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
21 **ON- AND OFF-PREMISES CONSUMPTION.**

22 **(C) FEE.**

23 **THE ANNUAL LICENSE FEE IS \$250.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 3-201(k) and (a)(1).

26 In subsection (a) of this section, the former reference to a license being "issued
27 by the license issuing authority of the county in which the place of business is
28 located" is deleted as surplusage.

1 In subsection (b) of this section, the reference to “on- and off-premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 Also in subsection (b) of this section, the former phrase “keep for sale” is
5 deleted as implicit in the word “sell”.

6 Defined terms: “Beer” § 1-101

7 “Hotel” § 1-101

8 “Restaurant” § 1-101

9 **19-603. CLASS C BEER LICENSE.**

10 (A) ESTABLISHED.

11 THERE IS A CLASS C BEER LICENSE.

12 (B) SCOPE OF AUTHORIZATION.

13 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL
14 TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE
15 LICENSE FOR ON-PREMISES CONSUMPTION.

16 (C) FEE.

17 THE ANNUAL LICENSE FEE IS \$250.

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 3-301(k) and (a)(1).

20 In subsection (a) of this section, the former reference to a license being “issued
21 by the local licensing authority of the county in which the place of business is
22 located” is deleted as surplusage.

23 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
24 implicit in the word “sell”.

25 Also in subsection (b) of this section, the former reference to “bona fide”
26 members is deleted as surplusage.

27 Defined terms: “Beer” § 1-101

28 “Club” § 1-101

29 **19-604. CLASS D BEER LICENSE.**

30 (A) ESTABLISHED.

1 **THERE IS A CLASS D BEER LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
4 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
5 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

6 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

7 **(C) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$250.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 3-401(k) and (a)(1).

11 In subsection (a) of this section, the former reference to a license being "issued
12 by the license issuing authority of the county in which the place of business is
13 located" is deleted as surplusage.

14 In subsection (b)(1) of this section, the reference to "on- and off-premises"
15 consumption is substituted for the former reference to consumption "on the
16 premises or elsewhere" for clarity.

17 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
18 deleted as implicit in the word "sell".

19 Defined term: "Beer" § 1-101

20 **SUBTITLE 7. WINE LICENSES.**

21 **19-701. CLASS A WINE LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY**
26 **LICENSE.**

27 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
2 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE**
3 **WINERY.**

4 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
5 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

6 **(D) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$50.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 4-201(a)(7), (b)(1), (c)(1), and (d)(1).

10 Throughout this section, the references to "wine" are substituted for the
11 former references to "light wine" to reflect that license holders in the County
12 may sell wine with an alcohol content of 22%, which is above the traditional
13 maximum level of 15.5% for light wine.

14 In subsection (b) of this section, the reference to a "Class 4 limited winery
15 license" is substituted for the former reference to a "Class 4 manufacturer's
16 license" to conform to the terminology used throughout this article.

17 Also in subsection (b) of this section, the former reference to a license being
18 issued "by the license issuing authority of the county in which the place of
19 business is located" is deleted as surplusage.

20 In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted
21 as implicit in the word "sell".

22 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
23 any consumer" is deleted as surplusage.

24 In subsection (c)(2) of this section, the reference to "sold" is substituted for the
25 former reference to "delivered" to conform to the terminology used throughout
26 this article.

27 Defined terms: "County" § 19-101

28 "Wine" § 1-101

29 **SUBTITLE 8. BEER AND WINE LICENSES.**

30 **19-801. CLASS A BEER AND WINE LICENSE.**

31 **(A) ESTABLISHED.**

1 **THERE IS A CLASS A BEER AND WINE LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
4 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

5 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
6 **SEALED PACKAGE OR CONTAINER.**

7 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
8 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
9 **SOLD.**

10 **(C) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$250.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 5–101(k) and (a)(1).

14 In this section and throughout this subtitle, the references to “wine” are
15 substituted for the former references to “light wine” to reflect that license
16 holders in the County may sell wine with an alcohol content of 22%, which is
17 above the traditional maximum level of 15.5% for light wine.

18 Subsection (a) of this section is revised in standard language used throughout
19 this article to establish a license.

20 In subsection (a) of this section and throughout this subtitle, the former
21 references to the license being “issued by the license issuing authority of the
22 county in which the place of business is located” are deleted as surplusage.

23 In subsection (b)(1) of this section and throughout this subtitle, the former
24 references to “keep[ing] for sale” are deleted as implicit in the references to
25 “sell[ing]”.

26 In subsection (b)(2) of this section, the word “sell” is substituted for the former
27 word “deliver” to conform to the terminology used throughout this article.

28 Defined terms: “Beer” § 1–101

29 “Wine” § 1–101

30 **19–802. CLASS B BEER AND WINE LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A CLASS B BEER AND WINE LICENSE.

3 (B) SCOPE OF AUTHORIZATION.

4 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
5 AND WINE AT A RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE
6 LICENSE, FOR ON-PREMISES CONSUMPTION.

7 (2) A LICENSE ISSUED ON OR BEFORE JUNE 30, 2008, FOR ON- AND
8 OFF-PREMISES CONSUMPTION, MAY BE RENEWED BUT MAY NOT BE TRANSFERRED.

9 (C) FEE.

10 THE ANNUAL LICENSE FEE IS \$300.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 5-201(k) and, except as it related to on- and
13 off-premises consumption, (a)(1).

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 In subsection (b) of this section, the former reference to issuing a license
17 "[w]ithout seating capacity restrictions" is deleted as surplusage.

18 In subsection (b)(2) of this section, the former reference to a license holder
19 "[c]ontinu[ing] to exercise all of the privileges of the license throughout the
20 term of the license" is deleted as surplusage.

21 Defined terms: "Beer" § 1-101

22 "Restaurant" § 1-101

23 "Wine" § 1-101

24 19-803. CLASS C BEER AND WINE LICENSE.

25 (A) ESTABLISHED.

26 THERE IS A CLASS C BEER AND WINE LICENSE.

27 (B) SCOPE OF AUTHORIZATION.

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
2 **A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE**
3 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

4 **(C) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$150.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 5-301(k) and (a)(1).

8 Subsection (a) of this section is revised in standard language used throughout
9 this article to establish a license.

10 In subsection (b) of this section, the former reference to consumption "only" on
11 the premises is deleted as surplusage.

12 Also in subsection (b) of this section, the former reference to a "bona fide"
13 member is deleted as surplusage.

14 Defined terms: "Beer" § 1-101

15 "Club" § 1-101

16 "Wine" § 1-101

17 **19-804. CLASS D BEER AND WINE LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS D BEER AND WINE LICENSE.**

20 **(B) SCOPE OF AUTHORIZATION.**

21 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
22 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
23 **OFF-PREMISES CONSUMPTION.**

24 **(C) DRUGSTORE PROHIBITION.**

25 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

26 **(D) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$275.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5-401(k) and (a)(1).

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (b) of this section, the reference to "on- and off-premises
6 consumption" is substituted for the former reference to "consumption on the
7 premises or elsewhere" for clarity.

8 Defined terms: "Beer" § 1-101

9 "Wine" § 1-101

10 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

11 **19-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

14 **(B) SCOPE OF AUTHORIZATION.**

15 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
16 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

17 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
18 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
19 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

20 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

21 **A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

22 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
23 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
24 **THE LICENSE;**

25 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
26 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
27 **APPLIED FOR; OR**

28 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
29 **LEAST 3 YEARS.**

1 **(D) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$2,500.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 6–101(k) and (a)(1) and (3).

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (b) of this section, references to “beer, wine, or liquor” are
8 substituted for the former references to “alcoholic beverages” for clarity.

9 In subsection (b)(1) of this section, the former phrase “in any quantity” is
10 deleted as surplusage.

11 Also in subsection (b)(1) of this section, the former reference to “keep[ing] for
12 sale” is deleted as included in the reference to “sell[ing]”.

13 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
14 of the application for the license” is substituted for the former phrase “that
15 length of time” for clarity.

16 In subsection (c)(3) of this section, the former reference to “actually” engaged
17 is deleted as surplusage.

18 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
19 deleted as surplusage.

20 Defined terms: “Beer” § 1–101
21 “Wine” § 1–101

22 **19–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT, MOTEL, OR**
27 **HOTEL THAT HAS A FACILITY:**

28 **(1) FOR SERVING FULL–COURSE MEALS AT LEAST TWICE DAILY; AND**

1 **(2) WITH SEATING AT TABLES FOR AT LEAST 50 INDIVIDUALS, NOT**
2 **INCLUDING SEATS AT BARS OR COUNTERS.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
5 **LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
6 **CONSUMPTION.**

7 **(D) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$1,000.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 6–201(k)(2) and (3) and, as it related to the
11 existence of a Class B license, (a)(1).

12 Subsection (a) of this section is standard language used throughout this article
13 to establish a license.

14 In the introductory language of subsection (b) of this section, the former
15 reference to a “restaurant” facility is deleted as surplusage.

16 In subsection (b)(2) of this section, the reference to “for at least 50 individuals”
17 is substituted for the former reference to “for 50 or more persons” to conform
18 to the style used throughout this revised article and because this subsection
19 refers only to human beings.

20 Also in subsection (b)(2) of this section, the former reference to seating
21 “capacity” is deleted as surplusage.

22 In subsection (c) of this section, the reference to “authorizes” is substituted for
23 the former reference to “provides for” for accuracy.

24 Former Art. 2B, § 6–201(k)(1), which stated that former Art. 2B, § 6–201(k)
25 applied only in Dorchester County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Beer” § 1–101

28 “Board” § 19–101

29 “Hotel” § 1–101

30 “Wine” § 1–101

31 **19–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE COUNTY COUNCIL MAY ISSUE THE LICENSE FOR USE BY:**

5 **(1) A YACHT CLUB AND COUNTRY AND GOLF CLUB THAT:**

6 **(I) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS BEFORE**
7 **FILING THE APPLICATION FOR THE LICENSE;**

8 **(II) HAS AT LEAST 250 MEMBERS PAYING DUES OF AT LEAST \$10**
9 **PER YEAR PER ADULT MEMBER;**

10 **(III) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON**
11 **THE PREMISES TO MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

12 **(IV) OWNS OR OPERATES A CLUBHOUSE THAT IS ON THE**
13 **PREMISES AND PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS;**

14 **(2) A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR**
15 **CLUB COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE**
16 **UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED THAT:**

17 **(I) HAS A CHARTER FROM A NATIONAL VETERANS'**
18 **ORGANIZATION THAT WAS GRANTED AT LEAST 5 YEARS BEFORE THE APPLICATION**
19 **FOR THE LICENSE WAS MADE;**

20 **(II) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$5**
21 **PER YEAR PER MEMBER;**

22 **(III) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND**
23 **GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

24 **(IV) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS**
25 **MEMBERS AND GUESTS;**

26 **(3) A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE**
27 **FRATERNAL ORGANIZATION THAT:**

28 **(I) IS COMPOSED OF INDUCTED MEMBERS;**

1 **(II) HAS BEEN OPERATING IN THE COUNTY FOR AT LEAST 5**
2 **YEARS BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

3 **(III) HAS AT LEAST 125 MEMBERS PAYING DUES OF AT LEAST \$5**
4 **PER YEAR PER MEMBER; AND**

5 **(IV) OWNS OR OPERATES A HOME OR CLUBHOUSE PRINCIPALLY**
6 **FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; OR**

7 **(4) THE NONPROFIT ORGANIZATION, SAILWINDS OF CAMBRIDGE,**
8 **INC., SO LONG AS AN INDIVIDUAL OR GROUP OF INDIVIDUALS DOES NOT DERIVE**
9 **PERSONAL PROFITS FROM THE OPERATION OF THE ORGANIZATION.**

10 **(C) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
12 **LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES**
13 **CONSUMPTION.**

14 **(D) WRISTBANDS DISTRIBUTED AT SAILWINDS.**

15 **WHEN ALCOHOLIC BEVERAGES ARE SERVED AT AN EVENT OPEN TO THE**
16 **PUBLIC AT SAILWINDS OF CAMBRIDGE, INC., THE LICENSE HOLDER:**

17 **(1) MAY DISTRIBUTE A WRISTBAND AT THE EVENT TO EACH**
18 **INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

19 **(2) IF WRISTBANDS ARE DISTRIBUTED AT THE EVENT, MAY NOT**
20 **SERVE AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL WHO IS NOT WEARING A**
21 **WRISTBAND.**

22 **(E) FEE.**

23 **(1) THE ANNUAL LICENSE FEE IS \$1,000.**

24 **(2) THE COUNTY COUNCIL SHALL REMIT THE LICENSE FEE:**

25 **(I) IF THE LICENSED PREMISES IS IN A MUNICIPALITY, TO THE**
26 **GOVERNING BODY OF THE MUNICIPALITY; OR**

27 **(II) IF THE LICENSED PREMISES IS NOT IN A MUNICIPALITY, TO**
28 **THE FINANCE DEPARTMENT OF THE COUNTY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6–301(a)(1) and (k)(2) through (8).

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (b) of this section, the former references to a “bona fide” yacht
6 club and golf and country club, a “bona fide” nonprofit organization or club, a
7 “bona fide” nonprofit and nationwide fraternal organization, and “bona fide”
8 members are deleted as surplusage.

9 In the introductory language of subsection (b) of this section, the reference to
10 the County Council “issu[ing]” a license to an organization is substituted for
11 the former reference to an organization “obtain[ing]” a license from the County
12 Council to conform to the terminology used throughout this article.

13 Also in the introductory language of subsection (b) of this section, the former
14 phrase “[u]pon payment of the license fee,” is deleted as redundant of § 4–111
15 of this article.

16 In subsection (b)(1)(iv) and (2)(iv) of this section, the phrase “for its members
17 and guests” is substituted for the former phrase “for no other purpose” for
18 clarity.

19 In subsection (b)(1)(iv) of this section, the former phrase “and not directly or
20 indirectly owned or operated as a public business” is deleted as implicit in the
21 defined term “club”.

22 In subsection (b)(2)(i) of this section, the reference to a charter “that was
23 granted” before the license application was made is added for clarity.

24 In subsection (b)(3) of this section, the former requirement that a lodge or
25 chapter “not [be] directly or indirectly owned or operated as a public business”
26 is deleted as unnecessary because the lodge or chapter is part of a nonprofit
27 organization.

28 In subsection (b)(3)(i) of this section, the reference to “inducted” members is
29 substituted for the former reference to members “duly elected and initiated in
30 accordance with the rites and customs of the fraternal organization” for
31 brevity.

32 In subsection (b)(3)(ii) of this section, the former phrase “in existence” is
33 deleted as implicit in the reference to “operating”.

34 In subsection (b)(4) of this section, the former reference to a license “renew[al]”
35 is deleted as surplusage.

1 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
2 substituted for the former reference to “all alcoholic beverages” for clarity.

3 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
4 is deleted as implicit in the reference to “sell[ing]”.

5 Also in subsection (c) of this section, the former reference to selling “at retail”
6 is deleted as unnecessary in light of the phrase “for on-premises
7 consumption”.

8 Also in subsection (c) of this section, the former reference to consumption
9 “only” on the licensed premises is deleted as surplusage.

10 In subsection (e)(2) of this section, the reference to “remit[ting]” is substituted
11 for the former reference to “pay[ing]” for clarity.

12 Also in subsection (e)(2) of this section, the references to a “municipality” are
13 substituted for the former references to “the corporate limits of any city or
14 town” and “that city or town” to conform to the terminology used throughout
15 this article.

16 Also in subsection (e)(2) of this section, the references to the “licensed
17 premises” are substituted for the former reference to the “organization” for
18 clarity.

19 In subsection (e)(2)(i) of this section, the reference to the “governing body” of
20 a municipality is substituted for the former reference to the “mayor and city
21 council” in order to cover all forms of municipal government.

22 Former Art. 2B, § 6–301(k)(1), which stated that former Art. 2B, § 6–301(k)
23 applied only in Dorchester County, is deleted as unnecessary in light of the
24 organization of this revised article.

25 Defined terms: “Alcoholic beverage” § 1–101

26 “Beer” § 1–101

27 “Club” § 1–101

28 “Wine” § 1–101

29 **19–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

32 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
2 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
3 **CONSUMPTION.**

4 **(C) BOARD MAY DETERMINE NUMBER OF LICENSES.**

5 **IN ACCORDANCE WITH § 4–202 OF THIS ARTICLE, THE BOARD MAY LIMIT THE**
6 **NUMBER OF CLASS D BEER, WINE, AND LIQUOR LICENSES TO BE ISSUED.**

7 **(D) DRUGSTORE PROHIBITION.**

8 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

9 **(E) REGULATIONS.**

10 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

11 **(F) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$1,500.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 6–401(k)(2) through (5), (7), and (8)(ii) and the
15 second and third sentences of (a)(1).

16 Subsection (a) of this section is revised in standard language used throughout
17 this article to establish a license.

18 In subsection (b) of this section, the phrase “at the place described in the
19 license” is substituted for the former phrase “at the place described in it” for
20 clarity.

21 In subsection (c) of this section, the reference to “limit[ing]” is substituted for
22 the former reference to “decid[ing]” for clarity.

23 Also in subsection (c) of this section, the former reference to “only” the Board
24 is deleted as unnecessary.

25 Former Art. 2B, § 6–401(k)(1), which stated that former Art. 2B, § 6–401(k)
26 applied only in Dorchester County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Former Art. 2B, § 6–401(k)(8)(i), which stated that the Board shall determine
29 whether the premises for which a Class D license is issued meets the

1 requirements of former Art. 2B, § 9–210, which prohibited a licensed
2 establishment within a certain distance from a school or place of worship, is
3 deleted as unnecessary because it merely restated common practice.

4 Defined terms: “Beer” § 1–101

5 “Board” § 19–101

6 “License” § 1–101

7 “Wine” § 1–101

8 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

9 **19–1001. RESERVED.**

10 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

11 **19–1101. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
14 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
15 **EXCEPTION OR VARIATION:**

16 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
17 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

18 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
19 **FROM LICENSED PREMISES”).**

20 **(B) EXCEPTION.**

21 **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
22 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

23 **(C) VARIATION.**

24 **SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
25 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 19–1102 OF**
26 **THIS SUBTITLE.**

27 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
28 general provisions relating to additional privileges of license holders.

29 Defined terms: “Beer” § 1–101

1 "County" § 19-101
2 "License" § 1-101
3 "License holder" § 1-101
4 "Wine" § 1-101

5 **19-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

6 **(A) AUTHORIZED PERMIT HOLDER.**

7 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
8 **TO A HOLDER OF:**

9 **(1) A CLASS B BEER LICENSE;**

10 **(2) A CLASS B BEER AND WINE LICENSE;**

11 **(3) A CLASS B BEER, WINE, AND LIQUOR LICENSE;**

12 **(4) A CLASS D BEER LICENSE;**

13 **(5) A CLASS D BEER AND WINE LICENSE; OR**

14 **(6) A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

15 **(B) APPLICATION FORM.**

16 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
17 **BOARD PROVIDES.**

18 **(C) HOURS OF SALE.**

19 **THE HOURS OF SALE FOR THE PERMIT:**

20 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
21 **LICENSE; AND**

22 **(2) END AT MIDNIGHT.**

23 **(D) SHELVING FOR BEER RESTRICTED.**

24 **IN AN AREA OF THE LICENSED PREMISES THAT IS ACCESSIBLE TO THE PUBLIC,**
25 **THE PERMIT HOLDER MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER FOR**
26 **OFF-PREMISES CONSUMPTION.**

1 **(E) REGULATIONS.**

2 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION,**
 3 **INCLUDING LIMITING THE NUMBER OF REFILLABLE CONTAINER PERMITS THAT MAY**
 4 **BE ISSUED IN THE COUNTY.**

5 **(F) FEES.**

6 **THE ANNUAL PERMIT FEES ARE:**

7 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
 8 **PRIVILEGE; AND**

9 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
 10 **OFF-SALE PRIVILEGE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 8-210(d), (f), (h), (k), and (m).

13 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

14 Also in subsection (a) of this section, the former reference to an "alcoholic
 15 beverages license" is deleted as surplusage.

16 In subsection (c)(1) of this section, the reference to the "underlying license" is
 17 substituted for the former reference to the "license already held by the person
 18 to whom the refillable container license is issued" for brevity.

19 Former Art. 2B, § 8-210(a), which defined "Board" to mean the Board of
 20 License Commissioners of Dorchester County, is deleted as redundant of the
 21 defined term "Board" in § 19-101 of this title.

22 Former Art. 2B, § 8-210(b), which stated that former Art. 2B, § 8-210 applied
 23 only in Dorchester County, is deleted as unnecessary in light of the
 24 organization of this revised article.

25 Former Art. 2B, § 8-210(c), (e), (g), (i), (j), and (l) are deleted as unnecessary
 26 because they merely repeated provisions concerning refillable container
 27 permits that appear in § 4-1104 of this article.

28 Defined terms: "Beer" § 1-101

29 "Board" § 19-101

30 "License" § 1-101

31 "Off-sale" § 1-101

1 **(E) FOOD AND WRISTBAND REQUIREMENTS.**

2 **THE LICENSE HOLDER:**

3 **(1) SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED**
4 **EVENT; AND**

5 **(2) WHEN CATERING A PUBLIC EVENT:**

6 **(I) SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL AT**
7 **THE CATERED EVENT WHO IS AT LEAST 21 YEARS OLD; AND**

8 **(II) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO AN**
9 **INDIVIDUAL WHO IS NOT WEARING THE WRISTBAND.**

10 **(F) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$150.**

12 **(G) EFFECT OF SECTION.**

13 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
14 **HOTEL (ON-SALE) BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE**
15 **TO OBTAIN A CLASS B CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR**
16 **WHICH THE CLASS B RESTAURANT OR HOTEL LICENSE IS ISSUED.**

17 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
18 expressly what was only implied in the former law, that a Class B caterer's
19 license exists in Dorchester County.

20 Subsections (b) through (g) of this section are new language derived without
21 substantive change from former Art. 2B, § 6-713(b) through (g).

22 In subsections (b)(1)(i), (c)(1)(i), and (g) of this section, the references to "wine"
23 are substituted for the former references to "light wine" to reflect that license
24 holders in the County may sell wine with an alcohol content of not more than
25 22%, which is above the traditional maximum level of 15.5% for light wine.

26 In subsection (b)(2) of this section, the former reference to publishing an
27 application "for a Class B caterer's license" before issuing the license is deleted
28 as surplusage.

29 In subsection (c)(1)(i) of this section, the reference to "beer and wine" is
30 substituted for the former reference to "alcoholic beverages" for clarity.

1 In subsection (c)(1)(ii) of this section, the reference to “beer, wine, and liquor”
2 is substituted for the former reference to “alcoholic beverages” for clarity.

3 In subsection (c)(2) of this section, the reference to the “holder’s Class B
4 license” is substituted for the former reference to the “holder’s Class B beer
5 and light wine license or Class B beer, wine and liquor license” for brevity.

6 In subsection (e)(1) of this section, the former reference to providing food “as
7 well as alcoholic beverages” is deleted as unnecessary in light of subsection
8 (c)(1) of this section.

9 In subsection (g) of this section, the reference to the premises for the “Class B
10 restaurant or hotel” license is substituted for the former reference to the
11 premises for the “holder’s” license for clarity.

12 Former Art. 2B, § 6–713(a), which stated that former Art. 2B, § 6–713 applied
13 only in Dorchester County, is deleted as unnecessary in light of the
14 organization of this revised article.

15 Defined terms: “Alcoholic beverage” § 1–101

16 “Beer” § 1–101

17 “Board” § 19–101

18 “County” § 19–101

19 “Hotel” § 1–101

20 “On-sale” § 1–101

21 “Person” § 1–101

22 “Restaurant” § 1–101

23 “Wine” § 1–101

24 **SUBTITLE 13. TEMPORARY LICENSES.**

25 **PART I. IN GENERAL.**

26 **19–1301. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

28 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
29 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
30 **EXCEPTION OR VARIATION:**

31 **(1) § 4–1202 (“PER DIEM LICENSES”);**

32 **(2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

1 **(3) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

2 **(4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**

3 **(5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

4 **(B) EXCEPTIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
6 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

7 **(1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
8 **AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 19-1309 OF THIS SUBTITLE;**

9 **(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
10 **LICENSE”), WHICH IS SUPERSEDED BY § 19-1310 OF THIS SUBTITLE; AND**

11 **(3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY §§**
12 **19-1309 AND 19-1310 OF THIS SUBTITLE.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 the general provisions relating to local temporary licenses.

15 Defined term: “County” § 19-101

16 **19-1302. RESERVED.**

17 **19-1303. RESERVED.**

18 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

19 **19-1304. BEER AND WINE FESTIVAL LICENSE.**

20 **(A) “FESTIVAL” DEFINED.**

21 **IN THIS SECTION, “FESTIVAL” MEANS THE DORCHESTER COUNTY BEER AND**
22 **WINE FESTIVAL.**

23 **(B) ESTABLISHED.**

24 **THERE IS A DORCHESTER COUNTY BEER AND WINE FESTIVAL (DBWF)**
25 **LICENSE.**

26 **(C) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
2 **CLASS 3 WINERY LICENSE, CLASS 4 LIMITED WINERY LICENSE, CLASS 6**
3 **PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM**
4 **BREWERY LICENSE.**

5 **(D) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:**

7 **(1) WINE THAT IS:**

8 **(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

9 **(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE**
10 **APPLICATION IS FILED; AND**

11 **(2) BEER THAT IS BREWED BY A BREWER:**

12 **(I) THAT BREWS LESS THAN 40,000 BARRELS OF BEER**
13 **ANNUALLY; AND**

14 **(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE**
15 **LICENSE APPLICATION IS FILED.**

16 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

17 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:**

18 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

19 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

20 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

21 **THE BOARD:**

22 **(1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY**
23 **INCLUSIVE, FOR THE FESTIVAL;**

24 **(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;**
25 **AND**

1 **(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
2 **THE PROMOTION OF MARYLAND BEER AND WINE.**

3 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

4 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
5 **OR NATURE.**

6 **(H) INVOICING AND DELIVERY.**

7 **BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

8 **(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3**
9 **WINERY, OR CLASS 4 LIMITED WINERY; AND**

10 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
11 **THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

12 **(I) DELIVERY AGREEMENT.**

13 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
14 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

15 **(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
16 **EFFECTIVE DATE OF THE LICENSE; AND**

17 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
18 **EXPIRATION DATE OF THE LICENSE.**

19 **(J) FEE.**

20 **THE BOARD MAY SET THE LICENSE FEE.**

21 **(K) REGULATIONS.**

22 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

23 **REVISOR'S NOTE:** This section is new language derived without substantive
24 change from former Art. 2B, § 8-307(c) through (i) and (b)(1) and (3).

25 Throughout this section, the former references to a "special" license are
26 deleted as surplusage.

1 Subsection (b) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In subsection (c) of this section, the reference to a “retail” license is substituted
4 for the former reference to an “existing State retail alcoholic beverages license
5 ... issued under this article” for brevity.

6 Also in subsection (c) of this section, the former phrase “[n]otwithstanding any
7 other provision of this article,” is deleted as unnecessary in light of the
8 organization of this revised article.

9 In the introductory language of subsection (d) of this section, the reference to
10 the “license authoriz[ing] the holder” to display and sell is substituted for the
11 former reference to the requirement that the “licensee shall” display and sell
12 for clarity and consistency with terminology used throughout this article.

13 In subsection (d) of this section, the former requirement that wine must be
14 “[p]rice filed in accordance with regulations adopted by the Comptroller” is
15 deleted as obsolete. *See* General Revisor’s Note to Division II.

16 In subsection (f)(2) of this section, the reference to a location that is not
17 “already licensed” is substituted for the former reference to a location that is
18 not “licensed under this article” for consistency with terminology used
19 throughout this article.

20 Also in subsection (f)(2) of this section, the former phrase “for this Festival” is
21 deleted as surplusage.

22 Also in subsection (f)(2) of this section, the former reference to a location “in
23 the county” is deleted as surplusage.

24 In subsection (g) of this section, the reference to a license holder who “may
25 hold” another license is substituted for the former statement that “[t]his
26 section does not prohibit the holder ... from holding” another license for
27 clarity.

28 In the introductory language of subsection (h) of this section, the reference to
29 “[b]eer and wine” is substituted for the former reference to “[p]roducts” for
30 clarity.

31 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
32 winery, or Class 4 limited winery” is substituted for the former reference to a
33 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
34 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
35 or Class 4 limited winery” is substituted for the former reference to the
36 “wholesaler, winery, or limited winery” and in the introductory language of
37 subsection (i) of this section, the reference to a “holder of a wholesale, Class 3

1 winery, or Class 4 limited winery license” is substituted for the former
2 reference to “holders of wholesale, winery, or limited winery licenses”.

3 In the introductory language of subsection (i) of this section, the former phrase
4 “[w]henver a special festival license is issued under this section,” is deleted
5 as surplusage.

6 In subsection (i)(1) of this section, the reference to the delivery of beer and
7 wine “not earlier than” 2 days before the effective date is added for clarity.
8 Similarly, in subsection (i)(2) of this section, the reference to the acceptance of
9 returns “not later than” 2 days after the expiration date is added.

10 Former Art. 2B, § 8–307(a), which stated that former Art. 2B, § 8–307 applied
11 only in Dorchester County, is deleted as unnecessary in light of the
12 organization of this revised article.

13 Former Art. 2B, § 8–307(b)(2), which defined “Board” to mean the Dorchester
14 County Board of License Commissioners, is deleted as redundant in light of
15 the defined term “Board” in § 19–101 of this title.

16 Defined terms: “Beer” § 1–101

17 “Board” § 19–101

18 “State” § 1–101

19 “Wholesaler” § 1–101

20 “Wine” § 1–101

21 **19–1305. WINE TASTING LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A 1–DAY WINE TASTING (WT) LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A WINE (W)**
26 **LICENSE, BEER AND WINE (BW) LICENSE, OR BEER, WINE, AND LIQUOR (BWL)**
27 **LICENSE.**

28 **(C) SCOPE OF AUTHORIZATION.**

29 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF**
30 **WINE FOR TASTING IF:**

31 **(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE WINE; AND**

1 **(2) THE CONSUMER IS NOT CHARGED FOR THE WINE.**

2 **(D) PUBLICATION OF APPLICATION NOT REQUIRED.**

3 **THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION FOR A**
4 **WT LICENSE BEFORE ISSUING THE LICENSE.**

5 **(E) LIMIT ON SERVINGS.**

6 **AN INDIVIDUAL MAY CONSUME WINE COVERED BY THE LICENSE IN A**
7 **QUANTITY OF NOT MORE THAN:**

8 **(1) 1 OUNCE FROM EACH OFFERING; AND**

9 **(2) 4 OUNCES FROM ALL OFFERINGS IN A DAY.**

10 **(F) FEE.**

11 **THE LICENSE FEE IS \$25 PER DAY.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 8-405.1(b) through (f).

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 Also in subsection (a) of this section, the former reference to "alcoholic
17 beverages" is deleted in light of the reference to "wine" in accordance with the
18 scope of this section.

19 In the introductory language of subsection (c) of this section, the reference to
20 the license authorizing "the holder to allow" the consumption of wine is added
21 for clarity and consistency with terminology used throughout this article.

22 Also in the introductory language of subsection (c) of this section, the former
23 reference to "sampling" is deleted as included in the reference to "tasting".

24 In subsection (c)(2) of this section, the former reference to consideration not
25 being "exacted" is deleted as unnecessary in light of the reference to the
26 consumer not being "charged".

27 In the introductory language of subsection (e) of this section, the reference to
28 an "individual" is substituted for the former, overly broad reference to a
29 "person" for clarity.

1 In subsection (e) of this section, the references to “each offering” and “all
2 offerings” are substituted for the former references to “a single brand” and “all
3 brands” for consistency with terminology used throughout the article.

4 Former Art. 2B, § 8–405.1(a), which stated that former Art. 2B, § 8–405.1
5 applied only in Dorchester County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Defined terms: “Board” § 19–101

8 “Consumer” § 1–101

9 “License” § 1–101

10 “License holder” § 1–101

11 “Wine” § 1–101

12 **19–1306. BEER AND WINE TASTING LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
17 **MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS**
18 **OF BEER OR WINE.**

19 **(2) THE HOLDER OF A CLASS A BEER LICENSE MAY USE THE LICENSE**
20 **TO HOLD TASTINGS OF BEER ONLY.**

21 **(C) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF**
23 **BEER OR WINE FOR TASTING IF:**

24 **(1) THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE; AND**

25 **(2) THE BEER OR WINE IS CONSUMED ON THE PREMISES OF THE**
26 **HOLDER OF THE CLASS A LICENSE.**

27 **(D) APPLICATION PROCESS.**

28 **(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD**
29 **AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

1 **(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE**
2 **APPLICATION BEFORE ISSUING THE LICENSE.**

3 **(3) THE BOARD MAY ISSUE THE LICENSE WITHOUT A PUBLIC**
4 **HEARING.**

5 **(4) IF AN INITIAL LICENSE APPLICATION IS DENIED:**

6 **(I) THE APPLICANT MAY RESUBMIT THE APPLICATION; AND**

7 **(II) ON REQUEST FROM THE APPLICANT, THE BOARD SHALL**
8 **HOLD A PUBLIC HEARING ON THE LICENSE APPLICATION BEFORE DETERMINING**
9 **WHETHER TO ISSUE THE LICENSE.**

10 **(5) THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT**
11 **LEAST 7 DAYS BEFORE THE EVENT AT WHICH THE LICENSE IS TO BE USED.**

12 **(6) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE HOLDER'S**
13 **CLASS A LICENSE IS RENEWED.**

14 **(E) LIMIT ON SERVINGS.**

15 **AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A**
16 **QUANTITY OF NOT MORE THAN:**

17 **(1) (I) 3 OUNCES FROM EACH OFFERING OF BEER; AND**

18 **(II) 8 OUNCES FROM ALL OFFERINGS OF BEER IN 1 DAY; AND**

19 **(2) (I) 1 OUNCE FROM EACH OFFERING OF WINE; AND**

20 **(II) 4 OUNCES FROM ALL OFFERINGS OF WINE IN 1 DAY.**

21 **(F) DISPOSAL OF REMAINING BEER OR WINE.**

22 **AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE**
23 **HOLDER SHALL PROPERLY DISPOSE OF BEER OR WINE THAT REMAINS IN A**
24 **CONTAINER THAT WAS OPENED FOR TASTING.**

25 **(G) FEE.**

26 **THE LICENSE FEE IS:**

1 **(1) \$150 FOR NOT MORE THAN 15 BEER OR WINE TASTINGS PER YEAR;**
2 **OR**

3 **(2) \$250 FOR NOT MORE THAN 30 BEER OR WINE TASTINGS PER YEAR.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 8-405.2(b) through (h).

6 Throughout this section, the former references to "sampling" or "samplings"
7 are deleted as redundant of the references to "tasting" or "tastings".

8 Subsection (a) of this section is revised in standard language used throughout
9 this article to establish a license.

10 In the introductory language of subsection (c) of this section, the reference to
11 the license authorizing "the holder to allow" the consumption of beer or wine
12 is added for clarity and consistency with terminology used throughout this
13 article.

14 In subsections (c) and (f) and in the introductory language of subsection (e) of
15 this section, the references to "beer or wine" are substituted for the former
16 references to the broader term "alcoholic beverages" in accordance with the
17 scope of this section.

18 In the introductory language of subsection (e) of this section, the reference to
19 an "individual" is substituted for the former, overly broad reference to a
20 "person" for clarity.

21 In subsection (e) of this section, the references to "each offering" and "all
22 offerings" are substituted for the former references to "a single brand" and "all
23 brands" for consistency with terminology used throughout this article.

24 Former Art. 2B, § 8-405.2(a), which stated that former Art. 2B, § 8-405.2
25 applied only in Dorchester County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: "Beer" § 1-101

28 "Board" § 19-101

29 "Consumer" § 1-101

30 "Wine" § 1-101

31 **19-1307. RESERVED.**

32 **19-1308. RESERVED.**

33 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

1 **19-1309. CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
2 **LICENSES.**

3 **(A) ESTABLISHED.**

4 **THERE IS A CLASS C PER DIEM BEER AND A CLASS C PER DIEM BEER AND**
5 **WINE LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **A HOLDER OF A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM**
8 **BEER AND WINE LICENSE:**

9 **(1) MAY CATER AN EVENT AT THE PLACE DESCRIBED IN THE LICENSE**
10 **ON THE EFFECTIVE DAYS OF THE LICENSE;**

11 **(2) SHALL DISTRIBUTE AT THE EVENT FOR WHICH THE LICENSE IS**
12 **ISSUED A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

13 **(3) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO ANY INDIVIDUAL**
14 **WHO DOES NOT WEAR THE WRISTBAND.**

15 **(C) FEE.**

16 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR CLASS C PER DIEM BEER**
17 **AND WINE LICENSE IS \$15 PER DAY.**

18 **(D) PENALTY.**

19 **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:**

20 **(1) FOR A FIRST OFFENSE, A FINE OF \$50; AND**

21 **(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 AND**
22 **DENIAL OF SUBSEQUENT REQUESTS FOR A LICENSE FOR CATERING ADDITIONAL**
23 **EVENTS.**

24 **REVISOR'S NOTE:** Subsection (a) of this section is standard language added to
25 **establish licenses.**

26 Subsections (b) through (d) of this section are new language derived without
27 **substantive change from former Art. 2B, § 7-101(b)(6).**

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Person” § 1–101

3 **19–1310. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE:**

8 **(1) MAY CATER AN EVENT AT THE PLACE DESCRIBED IN THE LICENSE**
9 **ON THE EFFECTIVE DAYS OF THE LICENSE;**

10 **(2) SHALL DISTRIBUTE AT THE EVENT FOR WHICH THE LICENSE IS**
11 **ISSUED A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

12 **(3) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO ANY INDIVIDUAL**
13 **WHO DOES NOT WEAR THE WRISTBAND.**

14 **(C) FEE.**

15 **THE FEE FOR THE LICENSE IS \$25 PER DAY.**

16 **(D) PENALTY.**

17 **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:**

18 **(1) FOR A FIRST OFFENSE, A FINE OF \$50; AND**

19 **(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$500 AND**
20 **DENIAL OF SUBSEQUENT REQUESTS FOR A LICENSE FOR CATERING ADDITIONAL**
21 **EVENTS.**

22 REVISOR’S NOTE: Subsection (a) of this section is standard language added to
23 establish licenses.

24 Subsections (b) through (d) of this section are new language derived without
25 substantive change from former Art. 2B, § 7–101(d)(8).

26 In subsection (d)(2) of this section, the reference to “subsequent requests” is
27 substituted for the former reference to “further” requests for clarity.

1 Defined terms: "Alcoholic beverage" § 1-101
 2 "License" § 1-101

3 **19-1311. CLUB LICENSE.**

4 **(A) ESTABLISHED.**

5 **THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY CLASS THAT ENTITLES**
 6 **THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THAT CLASS AT**
 7 **AN EVENT HELD BY A CLUB.**

8 **(B) SCOPE OF AUTHORIZATION.**

9 **THE LICENSE AUTHORIZES THE HOLDER TO CATER AN EVENT AT THE PLACE**
 10 **DESCRIBED IN THE LICENSE ON THE DAYS THAT THE LICENSE IS IN EFFECT.**

11 **(C) PUBLICATION OF APPLICATION NOT REQUIRED.**

12 **THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION**
 13 **UNDER THIS SECTION AS A PREREQUISITE TO THE ISSUING OF THE LICENSE.**

14 **(D) FORM OF APPLICATION.**

15 **AN APPLICATION FOR THE LICENSE SHALL BE:**

16 **(1) COMPLETED ON A FORM THAT THE BOARD PROVIDES;**

17 **(2) SIGNED BY THE APPLICANT; AND**

18 **(3) NOTARIZED.**

19 **(E) FEES.**

20 **THE FEE IS:**

21 **(1) \$15 PER DAY FOR A BEER LICENSE OR BEER AND WINE LICENSE;**

22 **OR**

23 **(2) \$25 PER DAY FOR A BEER, WINE, AND LIQUOR LICENSE.**

24 **REVISOR'S NOTE:** This section is new language derived without substantive
 25 change from former Art. 2B, § 7-101(n)(2) through (4), (6), and (7).

1 In subsection (a) of this section, the former reference to “except for any license
2 issued by the Comptroller” is deleted as unnecessary in light of the division of
3 authority between the Board and the Comptroller.

4 Also in subsection (a) of this section, the former reference to a club being “not
5 for profit” is deleted as included in the definition of “club”.

6 Also in subsection (a) of this section, the former reference to a “society,
7 association, or organization” is deleted as included in the definition of “club”.

8 In subsection (b) of this section, the former reference to a license “under this
9 subsection” is deleted as surplusage.

10 Former Art. 2B, § 7–101(n)(1), which stated that former Art. 2B, §
11 7–101(n) applied only in Dorchester County, is deleted as unnecessary in light
12 of the revised organization of this article.

13 Former Art. 2B, § 7–101(n)(5), which required that the license fee be paid to
14 the Board before the license is issued, is deleted because it simply restates the
15 routine practice of the Board.

16 Defined terms: “Board” § 19–101

17 “Club” § 1–101

18 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

19 **19–1401. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
22 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
23 **WITHOUT EXCEPTION OR VARIATION:**

24 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
25 **BOARD”);**

26 **(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

27 **(3) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**

28 **(4) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
29 **COMPANY”);**

30 **(5) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

- 1 **(6) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
 2 **(7) § 4–111 (“PAYMENT OF LICENSE FEES”);**
 3 **(8) § 4–112 (“DISPOSITION OF LICENSE FEES”);**
 4 **(9) § 4–113 (“REFUND OF LICENSE FEES”); AND**
 5 **(10) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

6 **(B) EXCEPTION.**

7 **SECTION 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF**
 8 **SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

9 **(C) VARIATIONS.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
 11 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

12 **(1) § 4–107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
 13 **19–1403 THROUGH 19–1407 OF THIS SUBTITLE; AND**

14 **(2) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN**
 15 **GENERAL”), SUBJECT TO § 19–1402 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
 17 incorporate by reference general provisions relating to applications for local
 18 licenses.

19 Subsection (b) of this section is new language derived without substantive
 20 change from former Art. 2B, § 10–103(b)(18)(iii), as it related to Dorchester
 21 County.

22 Defined term: “County” § 19–101

23 **19–1402. 1–YEAR RESIDENCY REQUIREMENT.**

24 **AN APPLICANT SHALL BE A RESIDENT OF THE COUNTY FOR 1 YEAR BEFORE**
 25 **APPLYING FOR A LICENSE.**

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 10–103(b)(4)(iii).

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that the requirement that an applicant be a resident
3 of the County for 1 year before applying for the license may violate the equal
4 protection guarantees of the Fourteenth Amendment to the United States
5 Constitution and Article 24 of the Maryland Declaration of Rights. Maryland
6 courts look unfavorably on legislation that classify persons by geography,
7 which may be accomplished by residency or registration requirements, if the
8 primary purpose of the legislation is economic. *See Verzi v. Baltimore County*,
9 333 Md. 411 (1994).

10 Defined terms: "County" § 19-101
11 "License" § 1-101

12 **19-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

13 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
14 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10-103(b)(13)(vi)2A and, as it related to
17 Dorchester County, 1.

18 Defined terms: "Board" § 19-101
19 "Central Repository" § 1-101
20 "License" § 1-101

21 **19-1404. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED**
22 **ENVELOPE.**

23 **THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A**
24 **SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR**
25 **CLERKS.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10-103(b)(13)(vi)4.

28 The reference to "criminal history record information" is substituted for the
29 former reference to "criminal records" to conform to the terminology used in
30 CP § 10-201.

31 The former phrase "[e]xcept as provided in subparagraph 6 of this
32 subparagraph" is deleted as unnecessary in light of the organization of this
33 revised article.

34 Defined term: "Board" § 19-101

1 **19-1405. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE**
2 **RECORDS CHECK.**

3 **THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY**
4 **NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF**
5 **INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK**
6 **BY THE DATE OF THE SCHEDULED HEARING.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 10-103(b)(13)(vi)5.

9 Defined term: "License" § 1-101

10 **19-1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
11 **APPLICATION PROCESS.**

12 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
13 **OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
14 **PROCESS.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10-103(b)(13)(i)2 and, as it related to
17 Dorchester County, (vi)1.

18 The reference to "record information" is substituted for the former reference
19 to "records" to conform to the terminology used in CP § 10-201.

20 The reference to "the application process" is substituted for the former
21 reference to "its necessary use" for clarity.

22 Defined term: "Board" § 19-101

23 **19-1407. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
24 **CHECK RESULTS.**

25 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING**
26 **THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
27 **CRIMINAL HISTORY RECORDS CHECK.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 10-103(b)(13)(vi)3.

30 The reference to the Board's ability to set "and charge" a fee is added to
31 expressly state what was only implied in the former law.

1 The reference to the “applicant’s” fingerprints is added for clarity.

2 Defined term: “Board” § 19–101

3 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

4 **19–1501. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
7 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
8 **WITHOUT EXCEPTION OR VARIATION:**

9 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**

10 **(2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

11 **(3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

12 **(4) § 4–207 (“LICENSES ISSUED TO MINORS”);**

13 **(5) § 4–209 (“HEARING”);**

14 **(6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

15 **(7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

16 **(8) § 4–212 (“LICENSE NOT PROPERTY”);**

17 **(9) § 4–213 (“REPLACEMENT LICENSES”); AND**

18 **(10) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
19 **APPLICATIONS”).**

20 **(B) VARIATIONS.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
22 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

23 **(1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
24 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 19–1502 OF THIS SUBTITLE**
25 **AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

1 **(2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 2 **FOR SAME PREMISES”), SUBJECT TO § 19–1502 OF THIS SUBTITLE AND SUBTITLE**
 3 **13, PART III OF THIS TITLE; AND**

4 **(3) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
 5 **SUBJECT TO § 19–1503 OF THIS SUBTITLE.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
 7 general provisions relating to the issuance of local licenses.

8 Defined terms: “County” § 19–101

9 “License” § 1–101

10 “Local licensing board” § 1–101

11 **19–1502. BOWLING ESTABLISHMENTS.**

12 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 13 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 14 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

15 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
 16 **LICENSES; AND**

17 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 18 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

19 REVISOR’S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 9–102(b–1)(1)(i).

21 In item (1) of this section, the reference to “Class D beer or Class D beer and
 22 wine licenses” is substituted for the former reference to licenses issued
 23 “[u]nder § 3–401 or § 5–401 of this article” for clarity.

24 In item (2) of this section, the former reference to the premises “operated as”
 25 a bowling establishment is deleted as surplusage.

26 Defined terms: “Beer” § 1–101

27 “License” § 1–101

28 “Wine” § 1–101

29 **19–1503. NOTICE OF LICENSE APPLICATION.**

30 **(A) POSTING NOTICE ON PLACE SUBJECT TO APPLICATION.**

1 **THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE ON**
2 **THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE**
3 **THE APPLICATION HEARING.**

4 **(B) CONTENTS OF POSTING.**

5 **A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR**
6 **WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE**
7 **BOARD FOR AN APPLICATION HEARING.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10–202(b)(1)(i)6 and (ii).

10 In subsection (a) of this section, the reference to the “location” is substituted
11 for the former reference to the “premises” for consistency with terminology
12 used throughout this article.

13 Also in subsection (a) of this section, the reference to “post[ing] a suitable
14 notice ... for” at least 10 days is substituted for the former reference to
15 “caus[ing] a suitable sign or notice to be posted and to remain posted for a
16 period of” at least 10 days, for brevity.

17 Also in subsection (a) of this section, the reference to an “application hearing”
18 is substituted for the former reference to “action upon the application” for
19 consistency with the language used in subsection (b) of this section.

20 In subsection (b) of this section, the reference to a “date” for an application
21 hearing is added for clarity.

22 Defined terms: “Board” § 19–101
23 “License” § 1–101

24 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

25 **PART I. LICENSING CONDITIONS.**

26 **19–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

27 **(A) IN GENERAL.**

28 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
29 **BOARD MAY NOT ISSUE A NEW LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN**
30 **300 FEET IN A DIRECT LINE OF A PLACE OF WORSHIP OR A PUBLIC OR NONPUBLIC**
31 **KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL.**

1 **(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF**
 2 **WORSHIP OR THE PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR**
 3 **SECONDARY SCHOOL IS TO BE MEASURED FROM THE ESTABLISHMENT IN A DIRECT**
 4 **LINE TO THE NEAREST POINT OF THE MAIN BUILDING OF THE PLACE OF WORSHIP**
 5 **OR SCHOOL.**

6 **(B) EXCEPTIONS.**

7 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
 8 **SECTION DOES NOT APPLY TO THE ISSUANCE OF:**

9 **(1) A LICENSE FOR A PREMISES THAT WAS LICENSED ON OCTOBER 1,**
 10 **1996;**

11 **(2) A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE FOR A**
 12 **PREMISES IN CAMBRIDGE OR SECRETARY; OR**

13 **(3) A TEMPORARY LICENSE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 9-210.

16 In subsection (a)(1) and (2) of this section, the references to an "establishment"
 17 are substituted for the former references to a "building" to conform to the
 18 terminology used throughout this article.

19 In subsection (a)(1) of this section, the reference to the "Board" is added to
 20 state expressly what was only implicit in the former law, that the Board is the
 21 governmental unit that issues licenses.

22 Also in subsection (a)(1) of this section, the former reference to a license "to
 23 sell any alcoholic beverage" is deleted as included in the defined term "license".
 24 Similarly, in subsection (b)(1) of this section, the former reference to a license
 25 "to sell alcoholic beverages" is deleted.

26 Also in subsection (a)(1) of this section, the former reference to a "church" is
 27 deleted as included in the reference to a "place of worship".

28 In subsection (b)(3) of this section, the former reference to a "special" license
 29 is deleted as unnecessary in light of the reference to a "temporary" license.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
 31 the General Assembly, that the distance restriction established under former
 32 Art. 2B, § 9-210(a), revised in subsection (a)(1) of this section, applies only to

1 a kindergarten, an elementary school, or a secondary school, and not to a
2 middle school.

3 Defined terms: "Board" § 19-101
4 "License" § 1-101

5 **19-1602. RESERVED.**

6 **19-1603. RESERVED.**

7 **PART II. MULTIPLE LICENSING PLANS.**

8 **19-1604. ADDITIONAL CLASS A LICENSES.**

9 **(A) AUTHORIZED HOLDER.**

10 **THE BOARD MAY ISSUE A CLASS A BEER LICENSE OR CLASS A BEER AND WINE**
11 **LICENSE FOR A PREMISES LICENSED UNDER A CLASS B OR CLASS D LICENSE.**

12 **(B) BOARD MAY LIMIT NUMBER OF LICENSES.**

13 **THE BOARD MAY LIMIT THE NUMBER OF CLASS A BEER LICENSES AND CLASS**
14 **A BEER AND WINE LICENSES THAT THE BOARD ISSUES.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 9-102(b-6).

17 In this section, the former references to "additional" Class A licenses are
18 deleted as surplusage.

19 In subsection (a) of this section, the reference to "[t]he Board" being the issuing
20 authority is added for clarity.

21 Also in subsection (a) of this section, the former phrase "[n]otwithstanding any
22 other provision of this section" is deleted as surplusage.

23 Defined terms: "Board" § 19-101
24 "License" § 1-101

25 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

26 **19-1701. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
 2 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
 3 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

4 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
 5 **LICENSE AND INVENTORY”);**

6 **(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

7 **(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
 8 **REQUIRED”); AND**

9 **(4) § 4–305 (“FILING FEE AND ENDORSEMENT”).**

10 **(B) EXCEPTION.**

11 **SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF**
 12 **DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED**
 13 **BY § 19–1702 OF THIS SUBTITLE.**

14 REVISOR’S NOTE: Subsection (a) of this section is new language derived without
 15 substantive change from former Art. 2B, § 10–503(k).

16 Subsection (b) of this section is new language added to incorporate by
 17 reference general provisions relating to the substitution of names of officers
 18 that do not apply in the County.

19 Defined terms: “County” § 19–101
 20 “License” § 1–101

21 **19–1702. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

22 **(A) CONDITIONS FOR SUBSTITUTION.**

23 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A**
 24 **LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER**
 25 **MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE**
 26 **NAME OF ANY OFFICER WHO:**

27 **(I) HAS DIED;**

28 **(II) HAS RETIRED; OR**

1 (III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR
2 CLUB.

3 (2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY
4 THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL
5 OFFICER.

6 (B) AFFIDAVIT REQUIRED.

7 THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT
8 CONTAINS:

9 (1) THE SUBSTITUTION OF THE OFFICER; AND

10 (2) AN EXPLANATION FOR THE SUBSTITUTION.

11 (C) CORRECTED LICENSE TO BE ISSUED.

12 ON RECEIPT OF THE AFFIDAVIT AND PAYMENT OF A \$5 FEE, THE BOARD
13 SHALL:

14 (1) AMEND ITS RECORDS; AND

15 (2) ISSUE A CORRECTED LICENSE.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from the first through fourth sentences of former Art. 2B, §
18 10-301(h)(1), as they related to Dorchester County.

19 In subsection (a) of this section, the former reference to an officer who has
20 "been removed from office" is deleted as included in the reference to an officer
21 who "no longer holds an office in the corporation or club".

22 In the introductory language of subsection (a)(1) of this section, the reference
23 to "any officer who" is substituted for the former reference to "the deleted
24 officer" for clarity.

25 Also in the introductory language of subsection (a)(1) of this section, the
26 former reference to any "class of alcoholic beverage" license is deleted as
27 surplusage.

28 Also in the introductory language of subsection (a)(1) of this section, the
29 former phrase "notwithstanding any other provision of this article" is deleted
30 as surplusage.

1 Also in the introductory language of subsection (a)(1) of this section, the
2 former phrase “during any license year” is deleted as surplusage.

3 In subsection (a)(1) of this section, the former reference to an officer who has
4 “been removed from office” is deleted as implicit in the reference to an officer
5 who “no longer holds an office”.

6 In subsection (a)(2) of this section, the reference to requirements “applicable
7 to the original officer” is substituted for the former reference to requirements
8 “the substitute would have to meet if the substitute were named in the original
9 application” for brevity.

10 Also in subsection (a)(2) of this section, the former reference to a “fit”
11 individual is deleted as implicit in the requirement that the individual be
12 approved by the Board and meet the requirements applicable to the original
13 officer.

14 In subsection (b)(1) of this section, the former reference to “officers” is deleted
15 in light of the reference to “officer” and GP § 1–202, which provides that the
16 singular generally includes the plural.

17 In the introductory language of subsection (c) of this section, the former
18 reference to a payment of \$5 “for this service” is deleted as surplusage.

19 In subsection (c)(2) of this section, the reference to a “corrected license” is
20 substituted for the former reference to a “new license with the corrected names
21 on it” for brevity.

22 Defined terms: “Board” § 19–101

23 “Club” § 1–101

24 “License” § 1–101

25 “License holder” § 1–101

26 **SUBTITLE 18. RENEWAL OF LICENSES.**

27 **19–1801. APPLICATION OF GENERAL PROVISIONS.**

28 **TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF**
29 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

30 REVISOR’S NOTE: This section is new language added to incorporate by reference
31 general provisions relating to the renewal of local licenses.

32 Defined terms: “County” § 19–101

33 “License” § 1–101

1 **19-1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
2 **RENEWALS.**

3 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
4 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from the second sentence of former Art. 2B, § 10-103(b)(13)(vi)2C.

7 Defined term: "License" § 1-101

8 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

9 **19-1901. APPLICATION OF GENERAL PROVISIONS.**

10 **(A) WITHOUT EXCEPTION OR VARIATION.**

11 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
12 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
13 **WITHOUT EXCEPTION OR VARIATION:**

14 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

15 **(2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
16 **PREMISES");**

17 **(3) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");**

18 **(4) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND**

19 **(5) § 4-508 ("DISPLAY OF LICENSE").**

20 **(B) VARIATIONS.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
22 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

23 **(1) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS"), SUBJECT**
24 **TO § 19-1902 OF THIS SUBTITLE; AND**

25 **(2) § 4-505 ("ALCOHOL AWARENESS PROGRAM"), SUBJECT TO §**
26 **19-1903 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the conduct of local license holders.

3 Defined terms: "Alcoholic beverage" § 1-101

4 "County" § 19-101

5 "License" § 1-101

6 "License holder" § 1-101

7 **19-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

8 **A HOLDER OF A CLASS A BEER LICENSE MAY EMPLOY AN INDIVIDUAL AT**
9 **LEAST 16 YEARS OLD TO STOCK BEER AT THE LICENSE HOLDER'S PREMISES.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 12-302(b)(6).

12 The reference to an "individual" is substituted for the former reference to a
13 "person" because this section applies only to human beings.

14 The reference to the license holder's "premises" is substituted for the former
15 reference to the license holder's "place of business" to conform to the
16 terminology used throughout this article.

17 Defined terms: "Beer" § 1-101

18 "License holder" § 1-101

19 **19-1903. ALCOHOL AWARENESS CERTIFICATE VALID FOR ONLY ONE**
20 **ESTABLISHMENT.**

21 **AN ALCOHOL AWARENESS PROGRAM CERTIFICATE OF COMPLETION HELD BY**
22 **AN EMPLOYEE OR AN EMPLOYEE'S EMPLOYER MAY NOT BE USED AT MORE THAN ONE**
23 **LICENSED ESTABLISHMENT.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 13-101(h)(2).

26 Former Art. 2B, § 13-101(h)(1), which stated that former Art. 2B, §
27 13-101(h) applied only in Dorchester County, is deleted as unnecessary in
28 light of the organization of this revised article.

29 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

30 **19-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

31 **(A) IN GENERAL.**

1 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
2 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
3 **PREMISES THAT IS LICENSED UNDER THIS TITLE.**

4 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
5 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
6 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

7 **(B) PENALTY.**

8 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
9 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 11-304(a)(1) and, as it related to Dorchester
12 County, (2).

13 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
14 under this title” is added for clarity.

15 Also in subsection (a)(1) of this section, the reference to an “individual” is
16 substituted for the former reference to a “person” because the prohibition
17 against consumption applies only to human beings.

18 Also in subsection (a)(1) of this section, the reference to “a premises licensed
19 under this title” is substituted for the former reference to “any premises open
20 to the general public, any place of public entertainment, or any place at which
21 setups or other component parts of mixed alcoholic drinks are sold under any
22 license issued under the provisions of the Business Regulation Article” for
23 brevity.

24 In subsection (a)(2) of this section, the reference to “a premises licensed under
25 this title” is substituted for the former reference to “the premises” for
26 consistency with the terminology used in subsection (a)(1) of this section.

27 In subsection (b) of this section, the reference to a person who “violates this
28 section” is substituted for the former reference to a person who is “found
29 consuming any alcoholic beverage on any premises open to the general public,
30 and any owner, operator or manager of those premises or places who
31 knowingly permits consumption between the hours provided by this section”
32 for brevity.

33 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
34 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
35 section.

1 Also in subsection (b) of this section, the former reference to a fine “not less
2 than \$5” is deleted to conform to the statement of legislative policy in §
3 14–102 of the Criminal Law Article, which sets forth the general rule that,
4 notwithstanding a statutory minimum penalty, a court may impose a lesser
5 penalty of the same character.

6 Defined terms: “Alcoholic beverage” § 1–101
7 “Person” § 1–101

8 **19–2002. BEER LICENSES.**

9 (A) **CLASS A BEER LICENSE.**

10 **EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, A HOLDER OF A CLASS**
11 **A BEER LICENSE MAY SELL BEER ON EACH DAY OF THE WEEK, FROM 6 A.M. TO**
12 **MIDNIGHT.**

13 (B) **CLASS B BEER LICENSE.**

14 **A HOLDER OF A CLASS B BEER (ON–SALE) LICENSE MAY SELL BEER:**

15 (1) **ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE**
16 **FOLLOWING DAY; AND**

17 (2) **EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON**
18 **SUNDAY, FROM NOON TO MIDNIGHT.**

19 (C) **CLASS C BEER LICENSE.**

20 **A HOLDER OF A CLASS C BEER (ON–SALE) LICENSE MAY SELL BEER:**

21 (1) **ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 1:45 A.M.**
22 **THE FOLLOWING DAY; AND**

23 (2) **EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON**
24 **SUNDAY, FROM NOON TO MIDNIGHT.**

25 (D) **CLASS D BEER LICENSE.**

26 **A HOLDER OF A CLASS D BEER (ON–SALE) LICENSE MAY SELL BEER:**

27 (1) **ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE**
28 **FOLLOWING DAY; AND**

1 **(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON**
2 **SUNDAY, FROM NOON TO MIDNIGHT.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from Art. 2B, §§ 11-403(a)(11) and 11-510(b)(1), (2), (4), and (5).

5 Throughout this section, the references to the authority of a holder of a license
6 to "sell beer" are substituted for the former references to the hours during
7 which "beer license sales are permitted" to conform to the terminology used
8 throughout this article.

9 In subsections (b) and (c) of this section, the former exemption from the
10 prohibition against selling alcoholic beverages at a bar or counter on Sunday
11 is deleted as unnecessary, as the prohibition is not stated here.

12 Former Art. 2B, § 11-510(a), which stated that former Art. 2B, § 11-510
13 applied only in Dorchester County, is deleted as unnecessary in light of the
14 organization of this revised article.

15 Defined term: "Beer" § 1-101

16 **19-2003. CLASS A WINE LICENSE.**

17 **A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE:**

18 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1 A.M. THE**
19 **FOLLOWING DAY; AND**

20 **(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON**
21 **SUNDAY, FROM NOON TO MIDNIGHT.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11-510(b)(9).

24 In the introductory language of this section, the reference to the authority of
25 a holder of a Class A wine license to "sell wine" during specified times is
26 substituted for the former reference to the times during which "sales are
27 permitted" to conform to the terminology used throughout this article.

28 Defined term: "Wine" § 1-101

29 **19-2004. BEER AND WINE LICENSES.**

30 **(A) CLASS A BEER AND WINE LICENSE.**

1 **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

2 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

3 **AND**

4 **(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON**
5 **SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

6 **(B) CLASS B BEER AND WINE LICENSE.**

7 **A HOLDER OF A CLASS B BEER AND WINE (ON-SALE AND OFF-SALE) LICENSE**
8 **MAY SELL BEER AND WINE:**

9 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE**
10 **FOLLOWING DAY; AND**

11 **(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON**
12 **SUNDAY FROM 10 A.M. TO MIDNIGHT.**

13 **(C) CLASS C BEER AND WINE LICENSE.**

14 **A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

15 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE**
16 **FOLLOWING DAY; AND**

17 **(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON**
18 **SUNDAY, FROM NOON TO MIDNIGHT.**

19 **(D) CLASS D BEER AND WINE LICENSE.**

20 **A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

21 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE**
22 **FOLLOWING DAY; AND**

23 **(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON**
24 **SUNDAY FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, §§ 11-403(a)(11) and 11-510(b)(3), (10), (11), and
27 (12).

1 Throughout this section, the former phrase “[n]otwithstanding any other
2 provisions of this subtitle” is deleted as unnecessary in light of the
3 organization of this revised article.

4 Also throughout this section, the references to the authority of a holder of a
5 license to “sell beer and wine” are substituted for the former references to the
6 “hours for sale for alcoholic beverages” to conform to the terminology used
7 throughout this article.

8 In subsections (b) and (c) of this section, the former exemption from the
9 prohibition against selling alcoholic beverages at a bar or counter on Sunday
10 is deleted as unnecessary, as the prohibition is not stated in these subsections.

11 Defined terms: “Beer” § 1–101

12 “Wine” § 1–101

13 **19–2005. BEER, WINE, AND LIQUOR LICENSES.**

14 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

15 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,
16 WINE, AND LIQUOR:**

17 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;
18 AND**

19 **(2) EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON
20 SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

21 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

22 **A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY
23 SELL BEER, WINE, AND LIQUOR:**

24 **(1) ON MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 1:45 A.M. THE
25 FOLLOWING DAY; AND**

26 **(2) EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON
27 SUNDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

28 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

29 **A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY
30 SELL BEER, WINE, AND LIQUOR:**

1 **(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 1:45 A.M.**
2 **THE FOLLOWING DAY; AND**

3 **(2) EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON**
4 **SUNDAY, FROM NOON TO MIDNIGHT.**

5 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

6 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
7 **WINE, AND LIQUOR:**

8 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE**
9 **FOLLOWING DAY; AND**

10 **(2) EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON**
11 **SUNDAY, FROM NOON TO MIDNIGHT.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, §§ 11–403(a)(11) and 11–510(b)(6), (7), (13), and
14 (14).

15 Throughout this section, the references to the authority of a holder of a beer,
16 wine, and liquor license to “sell beer, wine, and liquor” during specified times
17 are substituted for the former references to the times during which “sales are
18 permitted” or “sales are allowed” to conform to the terminology used
19 throughout this article.

20 In subsections (b) and (c) of this section, the former exemption from the
21 prohibition against selling alcoholic beverages at a bar or counter on Sunday
22 is deleted as unnecessary, as the prohibition is not stated here.

23 Defined terms: “Beer” § 1–101

24 “Wine” § 1–101

25 **19–2006. HOURS ON DECEMBER 24 AND 31.**

26 **IF DECEMBER 24 OR DECEMBER 31 IS ON A SUNDAY, THE HOURS OF SALE**
27 **ARE:**

28 **(1) FOR BEER LICENSES:**

29 **(I) CLASS A, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

30 **(II) CLASSES B, C, AND D, FROM NOON TO 2 A.M. THE**
31 **FOLLOWING DAY;**

1 **(2) FOR CLASS A WINE LICENSES, FROM NOON TO 2 A.M. THE**
2 **FOLLOWING DAY;**

3 **(3) FOR BEER AND WINE LICENSES:**

4 **(I) CLASS A, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

5 **(II) CLASS B, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

6 **(III) CLASSES C AND D, FROM NOON TO 2 A.M. THE FOLLOWING**
7 **DAY; AND**

8 **(4) FOR BEER, WINE, AND LIQUOR LICENSES:**

9 **(I) CLASS A, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

10 **(II) CLASSES B, C, AND D, FROM NOON TO 2 A.M. THE**
11 **FOLLOWING DAY.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11-510(b)(1), (2)(ii), (3)(ii), (4)(ii), (5)(ii), (6)(ii),
14 (7)(ii), (9)(ii), (10)(ii), (11)(ii), (12)(ii), (13)(ii), and (14)(ii), as they related to
15 hours of sale if Christmas Eve or New Year's Eve is on a Sunday.

16 **19-2007. HOURS FOR ON-PREMISES CONSUMPTION.**

17 **(A) IN GENERAL.**

18 **ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES IS ALLOWED:**

19 **(1) UNTIL 2 A.M. THE FOLLOWING DAY; OR**

20 **(2) IF DECEMBER 24 OR DECEMBER 31 IS ON A SUNDAY, UNTIL 3 A.M.**
21 **DECEMBER 25 OR JANUARY 1.**

22 **(B) CLEARING OF TABLES AND BAR AREAS.**

23 **WHEN CONSUMPTION OF ALCOHOLIC BEVERAGES MUST END UNDER**
24 **SUBSECTION (A) OF THIS SECTION, ALL TABLES AND BAR AREAS MUST BE CLEARED**
25 **OF ALCOHOLIC BEVERAGES.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 11-510(c).

1 In subsection (a)(2) of this section, the reference to “December 24 or December
2 31” is substituted for the former reference to “Christmas Eve or New Year’s
3 Eve” for clarity.

4 Defined term: “Alcoholic beverage” § 1–101

5 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

6 **19–2101. APPLICATION OF GENERAL PROVISIONS.**

7 **TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”)**
8 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
9 **VARIATION.**

10 REVISOR’S NOTE: This section is new language added to incorporate by reference
11 general provisions relating to the revocation and suspension of local licenses.

12 Former Art. 2B, § 10–405(a)(8), which stated that former Art. 2B,
13 § 10–405, which related to nudity and sexual displays, applied in Dorchester
14 County, is deleted as unnecessary in light of the organization of this revised
15 article.

16 Defined terms: “County” § 19–101
17 “License” § 1–101

18 **SUBTITLE 22. EXPIRATION OF LICENSES.**

19 **19–2201. APPLICATION OF GENERAL PROVISIONS.**

20 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
21 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
23 the general provisions relating to the expiration of local licenses.

24 Defined terms: “County” § 19–101
25 “License” § 1–101

26 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

27 **19–2301. APPLICATION OF GENERAL PROVISIONS.**

28 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE**
2 **HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
3 **EXCEPTION OR VARIATION:**

4 **(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE**
5 **HOLDER”);**

6 **(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

7 **(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
8 **RESTRICTION”); AND**

9 **(4) § 4-806 (“REFUND”).**

10 **(B) VARIATION.**

11 **SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
12 **CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
13 **COUNTY, SUBJECT TO § 19-2302 OF THIS SUBTITLE.**

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to the death of a local license holder.

16 Defined terms: “County” § 19-101

17 “License” § 1-101

18 “License holder” § 1-101

19 **19-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
20 **PARTNERSHIP OR CORPORATION.**

21 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
22 **SURVIVING OFFICER.**

23 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
24 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**
25 **CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED**
26 **TO:**

27 **(I) THE SURVIVING SPOUSE;**

28 **(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE**
29 **PARTNERSHIP; OR**

1 **(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION**
2 **FOR THE BENEFIT OF THE CORPORATION.**

3 **(2) THE NEW LICENSE SHALL BE ISSUED:**

4 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

5 **(II) WITHOUT FURTHER PROCEEDINGS.**

6 **(B) RENEWAL LICENSE.**

7 **A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE**
8 **QUALIFIED TO HOLD THE LICENSE:**

9 **(1) THE SURVIVING SPOUSE;**

10 **(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

11 **(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE**
12 **BENEFIT OF THE CORPORATION.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 10–506(b)(6).

15 In the introductory language of subsection (a)(1) of this section, the former
16 phrase “[n]otwithstanding any provisions to the contrary in this article” is
17 deleted as surplusage.

18 Also in the introductory language of subsection (a)(1) of this section, the
19 former reference to an application to “the Comptroller ..., as the case may be,
20 that granted the license” is deleted as surplusage.

21 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
22 officer “of the corporation” is added for clarity.

23 In subsection (a)(2)(i) of this section, the former reference to the “current”
24 license year is deleted as implicit.

25 In subsection (a)(2)(ii) of this section, the former reference to “the necessity of”
26 further proceedings is deleted as surplusage.

27 In the introductory language of subsection (b) of this section, the former
28 reference to being qualified to hold the license “under this article” is deleted
29 as surplusage.

1 In subsection (b)(2) of this section, the reference to the surviving “partners” of
2 a partnership is substituted for the former reference to the surviving
3 “members” of a partnership for accuracy.

4 In subsection (b)(3) of this section, the reference to the “senior surviving officer
5 of a corporation for the benefit of the corporation” is substituted for the former
6 reference to the “surviving members of a ... corporation” for accuracy and for
7 consistency with subsection (a) of this section.

8 Defined terms: “Board” § 19–101

9 “License” § 1–101

10 “License holder” § 1–101

11 **SUBTITLE 24. JUDICIAL REVIEW.**

12 **19–2401. APPLICATION OF GENERAL PROVISIONS.**

13 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
14 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

15 REVISOR’S NOTE: This section is new language added to incorporate by reference
16 general provisions relating to the appeal of the decisions of the Board.

17 Defined term: “County” § 19–101

18 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

19 **19–2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF**
20 **ALCOHOLIC BEVERAGES.**

21 **(A) SCOPE OF SECTION.**

22 **THIS SECTION DOES NOT APPLY TO AN ESTABLISHMENT FOR WHICH THE**
23 **BOARD HAS:**

24 **(1) ISSUED A LICENSE; OR**

25 **(2) APPROVED AN APPLICATION FOR A WAIVER OF THIS SECTION.**

26 **(B) PROHIBITION AGAINST OPERATOR.**

27 **A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT, INCLUDING A**
28 **PLACE OF ADULT ENTERTAINMENT THAT ALLOWS AT ITS LOCATION A FORM OF**
29 **SEXUAL DISPLAY OR ATTIRE LISTED UNDER § 4–605 OF THIS ARTICLE, MAY NOT:**

1 **(1) KNOWINGLY ALLOW AN INDIVIDUAL TO BRING ALCOHOLIC**
2 **BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT; OR**

3 **(2) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED ON THE**
4 **PREMISES OF THE ESTABLISHMENT OR AT A LOCATION UNDER THE CONTROL OF**
5 **THE ESTABLISHMENT:**

6 **(I) ALCOHOLIC BEVERAGES;**

7 **(II) SETUPS, INCLUDING DRINKING CONTAINERS AND ICE; AND**

8 **(III) OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

9 **(C) REGULATIONS.**

10 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE DUTIES OF THIS**
11 **SECTION.**

12 **(D) PENALTY.**

13 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
14 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
15 **NOT EXCEEDING \$10,000 OR BOTH.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 20–105.1(a), (c), (d), (e), (f), and (g).

18 Subsection (b) of this section is revised as an enumeration of prohibited
19 activities for an unlicensed establishment, rather than as the definition of
20 “bottle club”, for clarity and brevity. In the former law, a “bottle club” was
21 defined as an unlicensed establishment that conducts certain activities. The
22 former law then prohibited a bottle club from conducting those activities.

23 In subsection (b) of this section, the references to an “establishment” are
24 substituted for the former defined term “bottle club”. Actions that were
25 formerly included within the former defined term “bottle club” are prohibited
26 under the substantive provisions of this subsection.

27 Also in subsection (b) of this section, the reference to “adult” entertainment is
28 substituted for the former reference to “public” entertainment for clarity.

29 Also in subsection (b) of this section, the reference to a “location” is substituted
30 for the former reference to a “premises” to avoid the implication that the
31 location is licensed by the Board.

1 Also in subsection (b) of this section, the former reference to a “business”
2 establishment is deleted as included in the reference to an establishment “for
3 profit”.

4 In subsection (b)(2) of this section, the former reference to “dispens[ing]”
5 alcoholic beverages is deleted as included in the reference to “serv[ing]”
6 alcoholic beverages.

7 Former Art. 2B, § 20–105.1(b), which stated that former Art. 2B, §
8 20–105.1 applied only in Dorchester County, is deleted as unnecessary in light
9 of the organization of this revised article.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that subsection (a)(2) of this section refers to “an
12 application for a waiver of this section” but does not specify under what
13 conditions the application may be granted.

14 Defined terms: “Alcoholic beverage” § 1–101

15 “Board” § 19–101

16 “License” § 1–101

17 “Person” § 1–101

18 **19–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
19 **BEVERAGES IS PROHIBITED.**

20 **(A) PROHIBITION AGAINST INDIVIDUAL.**

21 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
22 **ALCOHOLIC BEVERAGES IN:**

23 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

24 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

25 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
26 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
27 **BUSINESS REGULATION ARTICLE.**

28 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

29 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
30 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
31 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
32 **THIS SECTION.**

1 **(C) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 3 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
 6 (2).

7 In subsections (a) and (b) of this section, the references to an "establishment"
 8 are substituted for the former references to "premises" to avoid the implication
 9 that the establishment is licensed.

10 In subsection (a) of this section, the former reference to the "general" public is
 11 deleted as surplusage.

12 In subsection (b) of this section, the former reference to an "operator" is deleted
 13 as included in the reference to a "manager".

14 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
 15 to conform to the statement of legislative policy in § 14-102 of the Criminal
 16 Law Article, which sets forth the general rule that, notwithstanding a
 17 statutory minimum penalty, a court may impose a lesser penalty of the same
 18 character.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
 20 the General Assembly, that under § 19-2501 of this subtitle, a person who
 21 operates an unlicensed building who knowingly allows a customer to bring
 22 alcoholic beverages for consumption into the establishment is subject to
 23 imprisonment not exceeding 2 years or a fine not exceeding \$10,000, while
 24 under this section, an owner or a manager of an unlicensed establishment who
 25 allows the consumption of alcoholic beverages in the establishment or place is
 26 subject only to a fine not exceeding \$50.

27 Defined terms: "Alcoholic beverage" § 1-101
 28 "Person" § 1-101

29 **SUBTITLE 26. ENFORCEMENT.**

30 **19-2601. APPLICATION OF GENERAL PROVISIONS.**

31 **(A) WITHOUT EXCEPTION OR VARIATION.**

32 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
 33 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
 34 **VARIATION:**

1 (1) § 6-202 (“INSPECTIONS”);

2 (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND
3 QUALITY OF ALCOHOLIC BEVERAGES”);

4 (3) § 6-205 (“PEACE OFFICERS”);

5 (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
6 ALCOHOLIC BEVERAGE”);

7 (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
8 EVIDENCE OF SALE”);

9 (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
10 ALCOHOL IN PUBLIC PLACES”);

11 (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
12 CONSUMPTION”); AND

13 (8) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY
14 INTOXICATION LAWS”).

15 (B) VARIATIONS.

16 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF
17 DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

18 (1) § 6-204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO §
19 19-2602 OF THIS SUBTITLE; AND

20 (2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 19-2603 OF
21 THIS SUBTITLE.

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
23 general provisions relating to enforcement.

24 Defined terms: “Alcoholic beverage” § 1-101

25 “County” § 19-101

26 “State” § 1-101

27 19-2602. SERVICE OF SUMMONS.

- 1 (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
2 DEALER”);
- 3 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 4 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
5 CONTAINER”);
- 6 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
7 DETACHABLE METAL TAB”);
- 8 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
9 REGULAR LABEL PRESUMED ILLICIT”);
- 10 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 11 (12) § 6-320 (“DISORDERLY INTOXICATION”);
- 12 (13) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
13 PUBLIC”);
- 14 (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
15 MACHINE”);
- 16 (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
17 BEVERAGES”);
- 18 (16) § 6-327 (“TAX EVASION”);
- 19 (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- 20 (18) § 6-329 (“PERJURY”).

21 (B) VARIATIONS.

22 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
23 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- 24 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
25 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 19-2702 OF THIS
26 SUBTITLE;

1 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
2 **INTOXICATED INDIVIDUAL”)**, SUBJECT TO § 19-2703 OF THIS SUBTITLE;

3 **(3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC**
4 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”)**, SUBJECT TO § 19-2704 OF
5 **THIS SUBTITLE; AND**

6 **(4) § 6-322 (“POSSESSION OF OPEN CONTAINER”)**, SUBJECT TO §
7 **19-2707 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 general provisions relating to prohibited acts.

10 Defined terms: “Alcoholic beverage” § 1-101

11 “County” § 19-101

12 “License holder” § 1-101

13 “Retail dealer” § 1-101

14 **19-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
15 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

16 **(A) SUMMONS; BAIL.**

17 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
18 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

19 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
20 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
21 **EMPLOYEE; AND**

22 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
23 **COURT IN THE STATE.**

24 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
26 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

27 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
28 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
29 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
30 **OF 21 YEARS; AND**

31 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

1 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

2 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
3 **EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE**
4 **DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE**
5 **LICENSE HOLDER FOR THE VIOLATION.**

6 REVISOR’S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 12–108(a)(2) and (3)(ii) and (f)(2).

8 In subsection (a)(2) of this section, the former reference to bail “bond” is
9 deleted as surplusage.

10 In subsection (b)(1) of this section, the reference to the “finder of fact” is
11 substituted for the former reference to the “jury or the court sitting as a jury”
12 for brevity.

13 Also in subsection (b)(1) of this section, the former reference to “in fact” is
14 deleted as surplusage.

15 Former Art. 2B, § 12–108(f)(1)(iv), which stated that former Art. 2B, §
16 12–108(f)(2) applied in Dorchester County, is deleted as unnecessary in light
17 of the organization of this revised article.

18 Defined terms: “Board” § 19–101

19 “License holder” § 1–101

20 “State” § 1–101

21 **19–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
22 **INDIVIDUAL — CRIMINAL PROCEDURE.**

23 **(A) SUMMONS; BAIL.**

24 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
25 **CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

26 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
27 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
28 **EMPLOYEE; AND**

29 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
30 **COURT IN THE STATE.**

31 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

1 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
2 **EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE**
3 **DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE**
4 **LICENSE HOLDER FOR THE VIOLATION.**

5 REVISOR’S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 12–108(a)(2) and (f)(2).

7 In subsection (a)(2) of this section, the former reference to bail “bond” is
8 deleted as surplusage.

9 Defined terms: “Board” § 19–101

10 “License holder” § 1–101

11 “State” § 1–101

12 **19–2704. UNLAWFUL DISPLAY OR CONSUMPTION OF OTHER ALCOHOLIC**
13 **BEVERAGES.**

14 **(A) IN GENERAL.**

15 **A PERSON MAY NOT DISPLAY OR CONSUME IN A LICENSED ESTABLISHMENT**
16 **ANY ALCOHOLIC BEVERAGE OTHER THAN THOSE THAT THE LICENSE HOLDER OF**
17 **THE LICENSED ESTABLISHMENT MAY SELL.**

18 **(B) CRIMINAL PENALTY.**

19 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
20 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 16–202.

23 In subsection (a) of this section, the reference to a “licensed establishment” is
24 substituted for the former reference to a “bar, restaurant, tavern or any other
25 licensed place” for brevity.

26 Also in subsection (a) of this section, the reference to “consum[ing]” is
27 substituted for the former reference to “drink[ing]” to conform to the
28 terminology used throughout this article.

29 Also in subsection (a) of this section, the former reference to “lawfully” selling
30 is deleted as unnecessary.

1 In subsection (b) of this section, the former reference to a fine “not less than
2 five dollars (\$5.00)” is deleted as unenforceable in light of § 14–102 of the
3 Criminal Law Article, which provides that if a law sets a minimum penalty,
4 the court in lieu of the minimum penalty may impose a lesser penalty of the
5 same character.

6 Defined terms: “Alcoholic beverage” § 1–101
7 “License holder” § 1–101
8 “Person” § 1–101

9 **19–2705. INDIVIDUAL UNDER THE AGE OF 21 YEARS ON CLASS D PREMISES —**
10 **PROHIBITED.**

11 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE ON THE PREMISES**
12 **FOR WHICH A CLASS D (ON–SALE) BEER, WINE, AND LIQUOR LICENSE HAS BEEN**
13 **ISSUED.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 6–401(k)(6).

16 Defined terms: “Beer” § 1–101
17 “On–sale” § 1–101
18 “Wine” § 1–101

19 **19–2706. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON**
20 **PREMISES.**

21 **(A) PROHIBITED.**

22 **A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21**
23 **YEARS TO LOITER ABOUT THE PREMISES FOR WHICH THE LICENSE IS ISSUED.**

24 **(B) PENALTY.**

25 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
26 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 12–210(b).

29 In subsection (a) of this section, the defined term “license holder” is
30 substituted for the former reference to a “licensee under this article” for
31 brevity and consistency throughout this article.

32 Also in subsection (a) of this section, the reference to “an individual under the
33 age of 21 years” is substituted for the former reference to “a person not

1 designated in § 1–102(a)(6) of this article” for clarity and consistency with
2 other similar provisions of this article.

3 Also in subsection (a) of this section, the former reference to “loaf[ing]” is
4 deleted as included in the reference to “loiter[ing]”.

5 Also in subsection (a) of this section, the reference to “premises” is substituted
6 for the former reference to “place of business” for brevity.

7 In subsection (b) of this section, the reference to being “guilty of a
8 misdemeanor” is added to state expressly that which was only implied in the
9 former law. In this State, any crime that was not a felony at common law and
10 has not been declared a felony by statute is considered to be a misdemeanor.
11 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
12 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
13 123 Md. 373, 378 (1914).

14 Former Art. 2B, § 12–210(a), which stated that former Art. 2B, § 12–210
15 applied only in Dorchester County, is deleted as unnecessary in light of the
16 organization of this revised article.

17 Defined terms: “License” § 1–101
18 “License holder” § 1–101
19 “Person” § 1–101

20 **19–2707. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

21 **AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN**
22 **CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6–322(A)(1) OF THIS**
23 **ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN**
24 **CONSENT OF THE OWNER OF THE PROPERTY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 19–301(a)(2).

27 The former definition of “unless authorized” is revised as a substantive
28 statement describing the circumstances under which an individual may
29 possess an alcoholic beverage in an open container for clarity.

30 Former Art. 2B, § 19–301(a)(1)(iii), which stated that former Art. 2B, §
31 19–301(a)(2) applied in Dorchester County, is deleted as unnecessary in light
32 of the organization of this revised article.

33 The Alcoholic Beverages Article Review Committee notes, for consideration by
34 the General Assembly, that this section does not specify to whom the written
35 consent must be presented.

1 Defined term: "Alcoholic beverage" § 1-101

2 **SUBTITLE 28. PENALTIES.**

3 **19-2801. APPLICATION OF GENERAL PROVISION.**

4 **SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE**
5 **APPLIES IN THE COUNTY.**

6 REVISOR'S NOTE: This section is new language added to incorporate by reference
7 general provisions relating to imposing a penalty for a violation for which no
8 specific penalty is provided.

9 Defined term: "County" § 19-101

10 **19-2802. PENALTY IMPOSED BY BOARD.**

11 **(A) FINE OR SUSPENSION.**

12 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A**
13 **LICENSE OR BOTH FOR A VIOLATION THAT IS A CAUSE FOR SUSPENSION OF A**
14 **LICENSE.**

15 **(B) CONDITIONS.**

16 **A PENALTY IMPOSED UNDER THIS SECTION:**

17 **(1) IS IN ADDITION TO AND DOES NOT LIMIT ANY OTHER PENALTY FOR**
18 **THE SAME VIOLATION; AND**

19 **(2) IS INDEPENDENT OF ANY COURT ACTION BASED ON THE SAME**
20 **VIOLATION.**

21 **(C) DISPOSITION OF FINES.**

22 **FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL**
23 **FUND OF THE COUNTY.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 16-507(k)(2) through (4).

26 In subsection (a) of this section, the reference to a cause for suspension "of a
27 license" is substituted for the former reference to a cause for suspension
28 "under the provisions of this article that apply in the county" for brevity.

1 In subsection (c) of this section, the reference to “[f]ines” is substituted for the
 2 former reference to “[m]oney” to conform to the terminology used throughout
 3 this article.

4 Former Art. 2B, § 16–507(k)(1), which stated that former Art. 2B, § 16–507(k)
 5 applied only in Dorchester County, is deleted as unnecessary in light of the
 6 organization of this revised article.

7 Defined terms: “Board” § 19–101
 8 “County” § 19–101
 9 “License” § 1–101

10 TITLE 20. FREDERICK COUNTY.

11 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

12 20–101. DEFINITIONS.

13 (A) IN GENERAL.

14 IN THIS TITLE:

15 (1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT
 16 EXCEPTION OR VARIATION; AND

17 (2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

18 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
 19 by reference terms defined for the entire article.

20 Item (2) of this subsection is new language added as the standard introductory
 21 language to a definition section.

22 (B) BOARD.

23 “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR FREDERICK
 24 COUNTY.

25 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
 26 full reference to the “Board of License Commissioners for Frederick County”.

27 (C) COUNTY.

28 “COUNTY” MEANS FREDERICK COUNTY.

1 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
2 full reference to "Frederick County".

3 **20-102. SCOPE OF TITLE.**

4 **THIS TITLE APPLIES ONLY IN FREDERICK COUNTY.**

5 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
6 organization of this revised article.

7 **20-103. COPY OF LEGISLATION.**

8 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
9 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
10 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
11 **MARYLAND 21401.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 18-103.

14 The reference to this "title" is substituted for the former reference to this
15 "subtitle" to conform to the organization of this revised article. Under the
16 former law, each local governing body derived its authority to enact alcoholic
17 beverages legislation from a common subtitle. Under this revised article, each
18 local governing body derives its authority from the title dedicated to the
19 jurisdiction of the local governing body.

20 Defined terms: "Alcoholic beverage" § 1-101
21 "County" § 20-101

22 **GENERAL REVISOR'S NOTE TO SUBTITLE**

23 Throughout this title, the references to "wine" are substituted for the former
24 references to "light wine" to reflect that license holders in the County may sell wine
25 with a maximum alcohol content of 22%, which is above the traditional maximum
26 level of 15.5% for light wine.

27 Correspondingly, former Art. 2B, § 4-101(l), which defined "light wine" in the County
28 as a fermented beverage that contains not in excess of 22% of alcohol by volume, is
29 deleted because the definition is not used in this title.

30 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

31 **20-201. ESTABLISHED.**

1 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR FREDERICK COUNTY.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 15–103(a)(1).

4 Former Art. 2B, § 15–101(l), which provided a cross–reference to provisions
5 applicable to Frederick County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 **20–202. MEMBERSHIP.**

8 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

9 **THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

10 **(B) QUALIFICATIONS.**

11 **EACH MEMBER OF THE BOARD SHALL BE:**

12 **(1) A REGISTERED VOTER OF THE COUNTY DURING THE MEMBER'S**
13 **TERM OF OFFICE; AND**

14 **(2) AN INDIVIDUAL OF GOOD MORAL CHARACTER AND INTEGRITY**
15 **WHO REASONABLY REFLECTS THE CITIZENRY OF THE COUNTY.**

16 **(C) RESTRICTIONS.**

17 **(1) IN THIS SUBSECTION, "DIRECT OR INDIRECT INTEREST" MEANS**
18 **AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN**
19 **OR IN ANY OTHER MANNER.**

20 **(2) A MEMBER OF THE BOARD MAY NOT:**

21 **(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A**
22 **PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

23 **(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS**
24 **WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC**
25 **BEVERAGES;**

26 **(III) OWN STOCK IN:**

1 1. A CORPORATION THAT HAS A DIRECT OR INDIRECT
2 INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR
3 SOLD; OR

4 2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE
5 MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;

6 (IV) HOLD ANY OTHER PUBLIC OFFICE OR EMPLOYMENT; OR

7 (V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A
8 COMMISSION, REMUNERATION, OR GIFT FROM:

9 1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE
10 OF ALCOHOLIC BEVERAGES; OR

11 2. A LICENSE HOLDER.

12 (3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
13 MISDEMEANOR AND IS SUBJECT TO FINE NOT EXCEEDING \$1,000.

14 (D) TENURE.

15 (1) THE TERM OF A MEMBER IS 5 YEARS.

16 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
17 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

18 (E) VACANCIES.

19 A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR
20 THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

21 (F) REMOVAL.

22 (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
23 MISCONDUCT, NEGLECT OF A DUTY REQUIRED BY LAW, OR UNPROFESSIONAL OR
24 DISHONORABLE CONDUCT.

25 (2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY
26 OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN
27 OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.

1 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
2 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
3 **MEMBER AND THE GOVERNOR’S FINDINGS ON THE CHARGES.**

4 REVISOR’S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 15–103(a)(2) through (9) and (f)(2) and, as it
6 related to members of the Board, (1)(i) and (ii) and 15–110(a), as it related to
7 removal procedures.

8 In the introductory language of subsection (b) of this section, the reference to
9 “[e]ach member of the Board” is substituted for the former phrase “[t]o qualify
10 for appointment to the Board, a person:” for brevity.

11 In subsection (b)(1) of this section, the former reference to a member
12 “continu[ing] to be a registered voter of the county” during the term of office
13 is deleted as surplusage.

14 In subsection (c) of this section, the references to a “member” of the Board are
15 substituted for the former references to a “Commissioner” of the Board to
16 conform to the terminology used throughout this article.

17 In subsection (c)(2)(v) of this section, the former reference to any gift
18 “whatsoever” is deleted as surplusage.

19 In subsection (c)(2)(v)1 of this section, the former reference to “corporation” is
20 deleted as included in the defined term “person”.

21 Also in subsection (c)(2)(v)1 of this section, the former reference to “beer or
22 other” alcoholic beverages is deleted as included in the reference to “alcoholic
23 beverages”.

24 In subsection (c)(2)(v)2 of this section, the defined term “license holder” is
25 substituted for the former reference to a “licensee, licensed under the
26 provisions of this article” to conform to the terminology used throughout this
27 article.

28 In subsection (c)(3) of this section, the reference to “[a] person who” violates
29 this subsection is added to conform to the terminology used in other similar
30 provisions of this article.

31 In subsection (d)(2) of this section, the reference to the requirement that the
32 terms of the members of the Board be staggered as required on July 1, 2016,
33 is substituted for the former obsolete requirement that the terms be staggered
34 as required on July 1, 1989. This substitution is not intended to alter the term
35 of any member of the Board of License Commissioners for Frederick County.

1 In subsection (e) of this section, the reference to a member serving “only for
2 the rest of the term and” until a successor is appointed is added as standard
3 language.

4 In subsection (f)(2) of this section, the former phrase “in his own defense” is
5 deleted as surplusage.

6 The Alcoholic Beverages Article Review Committee notes, for consideration by
7 the General Assembly, that in subsection (b)(2) of this section, the reference
8 to an individual “who reasonably reflects the citizenry of the County” is
9 unclear.

10 Defined terms: “Board” § 20–101

11 “County” § 20–101

12 “License holder” § 1–101

13 “Person” § 1–101

14 **20–203. CHAIR.**

15 **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 15–103(b).

18 The reference to a “chair” is substituted for the former reference to a
19 “chairperson” to conform to the terminology used in other similar provisions
20 of this article.

21 Defined term: “Board” § 20–101

22 **20–204. QUORUM; MEETINGS; COMPENSATION; STAFF.**

23 **(A) QUORUM.**

24 **A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.**

25 **(B) MEETINGS.**

26 **THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

27 **(C) COMPENSATION.**

28 **(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL**
29 **SALARY OF \$7,000.**

1 **(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN**
 2 **ANNUAL SALARY OF \$6,500.**

3 **(2) THE CHAIR AND OTHER MEMBERS OF THE BOARD SHALL BE**
 4 **REIMBURSED FOR REASONABLE EXPENSES.**

5 **(D) STAFF.**

6 **(1) WITH THE APPROVAL OF THE GOVERNING BODY OF THE COUNTY,**
 7 **THE CHAIR OF THE BOARD MAY EMPLOY THE CLERICAL ASSISTANTS NECESSARY TO**
 8 **DISCHARGE THE DUTIES OF THE BOARD.**

9 **(2) THE SALARY OF THE CLERICAL ASSISTANTS SHALL BE SET BY THE**
 10 **GOVERNING BODY OF THE COUNTY AND PROVIDED FOR IN THE COUNTY BUDGET.**

11 **(3) THE RESTRICTIONS AND PENALTY UNDER § 20–202(C) OF THIS**
 12 **SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE**
 13 **BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES APPLY TO EMPLOYEES OF THE**
 14 **BOARD.**

15 REVISOR’S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 15–103(c), (e), and (f)(2) and, as it related to
 17 employees of the Board, (1)(i) and (ii).

18 In subsection (c)(1)(i) of this section, the reference to a “chair” is substituted
 19 for the former reference to a “chairperson” to conform to the terminology used
 20 in other similar provisions of this article.

21 In subsection (c)(1)(ii) of this section, the reference to “[e]ach other” member
 22 is added for clarity.

23 In subsection (d)(3) of this section, the cross–reference to “§ 20–202(c) of this
 24 subtitle regarding direct and indirect interests of members of the Board in
 25 alcoholic beverages activities” is substituted for the provisions in former Art.
 26 2B, § 15–103(f)(1)(i) and (ii) and (2) applying to employees for brevity.

27 Former Art. 2B, § 15–109(l), which provided a cross–reference to the salary of
 28 the Board, is deleted as unnecessary in light of the organization of this revised
 29 article.

30 Former Art. 2B, § 15–112(l), which stated that the appointment of an inspector
 31 and the employment of clerical assistants in Frederick County are provided
 32 for in former Art. 2B, § 15–103, is deleted as obsolete in light of the
 33 organization of this revised article. The employment of clerical assistants is

1 provided for in subsection (d) of this section, and the employment of inspectors
2 is provided for in § 20–205 of this subtitle.

3 Defined terms: “Alcoholic beverage” § 1–101
4 “Board” § 20–101

5 **20–205. INSPECTORS.**

6 **(A) APPOINTMENT.**

7 **THE BOARD MAY APPOINT:**

8 **(1) ONE CHIEF INSPECTOR; AND**

9 **(2) NOT MORE THAN:**

10 **(I) ONE FULL–TIME INSPECTOR IN ADDITION TO THE CHIEF**
11 **ALCOHOLIC BEVERAGES INSPECTOR; OR**

12 **(II) TWO PART–TIME INSPECTORS.**

13 **(B) QUALIFICATIONS.**

14 **TO QUALIFY FOR APPOINTMENT AS AN INSPECTOR OF ANY TYPE, AN**
15 **INDIVIDUAL SHALL:**

16 **(1) BE OF HIGH MORAL CHARACTER; AND**

17 **(2) POSSESS A SOUND REPUTATION FOR SOBRIETY, HONESTY, AND**
18 **INTEGRITY.**

19 **(C) COMPENSATION.**

20 **(1) AN INSPECTOR OF ANY TYPE SHALL:**

21 **(I) RECEIVE THE COMPENSATION SET BY THE GOVERNING**
22 **BODY OF THE COUNTY AND PROVIDED FOR IN THE COUNTY BUDGET;**

23 **(II) BE REIMBURSED FOR REASONABLE EXPENSES; AND**

24 **(III) RECEIVE REIMBURSEMENT FOR MILEAGE AT THE**
25 **STANDARD RATE SET BY THE GOVERNING BODY OF THE COUNTY.**

1 **(2) REIMBURSEMENT FOR MILEAGE DOES NOT INCLUDE TRAVEL TO**
2 **AND FROM THE INSPECTOR'S HOME AND OFFICE.**

3 **(D) POWERS AND DUTIES.**

4 **(1) AN INSPECTOR OF ANY TYPE:**

5 **(I) MAY ISSUE A CIVIL CITATION AS ALLOWED UNDER §**
6 **20-2603 OF THIS TITLE; AND**

7 **(II) SHALL:**

8 **1. POSSESS THE POWER OF A PEACE OFFICER IN THE**
9 **STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;**

10 **2. SUBMIT MONTHLY REPORTS IN WRITING TO THE**
11 **BOARD OF THE INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS OR**
12 **VIOLATIONS THAT THE INSPECTOR OBSERVED OR THAT WERE REPORTED TO THE**
13 **INSPECTOR;**

14 **3. ASSIST THE BOARD TO ENFORCE THE ALCOHOLIC**
15 **BEVERAGES LAWS; AND**

16 **4. HAVE ANY OTHER DUTIES THAT THE BOARD**
17 **REQUIRES.**

18 **(2) THE CHIEF INSPECTOR SHALL DETERMINE THE HOURS AND**
19 **ASSIGNMENTS OF ALL INSPECTORS.**

20 **(E) RESTRICTIONS.**

21 **THE RESTRICTIONS AND PENALTY UNDER § 20-202(C) OF THIS SUBTITLE**
22 **REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN**
23 **ALCOHOLIC BEVERAGES ACTIVITIES APPLY TO FULL-TIME AND PART-TIME**
24 **INSPECTORS.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, §§ 15-103(d) and (f)(2) and, as it related to
27 inspectors, (1)(i) and (ii) and, as it related to Frederick County, 16-408.

28 Also throughout this section, the former references to "alcoholic beverages"
29 inspectors are deleted as surplusage.

1 In the introductory language of subsection (b) of this section, the reference to
2 an “individual” is substituted for the former reference to a “person” because
3 only a human being and not the other entities listed in the definition of
4 “person” may be appointed as an inspector.

5 In subsection (d)(1)(i) of this section, the reference to the authority of an
6 inspector to “issue a civil citation as allowed under § 20–2603 of this title” is
7 added to enumerate all the powers and duties of a full–time and a
8 part–time inspector.

9 In subsection (d)(1)(ii)1 of this section, the reference to the powers “arising out
10 of or relating to the enforcement of this article” is substituted for the former
11 reference to the powers “with respect to the enforcement of the alcoholic
12 beverages laws of Frederick County” for consistency with other similar
13 provisions of this article.

14 In subsection (e) of this section, the cross–reference to “§ 20–202(c) of this
15 subtitle regarding direct and indirect interests of members of the Board in
16 alcoholic beverages activities” is substituted for the provisions in former Art.
17 2B, § 15–103(f)(1)(i) and (ii) and (2) applying to inspectors for brevity.

18 Defined terms: “Alcoholic beverage” § 1–101

19 “Board” § 20–101

20 “County” § 20–101

21 “State” § 1–101

22 **20–206. DISPOSITION OF LICENSE FEES.**

23 **THE COUNTY TREASURER SHALL:**

24 **(1) RECEIVE ALL THE LICENSE FEES THAT THE BOARD COLLECTS;**

25 **AND**

26 **(2) FROM THE FEES, PAY ALL THE SALARIES AND EXPENSES OF THE**

27 **BOARD.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 10–104(l)(2).

30 Former Art. 2B, § 10–104(l)(1), which stated that former Art. 2B, §
31 10–104(l) applied only in Frederick County, is deleted as unnecessary in light
32 of the organization of this revised article.

33 Defined terms: “Board” § 20–101

34 “County” § 20–101

35 “License” § 1–101

1 **20–207. REGULATIONS.**

2 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

3 REVISOR’S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 16–301(a), as it related to the authority of the
5 Board to adopt regulations.

6 The defined term “Board” is substituted for the former reference to “the board
7 of license commissioners from any county or Baltimore City, respectively,”
8 because this section applies only to the Board of License Commissioners for
9 Frederick County.

10 The reference to the Board “adopt[ing] regulations to carry out” this article is
11 substituted for the former reference to the Board “hav[ing] full power and
12 authority to adopt such reasonable rules and regulations as they may deem
13 necessary to enable them effectively to discharge the duties imposed upon
14 them” by this article for brevity.

15 The former phrase “[i]n addition to the powers otherwise provided by this
16 article,” is deleted as surplusage.

17 Defined term: “Board” § 20–101

18 **SUBTITLE 3. LIQUOR CONTROL.**

19 **20–301. LIQUOR CONTROL — NOT APPLICABLE.**

20 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
21 **IN THE COUNTY.**

22 REVISOR’S NOTE: This section is new language added to clarify that there is no
23 liquor control board or department of liquor control in the County.

24 Defined term: “County” § 20–101

25 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

26 **20–401. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
3 EXCEPTION OR VARIATION:

4 (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

5 (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);

6 (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);

7 (4) § 2–207 (“CLASS 5 BREWERY LICENSE”);

8 (5) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);

9 (6) § 2–211 (“RESIDENCY REQUIREMENT”);

10 (7) § 2–212 (“ADDITIONAL LICENSES”);

11 (8) § 2–213 (“ADDITIONAL FEES”);

12 (9) § 2–214 (“SALE OR DELIVERY RESTRICTED”);

13 (10) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER
14 PROHIBITED”);

15 (11) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
16 AND RETAILERS”);

17 (12) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
18 PROHIBITED PRACTICES”); AND

19 (13) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
20 RETAILERS — PROHIBITED”).

21 (B) EXCEPTIONS.

22 SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF
23 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

24 (C) VARIATIONS.

25 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
26 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

1 (1) § 2-205 (“CLASS 3 WINERY LICENSE”), SUBJECT TO § 20-403 OF
2 THIS SUBTITLE;

3 (2) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO §
4 20-404 OF THIS SUBTITLE;

5 (3) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO §
6 20-405 OF THIS SUBTITLE; AND

7 (4) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §
8 20-406 OF THIS SUBTITLE.

9 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
10 incorporate by reference general provisions relating to the issuance of
11 manufacturer’s licenses.

12 Subsection (b) of this section is new language derived without substantive
13 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
14 implicit in the former law, that a limited distillery license may not be issued
15 in the County.

16 Defined terms: “County” § 20-101
17 “Manufacturer’s license” § 1-101

18 **20-402. HOURS AND DAYS OF SALE OR DELIVERY.**

19 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
20 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
21 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11-101(b)(8).

24 Defined terms: “Alcoholic beverage” § 1-101
25 “Manufacturer’s license” § 1-101

26 **20-403. CLASS 3 WINERY LICENSE.**

27 **(A) APPLICATION OF SECTION.**

28 **THIS SECTION APPLIES TO A CLASS 3 WINERY LICENSE IN THE COUNTY.**

29 **(B) SALE OF WINE AUTHORIZED THROUGHOUT COUNTY.**

1 **A HOLDER OF THE LICENSE MAY SELL WINE IN ANY ELECTION DISTRICT OF**
2 **THE COUNTY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 2–204(a)(1) and, as it related to the sale of
5 wine under a Class 3 winery license, 8–211(f)(1).

6 In subsection (b) of this section, the reference to any election district “of the
7 County” is added for clarity.

8 Also in subsection (b) of this section, the former phrase “[n]otwithstanding any
9 other provisions of this section” is deleted as unnecessary in light of the
10 organization of this revised article.

11 Also in subsection (b) of this section, the former phrase “as provided under a
12 winery license” is deleted as implicit in the reference to “license”.

13 Defined terms: “County” § 20–101
14 “License” § 1–101
15 “Wine” § 1–101

16 **20–404. CLASS 4 LIMITED WINERY LICENSE.**

17 **(A) APPLICATION OF SECTION.**

18 **THIS SECTION APPLIES TO A CLASS 4 LIMITED WINERY LICENSE IN THE**
19 **COUNTY.**

20 **(B) SALE OF WINE AUTHORIZED THROUGHOUT COUNTY.**

21 **A HOLDER OF THE LICENSE MAY SELL WINE IN ANY ELECTION DISTRICT OF**
22 **THE COUNTY.**

23 **(C) TOURS AND PROMOTIONAL EVENTS — FACILITIES.**

24 **A HOLDER OF THE LICENSE MAY PROVIDE TABLES AND CHAIRS ON THE**
25 **PREMISES OF THE PLANT FOR THE SALE, BY THE GLASS, OF WINE AND POMACE**
26 **BRANDY MADE AT THE PLANT TO AN INDIVIDUAL WHO:**

27 **(1) (I) IS PARTICIPATING IN A GUIDED TOUR OF THE PLANT; OR**

28 **(II) IS ATTENDING A SCHEDULED PROMOTIONAL EVENT OR**
29 **OTHER ORGANIZED ACTIVITY AT THE PLANT; AND**

30 **(2) HAS ATTAINED THE MARYLAND LEGAL DRINKING AGE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 2–205(b)(1) and 8–211(f)(2) and, as it related
3 to the sale of wine under a Class 4 limited winery license, (1).

4 In subsection (b) of this section, the reference to any election district “of the
5 County” is added for clarity.

6 Also in subsection (b) of this section, the former phrase “[n]otwithstanding any
7 other provisions of this section” is deleted as unnecessary in light of the
8 organization of this revised article.

9 Also in subsection (b) of this section, the former phrase “as provided under ...
10 a limited winery license” is deleted as implicit in the reference to “license”.

11 In subsection (c) of this section, the reference to an “individual” is substituted
12 for the former reference to the defined term “person” because only an
13 individual and not any of the other entities contained in the definition of
14 “person” is capable of taking a tour or of consuming wine or pomace brandy.

15 Also in subsection (c) of this section, the references to “plant” are substituted
16 for the former references to “licensed facility”, “facility”, and “licensed
17 premises” for consistency with § 2–207 of this article.

18 Defined terms: “County” § 20–101

19 “License” § 1–101

20 “Pomace brandy” § 1–101

21 “Wine” § 1–101

22 **20–405. CLASS 6 PUB–BREWERY LICENSE.**

23 **(A) APPLICATION OF SECTION.**

24 **THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE**
25 **COUNTY.**

26 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

27 **SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a
30 Class 6 pub–brewery license in Frederick County, and, as it authorized
31 off–sale privileges of beer in refillable containers only in specific jurisdictions,
32 not including Frederick County, the introductory language of (g)(1).

1 Defined terms: "County" § 20-101
2 "License" § 1-101

3 **20-406. CLASS 7 MICRO-BREWERY LICENSE.**

4 **(A) APPLICATION OF SECTION.**

5 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
6 **COUNTY.**

7 **(B) AUTHORIZED HOLDER.**

8 **NOTWITHSTANDING § 2-209(B) OF THIS ARTICLE, THE LICENSE MAY BE**
9 **ISSUED ONLY TO A HOLDER OF:**

10 **(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
11 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT IN THE COUNTY; OR**

12 **(2) A CLASS MEC LICENSE THAT IS ISSUED FOR USE ON THE**
13 **PREMISES OF THE CLASS MEC LICENSE IF THE PREMISES IS LOCATED IN THE**
14 **BALLENGER (23RD) ELECTION DISTRICT.**

15 **(C) MANUFACTURING AND LICENSING PROHIBITIONS.**

16 **THE LICENSE HOLDER IS NOT SUBJECT TO THE MANUFACTURING AND**
17 **LICENSING PROHIBITIONS UNDER § 2-209(E) OF THIS ARTICLE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 2-208(a), (b)(2)(xi) and (3)(i) and (iv), and, as it
20 related to Frederick County, (e)(1).

21 Defined term: "County" § 20-101

22 **SUBTITLE 5. WHOLESALER'S LICENSES.**

23 **20-501. APPLICATION OF GENERAL PROVISIONS.**

24 **TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS**
25 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

26 REVISOR'S NOTE: This section is new language added to incorporate by reference
27 general provisions relating to the issuance of wholesaler's licenses.

28 Defined terms: "County" § 20-101

1 “Wholesaler’s license” § 1–101

2 **20–502. HOURS AND DAYS OF SALE OR DELIVERY.**

3 **EXCEPT AS PROVIDED IN § 20–503 OF THIS SUBTITLE, A HOLDER OF A**
4 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
5 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
6 **SUNDAY.**

7 REVISOR’S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 11–102(a).

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Wholesaler’s license” § 1–101

11 **20–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

12 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

13 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
14 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
15 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
16 **RETURNS ON THE SAME DAY.**

17 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

18 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
19 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
20 **REQUIRED TO DISPENSE DRAFT BEER.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 11–102(b).

23 In subsection (a) of this section, the reference to a “per diem” license is
24 substituted for the former reference to a “special 1–day” license to conform to
25 the terminology used throughout this article.

26 Also in subsection (a) of this section, the reference to a per diem license issued
27 “under Subtitle 13 of this title” is substituted for the former reference to a
28 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
29 of material relating to per diem licenses in titles for each applicable
30 jurisdiction in this revision.

1 Also in subsection (a) of this section, the reference to delivery of beer on the
2 “effective date of the per diem license” is substituted for the former reference
3 to delivery on the “effective day of the license” for clarity.

4 Also in subsection (a) of this section, the former reference to accepting returns
5 on the same day “of delivery” is deleted as surplusage.

6 In subsection (b) of this section, the language that the “agreement entered into
7 under subsection (a) of this section shall include [the type of equipment to
8 dispense draft beer]” is substituted for the former language that the “parties
9 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

10 Defined terms: “Beer” § 1–101
11 “Wholesaler’s license” § 1–101

12 **SUBTITLE 6. BEER LICENSES.**

13 **20–601. CLASS A BEER LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS A BEER LICENSE.**

16 **(B) SCOPE OF AUTHORIZATION.**

17 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
18 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

19 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
20 **PACKAGE OR CONTAINER.**

21 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
22 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

23 **(C) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$100.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 3–101(l) and (a)(1).

27 In subsection (a) of this section, the former reference to a license being “issued
28 by the license issuing authority of the county in which the place of business is
29 located” is deleted as surplusage.

1 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
2 as implicit in the word “sell”.

3 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
4 deleted as surplusage.

5 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
6 the former reference to “deliver[ing]” for clarity and accuracy.

7 Defined terms: “Beer” § 1–101
8 “Consumer” § 1–101

9 **20–602. CLASS B BEER LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS B BEER LICENSE.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
14 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR**
15 **RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND**
16 **OFF-PREMISES CONSUMPTION.**

17 **(2) (I) THIS PARAGRAPH DOES NOT APPLY TO A LICENSE HOLDER**
18 **THAT HELD THE LICENSE ON DECEMBER 31, 1993, OR TO A PERSON WHO HAS A**
19 **PERMIT FOR A BUILDING THAT WAS UNDER CONSTRUCTION ON THAT DATE.**

20 **(II) EXCEPT FOR RECREATIONAL USE PREMISES SUCH AS**
21 **BOWLING ALLEYS AND POOL HALLS, THE AREA NORMALLY USED AS A RESTAURANT**
22 **FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES ON THE**
23 **LICENSED PREMISES MAY NOT OCCUPY LESS THAN 80% OF THE TOTAL AREA OF THE**
24 **LICENSED PREMISES.**

25 **(C) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$130.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 3–201(a)(1) and (l)(2) and (3).

29 In subsection (a) of this section, the former reference to a license being “issued
30 by the license issuing authority of the county in which the place of business is
31 located” is deleted as surplusage.

1 In subsection (b)(1) of this section, the reference to “on- and off-premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 Also in subsection (b)(1) of this section, the former phrase “keep for sale” is
5 deleted as implicit in the word “sell”.

6 In subsection (b)(2)(i) of this section, the former reference to the provisions not
7 “affect[ing]” a holder of a license is deleted as implicit in the provisions not
8 “apply[ing]” to the holder.

9 In subsection (b)(2)(ii) of this section, the reference to the “total area” of the
10 licensed premises is substituted for the former reference to the “square foot
11 area” of the licensed premises for clarity.

12 Former Art. 2B, § 3-201(l)(1), which stated that former Art. 2B, § 3-201(l)
13 applied only in Frederick County, is deleted as unnecessary in light of the
14 organization of this revised article.

15 Defined terms: “Beer” § 1-101

16 “Hotel” § 1-101

17 “Person” § 1-101

18 “Restaurant” § 1-101

19 **20-603. CLASS C BEER LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS C BEER LICENSE.**

22 **(B) SCOPE OF AUTHORIZATION.**

23 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
24 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
25 **LICENSE FOR ON-PREMISES CONSUMPTION.**

26 **(C) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$50.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 3-301(l) and (a)(1).

1 In subsection (a) of this section, the former reference to a license being “issued
2 by the local licensing authority of the county in which the place of business is
3 located” is deleted as surplusage.

4 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
5 implicit in the word “sell”.

6 Also in subsection (b) of this section, the former reference to “bona fide”
7 members is deleted as surplusage.

8 Defined terms: “Beer” § 1–101

9 “Club” § 1–101

10 **20–604. CLASS D BEER LICENSE — NOT APPLICABLE.**

11 **A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 3–401(l).

14 Defined terms: “Beer” § 1–101

15 “County” § 20–101

16 **SUBTITLE 7. WINE LICENSES.**

17 **20–701. CLASS A WINE LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR**
22 **A CLASS 4 LIMITED WINERY LICENSE.**

23 **(C) SCOPE OF AUTHORIZATION.**

24 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
25 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY**
26 **THAT CONTAINS NOT MORE THAN 21% OF ALCOHOL BY VOLUME.**

27 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
28 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

1 **(D) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$50.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 4-201(a)(8), (b)(1), (c)(1), (d)(3), as it related to
5 Frederick County, and the second sentence of (1), and (e)(1)(iii) and (2).

6 Throughout this section, the references to "wine" are substituted for the
7 former references to "light wine" to reflect that license holders in the County
8 may sell wine with an alcohol content of 21%, which is above the traditional
9 maximum level of 15.5% for light wine.

10 In subsection (b) of this section, the reference to a "Class 3 winery license" is
11 substituted for the former reference to a "Class 3 manufacturer's license, who
12 makes wine from agricultural products grown in Maryland" for brevity and to
13 conform to the terminology used throughout this article. Similarly, the
14 reference to a "Class 4 limited winery license" is substituted for the former
15 reference to a "Class 4 manufacturer's license".

16 Also in subsection (b) of this section, the former reference to a license being
17 issued "by the license issuing authority of the county in which the place of
18 business is located" is deleted as surplusage.

19 In subsection (c)(1) of this section, the former reference to "ports" is deleted as
20 unnecessary in light of the definition of "wine". Port wine generally has an
21 alcohol content of 19.5% to 20% by volume and thus is included in the
22 definition of "wine".

23 Also in subsection (c)(1) of this section, the former phrase "keep for sale" is
24 deleted as implicit in the word "sell".

25 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
26 any consumer" is deleted as surplusage.

27 In subsection (c)(2) of this section, the reference to "sold" is substituted for the
28 former reference to "delivered" to conform to the terminology used throughout
29 this article.

30 Defined terms: "County" § 20-101

31 "Wine" § 1-101

32 **SUBTITLE 8. BEER AND WINE LICENSES.**

33 **20-801. CLASS A BEER AND WINE LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS A BEER AND WINE LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
5 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

6 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
7 **SEALED PACKAGE OR CONTAINER.**

8 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
9 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
10 **SOLD.**

11 **(C) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$140.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 5–101(l) and (a)(1).

15 In this section and throughout this subtitle, the references to “wine” are
16 substituted for the former references to “light wine” to reflect that license
17 holders in the County may sell wine with an alcohol content of 22%, which is
18 above the traditional maximum level of 15.5% for light wine.

19 Subsection (a) of this section is revised in standard language used throughout
20 this article to establish a license.

21 In subsection (a) of this section and throughout this subtitle, the former
22 references to the license being “issued by the license issuing authority of the
23 county in which the place of business is located” are deleted as surplusage.

24 In subsection (b)(1) of this section and throughout this subtitle, the former
25 references to “keep[ing] for sale” are deleted as implicit in the references to
26 “sell[ing]”.

27 In subsection (b)(1) of this section, the former reference to selling “at retail, in
28 any quantity to any consumers” is deleted as surplusage.

29 In subsection (b)(2) of this section, the word “sell” is substituted for the former
30 word “deliver” to conform to the terminology used throughout this article.

1 Defined terms: "Beer" § 1-101

2 "Wine" § 1-101

3 **20-802. CLASS B BEER AND WINE LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS B BEER AND WINE LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
8 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
9 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

10 **(C) SPACE REQUIREMENT.**

11 **(1) THIS SUBSECTION DOES NOT APPLY TO:**

12 **(I) A LICENSE HOLDER LICENSED ON OR BEFORE DECEMBER**
13 **31, 1993;**

14 **(II) A PERSON WHO HAD A PERMIT FOR A BUILDING UNDER**
15 **CONSTRUCTION ON DECEMBER 31, 1993; OR**

16 **(III) A RECREATIONAL ESTABLISHMENT, SUCH AS A BOWLING**
17 **ALLEY OR POOL HALL.**

18 **(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A**
19 **RESTAURANT FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES**
20 **MAY NOT OCCUPY LESS THAN 80% OF THE SQUARE FOOTAGE OF THE PREMISES.**

21 **(D) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$160.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 5-201(a)(1) and (l)(2) and (3).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

1 In subsection (b) of this section, the reference to “on– and off–premises
2 consumption” is substituted for the former reference to “consumption on the
3 premises or elsewhere” for clarity.

4 In the introductory language of subsection (c)(1) of this section, the former
5 word “affect” is deleted as included in the phrase “apply to”.

6 In subsection (c)(1)(i) of this section, the reference to on “or before” December
7 31, 1993, is added for clarity.

8 In subsection (c)(2) of this section, the reference to the “square footage of the
9 premises” is substituted for the former reference to the “square foot area” for
10 clarity.

11 Also in subsection (c)(2) of this section, the former reference to the preparation
12 and consumption of food and beverages “on the premises” is deleted as
13 surplusage.

14 Former Art. 2B, § 5–201(l)(1), which stated that former Art. 2B, § 5–201(l)
15 applied only in Frederick County, is deleted as unnecessary in light of the
16 organization of this revised article.

17 Defined terms: “Beer” § 1–101

18 “Hotel” § 1–101

19 “Person” § 1–101

20 “Restaurant” § 1–101

21 “Wine” § 1–101

22 **20–803. CLASS C BEER AND WINE LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS C BEER AND WINE LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
27 **A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE**
28 **DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

29 **(C) FEE.**

30 **THE ANNUAL LICENSE FEE IS \$70.**

31 REVISOR’S NOTE: This section is new language derived without substantive
32 change from former Art. 2B, § 5–301(l) and (a)(1).

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In subsection (b) of this section, the former reference to consumption “only” on
4 the premises is deleted as surplusage.

5 Also in subsection (b) of this section, the former reference to a “bona fide”
6 member is deleted as surplusage.

7 Defined terms: “Beer” § 1–101

8 “Club” § 1–101

9 “Wine” § 1–101

10 **20–804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

11 **A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 5–401(l).

14 Defined terms: “Beer” § 1–101

15 “County” § 20–101

16 “Wine” § 1–101

17 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

18 **20–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) SCOPE OF AUTHORIZATION.**

22 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
23 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

24 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
25 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
26 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

27 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

28 **A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

1 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
2 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
3 **THE LICENSE;**

4 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
5 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
6 **APPLIED FOR; OR**

7 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
8 **LEAST 3 YEARS.**

9 **(D) FEE.**

10 **(1) THE ANNUAL LICENSE FEE IS \$650.**

11 **(2) A SUNDAY PERMIT MAY BE ISSUED FOR AN ADDITIONAL ANNUAL**
12 **FEE OF \$650.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 6-101(l) and (a)(1) and (3).

15 Subsection (a) of this section is revised in standard language used throughout
16 this title to establish a license.

17 In subsection (b) of this section, references to "beer, wine, [or] liquor" are
18 substituted for the former references to "alcoholic beverages" for clarity.

19 In subsection (b)(1) of this section, the former phrase "in any quantity" is
20 deleted as surplusage.

21 In subsection (b)(1) of this section, the phrase "to sell" is substituted for the
22 former phrase "to keep for sale and to sell" for brevity.

23 In subsection (c)(2) of this section, the phrase "at least 1 year before the date
24 of the application for the license" is substituted for the former phrase "that
25 length of time" for clarity.

26 Also in subsection (c)(2) of this section, the former phrase "as provided under
27 this article" is deleted as surplusage.

28 In subsection (c)(3) of this section, the former reference to "actually" engaged
29 is deleted as surplusage.

1 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
2 deleted as surplusage.

3 Defined terms: “Beer” § 1–101
4 “Wine” § 1–101

5 **20–902. CLASS B BEER, WINE, AND LIQUOR BALLENGER DISTRICT LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS B LICENSE IN THE BALLENGER (23RD) ELECTION**
8 **DISTRICT.**

9 **(B) AUTHORIZED HOLDER.**

10 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LUXURY–TYPE**
11 **RESTAURANT THAT HAS:**

12 **(1) A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR DINING ROOM**
13 **FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND,**
14 **BUILDINGS, OR LEASES; AND**

15 **(2) SEATING FOR AT LEAST 50 INDIVIDUALS.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR**
18 **ON–PREMISES CONSUMPTION.**

19 **(D) HOURS AND DAYS OF SALE.**

20 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
21 **HOURS AND DAYS AS SET OUT UNDER § 20–2006(D) OF THIS TITLE.**

22 **(E) FEE.**

23 **THE ANNUAL LICENSE FEE IS \$1,500.**

24 **(F) REGULATIONS.**

25 **THE BOARD SHALL DEFINE “LUXURY–TYPE RESTAURANT” BY REGULATION.**

1 REVISOR'S NOTE: Subsections (a) through (c), (e), and (f) of this section are new
2 language derived without substantive change from former Art. 2B, §
3 6–201(1)(9)(i) through (iv) and (vi).

4 Subsection (d) of this section is new language added for clarity.

5 Defined terms: "Beer" § 1–101

6 "Board" § 20–101

7 "Restaurant" § 1–101

8 "Wine" § 1–101

9 **20–903. CLASS B BEER, WINE, AND LIQUOR HOTEL OR MOTEL LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS B BEER, WINE, AND LIQUOR HOTEL OR MOTEL LICENSE.**

12 **(B) AUTHORIZED HOLDER.**

13 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR MOTEL THAT:**

14 **(1) IS AN ESTABLISHMENT TO ACCOMMODATE THE PUBLIC BY**
15 **PROVIDING SERVICES ORDINARILY FOUND IN A HOTEL OR MOTEL;**

16 **(2) HAS AT LEAST 15 ROOMS;**

17 **(3) HAS A DINING ROOM WITH FACILITIES FOR PREPARING AND**
18 **SERVING FULL-COURSE MEALS FOR AT LEAST 50 INDIVIDUALS AT ONE SEATING;**
19 **AND**

20 **(4) HAS A CAPITAL INVESTMENT IN THE HOTEL OR MOTEL FACILITY**
21 **OF AT LEAST \$400,000.**

22 **(C) SCOPE OF AUTHORIZATION.**

23 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
24 **WINE, AND LIQUOR BY THE INDIVIDUAL DRINK AT ANY PLACE ON THE HOTEL OR**
25 **MOTEL PREMISES.**

26 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
27 **LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY**
28 **THE BOTTLE:**

1 1. AT ANY PLACE ON THE PREMISES FOR A BANQUET,
2 PARTY, HOSPITALITY ROOM, MEETING, OR A SIMILAR FUNCTION; AND

3 2. FOR DINNER IN THE RESTAURANT PORTION OF THE
4 PREMISES.

5 (II) A CUSTOMER MAY NOT REMOVE FROM THE PREMISES ANY
6 CONTENTS OF A BOTTLE SOLD UNDER THIS PARAGRAPH THAT REMAINS UNUSED.

7 (3) (I) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND
8 LIQUOR BY THE BOTTLE THROUGH ROOM SERVICE TO A REGISTERED PATRON IN A
9 HOTEL OR MOTEL ROOM.

10 (II) NOT MORE THAN TWO BOTTLES MAY BE SOLD THROUGH
11 ROOM SERVICE TO ANY ONE CUSTOMER IN A 24-HOUR PERIOD.

12 (III) A BOTTLE SOLD THROUGH ROOM SERVICE MAY BE
13 REMOVED FROM THE PREMISES BY THE CUSTOMER ON CHECKING OUT FROM THE
14 HOTEL OR MOTEL.

15 (D) HOURS AND DAYS OF SALE.

16 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
17 HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE
18 UNDER § 20-2005(B) OF THIS TITLE.

19 (E) FEE.

20 THE ANNUAL LICENSE FEE IS \$2,000.

21 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
22 language derived without substantive change from former Art. 2B, §
23 6-201(1)(3).

24 Subsection (d) of this section is new language added for clarity.

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

27 In the introductory language of subsection (b) and subsection (b)(1) of this
28 section, the former references to a "bona fide" hotel or motel are deleted as
29 surplusage. Similarly, in subsection (c)(3)(ii) of this section, the former
30 reference to a "bona fide" registered customer is deleted.

1 In subsection (b)(2) of this section, the phrase “at least” is substituted for the
2 former phrase “no less than” for brevity. Similarly, in subsection (b)(4) of this
3 section, the phrase “at least” is substituted for the former reference to “not
4 less than”.

5 In subsection (b)(3) of this section, the reference to “individuals” is substituted
6 for the former reference to “persons” because this subsection applies only to
7 human beings.

8 In subsection (c)(2)(i) and (3)(i) of this section, the references to “beer, wine,
9 and liquor” are substituted for the former references to “all alcoholic
10 beverages” and “[a]lcoholic beverages” for clarity.

11 In subsection (c)(2)(ii) of this section, the reference to “any contents of a bottle
12 ... that remains unused” is substituted for the former reference to “the unused
13 portion of any such bottle” for clarity.

14 In subsection (e) of this section, the former reference to the fee “for this special
15 Class B license” is deleted as surplusage.

16 Defined terms: “Beer” § 1–101

17 “Board” § 20–101

18 “Hotel” § 1–101

19 “Wine” § 1–101

20 **20–904. CLASS B BEER, WINE, AND LIQUOR HOTEL OR RESTAURANT LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS B BEER, WINE, AND LIQUOR HOTEL OR RESTAURANT**
23 **LICENSE.**

24 **(B) AUTHORIZED HOLDER — FOR HOTELS.**

25 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT:**

26 **(1) IS AN ESTABLISHMENT FOR THE ACCOMMODATION OF THE**
27 **PUBLIC PROVIDING SERVICE ORDINARILY FOUND IN HOTELS;**

28 **(2) CONTAINS:**

29 **(I) AT LEAST 25 ROOMS;**

30 **(II) A LOBBY WITH A REGISTRATION AND MAIL DESK; AND**

1 **(III) SEATING FACILITIES AND A DINING ROOM THAT SERVES**
2 **FULL-COURSE MEALS AT LEAST TWICE DAILY AND THAT HAS A REGULAR SEATING**
3 **AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR 50 OR MORE**
4 **INDIVIDUALS; AND**

5 **(3) IS OPERATED IN A FACILITY THAT:**

6 **(I) IS VALUED FOR STATE AND LOCAL ASSESSMENT AND**
7 **TAXATION AT NOT LESS THAN \$20,000; AND**

8 **(II) HAS PERSONAL PROPERTY VALUED FOR STATE AND LOCAL**
9 **ASSESSMENT AND TAXATION AT NOT LESS THAN \$3,000.**

10 **(C) AUTHORIZED HOLDER — FOR RESTAURANTS.**

11 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
12 **MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

13 **(I) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY;**

14 **(II) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS**
15 **AT BARS OR COUNTERS, FOR 50 OR MORE INDIVIDUALS;**

16 **(III) IS OPERATED IN A FACILITY VALUED FOR STATE AND LOCAL**
17 **ASSESSMENT AND TAXATION AT NOT LESS THAN \$40,000; AND**

18 **(IV) HAS PERSONAL PROPERTY VALUED FOR STATE AND LOCAL**
19 **ASSESSMENT AND TAXATION AT NOT LESS THAN \$5,000.**

20 **(2) (I) THIS SUBSECTION DOES NOT APPLY TO OR AFFECT ANY**
21 **LICENSE HOLDER THAT HAD THE LICENSE ON DECEMBER 31, 1993, OR TO A PERSON**
22 **WHO HAS A PERMIT FOR A BUILDING THAT WAS UNDER CONSTRUCTION ON THAT**
23 **DATE.**

24 **(II) THE AREA NORMALLY USED AS A RESTAURANT FOR THE**
25 **PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES SHALL OCCUPY AT**
26 **LEAST 80% OF THE SQUARE FOOT AREA OF THE LICENSED PREMISES, EXCEPT FOR**
27 **PREMISES USED FOR RECREATION, SUCH AS A BOWLING ALLEY OR POOL HALL.**

28 **(3) (I) THE LICENSE HOLDER MAY REMOVE TABLES AND CHAIRS**
29 **TO ACCOMMODATE ADDITIONAL PATRONS AT NOT MORE THAN FOUR SPECIAL**
30 **EVENTS HELD IN THE RESTAURANT IN A CALENDAR YEAR.**

1 **(II) A RESTAURANT THAT REMOVES ITS TABLES AND CHAIRS**
2 **FOR A SPECIAL EVENT:**

3 **1. SHALL GIVE NOTICE TO THE BOARD AT LEAST 1 WEEK**
4 **BEFORE THE EVENT;**

5 **2. SHALL STORE THE REMOVED TABLES AND CHAIRS IN**
6 **AN APPROPRIATE LOCATION IN THE RESTAURANT AND IN A MANNER THAT DOES NOT**
7 **BLOCK THE EXITS OF THE RESTAURANT; AND**

8 **3. MAY NOT ALLOW INTO THE RESTAURANT MORE THAN**
9 **THE MAXIMUM NUMBER OF OCCUPANTS THAT THE COUNTY FIRE MARSHAL**
10 **ALLOWS.**

11 **(D) SCOPE OF AUTHORIZATION.**

12 **(1) THE LICENSE ISSUED FOR A HOTEL OR RESTAURANT:**

13 **(I) AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR**
14 **ON-PREMISES CONSUMPTION WHERE MEALS ARE PREPARED AND SERVED; AND**

15 **(II) PROHIBITS SALES FOR CONSUMPTION ANYWHERE ELSE,**
16 **INCLUDING AT A BAR OR COUNTER.**

17 **(2) THE LICENSE ISSUED FOR A RESTAURANT AUTHORIZES THE SALE**
18 **FOR OFF-PREMISES CONSUMPTION OF BEVERAGES WITH AN ALCOHOLIC CONTENT**
19 **OF NOT MORE THAN 14.5%.**

20 **(E) HOURS AND DAYS OF SALE.**

21 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
22 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
23 **UNDER § 20-2005(B) OF THIS TITLE.**

24 **(F) FEE.**

25 **THE ANNUAL LICENSE FEE IS:**

26 **(1) \$1,500 FOR A RESTAURANT; AND**

27 **(2) \$2,000 FOR A HOTEL.**

1 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
2 language derived without substantive change from former Art. 2B, §
3 6–201(a)(1) and (l)(2).

4 Subsection (e) of this section is new language added for clarity.

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (b)(1) of this section, the former reference to a “bona fide” hotel
8 is deleted as vague.

9 In subsections (b)(2)(iii) and (c)(1)(ii) of this section, the former references to
10 seating “capacity” are deleted as surplusage.

11 Also in subsections (b)(2)(iii) and (c)(1)(ii) of this section, the references to
12 “individuals” are substituted for the former references to “persons” because
13 these subsections are applicable only to human beings.

14 In subsection (c)(3)(i) of this section, the reference to “[t]he license” holder is
15 substituted for the former reference to a restaurant issued “a license under
16 this subsection” for brevity.

17 Defined terms: “Beer” § 1–101

18 “Board” § 20–101

19 “Hotel” § 1–101

20 “Restaurant” § 1–101

21 “Wine” § 1–101

22 **20–905. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

27 **(1) A NATIONALLY CHARTERED FRATERNAL, CHARITABLE, OR**
28 **VETERANS’ ORGANIZATION, REGARDLESS OF HOW LONG THE ORGANIZATION HAS**
29 **BEEN OPERATING; OR**

30 **(2) ANY OTHER CLUB THAT HAS BEEN OPERATING FOR AT LEAST 3**
31 **YEARS BEFORE THE APPLICATION FOR THE LICENSE IS MADE.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL:**

3 **(1) FOR ON-PREMISES CONSUMPTION, BEER, WINE, AND LIQUOR AT A**
4 **CLUB AT THE PLACE DESCRIBED IN THE LICENSE; AND**

5 **(2) FOR OFF-PREMISES CONSUMPTION, COLLECTIBLE BOTTLES OF**
6 **WINE OR LIQUOR 30 CALENDAR DAYS BEFORE A SPECIAL ANNIVERSARY OR SPECIAL**
7 **EVENT.**

8 **(D) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$600.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 6-301(a)(1) and (l)(2) through (4).

12 Subsection (a) of this section is revised in standard language used throughout
13 this article to establish a license.

14 In subsection (b)(1) of this section, the phrase "regardless of how long the
15 organization has been operating" is substituted for the former phrase "[t]his
16 time limit does not apply" to any organization for clarity.

17 Also in subsection (b)(1) of this section, the former reference to a "recognized
18 bona fide" organization is deleted as surplusage.

19 In subsection (b)(2) of this section, the word "operating" is substituted for the
20 former phrase "in business or regularly operating" for brevity.

21 In the introductory language of subsection (c) of this section, the former
22 reference to consumption "only" off the licensed premises is deleted as
23 surplusage.

24 Also in the introductory language of subsection (c) of this section, the former
25 reference to "keep[ing] for sale" is deleted as implicit in the reference to
26 "sell[ing]".

27 In subsection (c)(1) of this section, the reference to "beer, wine, and liquor" is
28 substituted for the former reference to "all alcoholic beverages" for clarity.

29 Former Art. 2B, § 6-301(l)(1), which stated that former Art. 2B, § 6-301(l)
30 applied only in Frederick County, is deleted as unnecessary in light of the
31 organization of this revised article.

1 As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of
2 this title.

3 Defined terms: “Board” § 20–101

4 “Club” § 1–101

5 “Wine” § 1–101

6 **20–906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

7 **A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE**
8 **COUNTY.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 6–401(l).

11 Defined terms: “Beer” § 1–101

12 “County” § 20–101

13 “Wine” § 1–101

14 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

15 **20–1001. BANQUET FACILITY LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS B–BF (BANQUET FACILITY) BEER, WINE, AND LIQUOR**
18 **LICENSE.**

19 **(B) AUTHORIZED HOLDER.**

20 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A BANQUET FACILITY THAT:**

21 **(1) ACCOMMODATES THE PUBLIC FOR BANQUETS, PARTIES,**
22 **MEETINGS, AND SIMILAR FUNCTIONS;**

23 **(2) CONTAINS A DINING ROOM WITH ADEQUATE FACILITIES FOR**
24 **PREPARING AND SERVING FULL–COURSE MEALS FOR AT LEAST 100 INDIVIDUALS**
25 **WHO ARE INSIDE THE FACILITY OR OUTSIDE ON THE PREMISES AT ONE SEATING;**
26 **AND**

27 **(3) HAS A CAPITAL INVESTMENT OF AT LEAST \$250,000, EXCLUDING**
28 **THE COST OF THE LAND, BUILDINGS, AND LEASES.**

29 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
2 **RETAIL BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE FOR**
3 **ON-PREMISES CONSUMPTION IF:**

4 **(I) THE BEER, WINE, AND LIQUOR ARE SOLD ONLY DURING THE**
5 **FUNCTION;**

6 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
7 **SUBSECTION, THE LICENSE HOLDER DOES NOT SELL BEER, WINE, AND LIQUOR FOR**
8 **OFF-PREMISES CONSUMPTION;**

9 **(III) THE LICENSE HOLDER DOES NOT ALLOW BEER, WINE, AND**
10 **LIQUOR TO BE CARRIED OFF THE PREMISES; AND**

11 **(IV) FOOD IS PROVIDED AT THE FUNCTION WHERE THE BEER,**
12 **WINE, AND LIQUOR ARE PROVIDED.**

13 **(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR**
14 **OFF-PREMISES CONSUMPTION IF THE BEER, WINE, AND LIQUOR IS:**

15 **(I) IN A COLLECTIBLE BOTTLE COMMEMORATING A SPECIAL**
16 **ANNIVERSARY OR EVENT; AND**

17 **(II) SOLD NOT MORE THAN 30 CALENDAR DAYS BEFORE THE**
18 **SPECIAL ANNIVERSARY OR EVENT.**

19 **(D) HOURS AND DAYS OF SALE.**

20 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
21 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
22 **UNDER § 20-2005 OF THIS TITLE.**

23 **(E) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$1,500.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 6-201(l)(4).

27 Subsection (a) of this section is revised in standard language used throughout
28 this article to establish a license.

1 In subsection (b)(2) of this section, the reference to “individuals” is substituted
2 for the former reference to “persons” because this subsection concerns only
3 human beings.

4 In subsection (c) of this section, the references to “beer, wine, and liquor” are
5 substituted for the former references to “alcoholic beverages” for clarity.

6 In the introductory language of subsection (c)(1) of this section, the former
7 reference to “keep[ing] for sale” is deleted as implicit in the reference to
8 “sell[ing]”.

9 In subsection (d) of this section, the reference to the authority for the license
10 holder to “sell beer, wine, and liquor during the hours and days as set out for
11 a Class B beer, wine, and liquor license under § 20–2005 of this title” is
12 substituted for the former reference to the “days and hours of sale under this
13 license are as provided in § 11–511 of this article” for clarity and consistency
14 with similar provisions on hours and days of sale in this article.

15 Defined terms: “Beer” § 1–101

16 “Board” § 20–101

17 “Wine” § 1–101

18 **20–1002. BED AND BREAKFAST LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS B–BB (BED AND BREAKFAST) BEER, WINE, AND LIQUOR**
21 **LICENSE.**

22 **(B) AUTHORIZED HOLDER.**

23 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ESTABLISHMENT THAT:**

24 **(1) PROVIDES SERVICES ORDINARILY FOUND IN A BED AND**
25 **BREAKFAST; AND**

26 **(2) CONTAINS AT LEAST ONE ROOM WITH SLEEPING**
27 **ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE**
28 **PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME.**

29 **(C) SCOPE OF AUTHORIZATION.**

30 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
31 **AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR ON–PREMISES**
32 **CONSUMPTION TO A GUEST WHOSE NAME AND ADDRESS APPEARS ON THE REGISTRY**

1 THAT IS MAINTAINED BY THE ESTABLISHMENT AND WHO IS AN OCCUPANT OF A
2 SLEEPING ROOM IN THE ESTABLISHMENT.

3 (2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR TO
4 AN INDIVIDUAL WHO IS REGISTERED AT THE ESTABLISHMENT ONLY TO OBTAIN
5 BEER, WINE, OR LIQUOR.

6 (D) ESTABLISHMENT NOT OPERATING AS BED AND BREAKFAST.

7 IF AN ESTABLISHMENT ENDS OPERATIONS AS A BED AND BREAKFAST:

8 (1) THE LICENSE IS VOID; AND

9 (2) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE
10 BOARD.

11 (E) HOURS AND DAYS OF SALE.

12 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES
13 CONSUMPTION DURING THE HOURS AND DAYS OF SALE THAT ARE SET OUT FOR A
14 CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.

15 (F) FEE.

16 THE ANNUAL LICENSE FEE IS \$500.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 6-201(l)(6)(i) through (v).

19 Subsection (a) of this section is revised in standard language used throughout
20 this article to establish a license.

21 In subsections (c)(1) and (e) of this section, the references to "beer, wine, and
22 liquor" are substituted for the former references to "alcoholic beverages" for
23 clarity. Similarly, in subsection (c)(2) of this section, the references to "beer,
24 wine, or liquor" are substituted for the former references to "alcoholic
25 beverages".

26 In subsection (c)(2) of this section, the reference to an "individual" is
27 substituted for the former reference to a "person" because this subsection
28 concerns only human beings.

29 In subsection (e) of this section, the reference to the hours and days of sale
30 that are set out "under § 20-2005 of this title" is added for clarity.

1 Also in subsection (e) of this section, the former reference to a Class B license
2 “issued in the county” is deleted as unnecessary because all of the licenses
3 under this title are issued in the County.

4 Former Art. 2B, § 6–201(l)(6)(vi), which authorized the Board to adopt
5 regulations to carry out this section, is deleted as unnecessary because the
6 Board has the power to adopt regulations under § 20–207 of this title.

7 Defined terms: “Beer” § 1–101

8 “Board” § 20–101

9 “Wine” § 1–101

10 **20–1003. CONFERENCE CENTER LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS B–CC (CONFERENCE CENTER) BEER, WINE, AND LIQUOR**
13 **LICENSE.**

14 **(B) AUTHORIZED HOLDER.**

15 **(1) THE BOARD MAY ISSUE THE LICENSE FOR AN ESTABLISHMENT**
16 **THAT IS EQUIPPED WITH:**

17 **(I) AT LEAST 150 BEDROOMS FOR THE ACCOMMODATION OF**
18 **THE PUBLIC;**

19 **(II) AT LEAST ONE DINING AREA WITH FACILITIES FOR**
20 **PREPARING AND SERVING REGULAR MEALS;**

21 **(III) ROOMS FOR MEETINGS, DISPLAYS, BANQUETS, BALLS,**
22 **DANCING, AND LIVE ENTERTAINMENT; AND**

23 **(IV) A NIGHTCLUB EQUIPPED WITH A BAR AND AN**
24 **ENTERTAINMENT OR A DANCING AREA.**

25 **(2) THE TOTAL AVERAGE DAILY RECEIPTS FROM THE RENTING OF**
26 **MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD IN THE ESTABLISHMENT**
27 **SHALL EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
28 **BEVERAGES.**

29 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR**
2 **CONSUMPTION THROUGHOUT THE LICENSED PREMISES, BOTH INDOORS AND**
3 **OUTDOORS, INCLUDING MEETING AND BANQUET ROOMS, PATIOS, VERANDAS, AND**
4 **GREEN SPACES.**

5 **(D) HOURS AND DAYS OF SALE.**

6 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

7 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
8 **FOLLOWING DAY; AND**

9 **(2) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

10 **(E) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$2,000.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 6–201(1)(8).

14 In subsection (d) of this section, the reference to the authority of the “license
15 holder” to “sell beer, wine, and liquor” is substituted for the former reference
16 to the “hours of sale are” for clarity and consistency with similar provisions on
17 hours and days of sale in this article.

18 Defined terms: “Alcoholic beverage” § 1–101

19 “Beer” § 1–101

20 “Board” § 20–101

21 “Wine” § 1–101

22 **20–1004. COUNTRY AND GOLF CLUB LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS C (COUNTRY AND GOLF CLUB) LICENSE.**

25 **(B) SIGNING OF LICENSE APPLICATION.**

26 **(1) AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY THE**
27 **PRESIDENT AND TWO OTHER OFFICERS OF THE COUNTRY AND GOLF CLUB.**

28 **(2) AT LEAST TWO OF THE SIGNERS SHALL BE RESIDENTS OF THE**
29 **COUNTY.**

1 **(C) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB**
3 **THAT MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH AT LEAST NINE**
4 **HOLES.**

5 **(D) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
7 **LIQUOR AT RETAIL TO MEMBERS AND THEIR GUESTS FOR ON-PREMISES**
8 **CONSUMPTION.**

9 **(E) HOURS AND DAYS OF SALE.**

10 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
11 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
12 **UNDER § 20-2005 OF THIS TITLE.**

13 **(F) FEE.**

14 **THE ANNUAL LICENSE FEE IS \$1,500.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 6-301(l)(6)(i) through (iii), (v), (vi), and the first
17 sentence of (iv).

18 In subsection (b)(1) of this section, the former reference to an application "filed
19 on behalf of any golf and country club" is deleted as surplusage.

20 In subsection (c) of this section, the reference to the "Board" is added to state
21 expressly what was only implied in the former law, that the Board is the unit
22 that issues licenses.

23 Also in subsection (c) of this section, the former reference to maintaining "at
24 the time of the application for the license and continu[ing] to maintain" a golf
25 course is deleted as surplusage.

26 In subsection (d) of this section, the reference to "beer, wine, and liquor" is
27 substituted for the former reference to "any alcoholic beverages" for clarity.

28 Also in subsection (d) of this section, the former reference to "keep[ing] for
29 sale" is deleted as implicit in the reference to "sell[ing]".

1 In subsection (e) of this section, the reference to the authority of the “license
2 holder” to “sell beer, wine, and liquor during the hours and days as set out for
3 a Class C beer, wine, and liquor license under § 20–2005 of this title” is
4 substituted for the former reference to the requirement that the license holder
5 “abide by § 11–511 of this article” for clarity and consistency with similar
6 provisions on hours and days of sale in this article.

7 Also in subsection (e) of this section, the former reference to a “Sunday opening
8 at one o’clock p.m.” is deleted as obsolete. Under § 20–2005 of this title, a
9 holder of a license with a Sunday privilege may sell alcoholic beverages
10 starting at 11 a.m.

11 The second sentence of former Art. 2B, § 6–301(l)(6)(iv), which prohibited a
12 country club from selling alcoholic beverages for consumption off the premises
13 or off the grounds of the club, is deleted as implicit in the authorization to sell
14 beer, wine, and liquor for consumption on the licensed premises under
15 subsection (c)(2) of this section.

16 The Alcoholic Beverages Article Review Committee notes, for consideration by
17 the General Assembly, that in subsection (b)(2) of this section, the
18 requirement that an applicant be a resident of the County may violate the
19 equal protection guarantees of the Fourteenth Amendment to the United
20 States Constitution and Article 24 of the Maryland Declaration of Rights.
21 Maryland courts look unfavorably on legislation that classifies persons by
22 geography, which may be accomplished by residency requirements, if the
23 primary purpose of the legislation is economic. *See Verzi v. Baltimore County*,
24 333 Md. 411 (1994).

25 Defined terms: “Beer” § 1–101

26 “Board” § 20–101

27 “Club” § 1–101

28 “County” § 20–101

29 “Wine” § 1–101

30 **20–1005. COUNTRY INN LICENSE.**

31 **(A) ESTABLISHED.**

32 **THERE IS A CLASS B–CI (COUNTRY INN) BEER, WINE, AND LIQUOR LICENSE.**

33 **(B) AUTHORIZED HOLDER.**

34 **THE BOARD MAY ISSUE THE LICENSE FOR AN ESTABLISHMENT THAT:**

35 **(1) PROVIDES SERVICES ORDINARILY FOUND IN A COUNTRY INN;**

1 **(2) CONTAINS AT LEAST EIGHT ROOMS WITH SLEEPING**
2 **ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE**
3 **PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND**

4 **(3) HAS A KITCHEN FACILITY FOR GUESTS THAT IS SEPARATE FROM**
5 **THE KITCHEN FACILITY OF THE RESIDENT MANAGEMENT QUARTERS.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR WHEN**
8 **ACCOMMODATING THE PUBLIC FOR BANQUETS, PARTIES, MEETINGS, AND SIMILAR**
9 **FUNCTIONS.**

10 **(D) HOURS AND DAYS OF SALE.**

11 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES**
12 **CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER,**
13 **WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.**

14 **(E) ESTABLISHMENT NOT OPERATING AS COUNTRY INN.**

15 **IF AN ESTABLISHMENT ENDS OPERATIONS AS A COUNTRY INN:**

16 **(1) THE LICENSE IS VOID; AND**

17 **(2) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE**
18 **BOARD.**

19 **(F) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$2,500.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 6-201(l)(7)(i) through (iv).

23 Subsection (a) of this section is revised in standard language used throughout
24 this article to establish a license.

25 In subsections (c) and (d) of this section, the references to "beer, wine, and
26 liquor" are substituted for the former references to "alcoholic beverages" for
27 clarity.

28 In subsection (d) of this section, the reference to the hours and days of sale
29 that are set out "under § 20-2005 of this title" is added for clarity.

1 Also in subsection (d) of this section, the former reference to a Class B license
2 “issued in the county” is deleted as unnecessary because all of the licenses
3 under this title are issued in the County.

4 Former Art. 2B, § 6–201(l)(1), which stated that former Art. 2B, § 6–201(l)
5 applied only in Frederick County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Former Art. 2B, § 6–201(l)(7)(v), which authorized the Board to adopt
8 regulations to carry out this section, is deleted as unnecessary because the
9 Board has the power to adopt regulations under § 20–207 of this title.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that it is unclear whether subsection (c) of this section
12 authorizes a license holder to sell beer, wine, and liquor to guests of the
13 country inn.

14 Defined terms: “Beer” § 1–101

15 “Board” § 20–101

16 “Wine” § 1–101

17 **20–1006. DINNER THEATER LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS B–DT (DINNER THEATER) BEER, WINE, AND LIQUOR**
20 **LICENSE.**

21 **(B) AUTHORIZED HOLDER.**

22 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A DINNER THEATER**
23 **THAT:**

24 **(1) PROVIDES LIVE BROADWAY–STYLE MUSICALS, COMEDY, OR**
25 **DRAMA TO ITS CUSTOMERS;**

26 **(2) IS OPEN TO THE PUBLIC BY RESERVATION ONLY; AND**

27 **(3) CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND**
28 **SERVING FULL–COURSE MEALS FOR AT LEAST 120 INDIVIDUALS AT ONE SEATING.**

29 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
2 **RETAIL FOR ON-PREMISES CONSUMPTION:**

3 **(I) BEER AND WINE BY THE DRINK OR BOTTLE; AND**

4 **(II) LIQUOR BY THE DRINK.**

5 **(2) A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES:**

6 **(I) FOR OFF-PREMISES CONSUMPTION; OR**

7 **(II) AT ANY TIME EXCEPT IN CONJUNCTION WITH THE DINNER**
8 **THEATER.**

9 **(D) HOURS AND DAYS OF SALE.**

10 **A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR BEGINNING 2 HOURS**
11 **BEFORE A LIVE PERFORMANCE UNTIL THE END OF THE PERFORMANCE:**

12 **(1) ON MONDAY THROUGH SATURDAY; AND**

13 **(2) ON OR AFTER 1 P.M. ON SUNDAY.**

14 **(E) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$1,500.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 6-201(l)(5).

18 In subsection (b) of this section, the reference to a "dinner theater" is
19 substituted for the former reference to "an establishment that [i]s ... operated
20 as a dinner theater" for brevity.

21 In subsection (c)(1)(i) of this section, the reference to "wine" is substituted for
22 the former reference to "light wine" to avoid confusion. In Frederick County,
23 wine that is sold under a retail license with a wine privilege may have an
24 alcohol content above the traditional maximum level of 15.5% for light wine.

25 In subsection (c)(2)(i) of this section, the former reference to off-premises
26 consumption "by the drink or by the bottle" is deleted as surplusage.

27 In subsection (d)(2) of this section, the phrase "on or after 1 p.m. on Sunday"
28 is substituted for the former phrase "Sunday no sooner than 1 p.m." for clarity.

1 Defined terms: "Alcoholic beverage" § 1-101

2 "Beer" § 1-101

3 "Board" § 20-101

4 "Wine" § 1-101

5 **20-1007. DRAFTHOUSE LICENSE.**

6 (A) **"DRAFTHOUSE" DEFINED.**

7 **IN THIS SECTION, "DRAFTHOUSE" MEANS A THEATER WHERE:**

8 (1) **A MOTION PICTURE IS SHOWN TO THE PUBLIC; AND**

9 (2) **PATRONS MAY PURCHASE FOOD, BEER, WINE, AND LIQUOR ON THE**
10 **PREMISES WHILE WATCHING THE MOTION PICTURE.**

11 (B) **ESTABLISHED.**

12 **THERE IS A CLASS B-DH (DRAFTHOUSE) LICENSE.**

13 (C) **AUTHORIZED HOLDER.**

14 (1) **THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT FOR USE**
15 **IN A DRAFTHOUSE THAT:**

16 (I) **HAS A MINIMUM AUDITORIUM SIZE OF 3,500 SQUARE FEET;**

17 (II) **HAS A MINIMUM INVESTMENT OF AT LEAST \$150,000 IN**
18 **TANGIBLE PROPERTY, INCLUDING KITCHEN EQUIPMENT, FURNITURE, AND**
19 **INTERIOR IMPROVEMENTS;**

20 (III) **PRESENTS A FAMILY MATINEE EVERY SATURDAY AND**
21 **HOLIDAY THAT THE DRAFTHOUSE IS OPEN FOR BUSINESS;**

22 (IV) **INTENDS TO PROVIDE BEER, WINE, AND LIQUOR AT TABLES**
23 **AND SEATS IN THE DRAFTHOUSE; AND**

24 (V) **DOES NOT HAVE A BAR OTHER THAN A SERVICE BAR.**

25 (2) **BEFORE THE BOARD MAY ISSUE THE LICENSE, THE APPLICANT**
26 **SHALL OBTAIN THE BOARD'S PRIOR WRITTEN APPROVAL OF THE MENU THE**
27 **DRAFTHOUSE INTENDS TO OFFER, WHICH SHALL INCLUDE BOTH HOT AND COLD**
28 **FOOD.**

1 **(D) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
3 **WINE, AND LIQUOR AT RETAIL IN THE DRAFTHOUSE DESCRIBED IN THE LICENSE FOR**
4 **ON-PREMISES CONSUMPTION.**

5 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
6 **THE LICENSE HOLDER MAY MAKE BEER, WINE, AND LIQUOR AVAILABLE FOR**
7 **PURCHASE ONLY BEFORE AND DURING A MOTION PICTURE SHOW AND SHALL END**
8 **SERVICE AT THE END OF THE MOTION PICTURE.**

9 **(3) THE LICENSE HOLDER MAY NOT MAKE ALCOHOLIC BEVERAGES**
10 **AVAILABLE FOR PURCHASE WHEN SHOWING A FAMILY MATINEE.**

11 **(E) HOURS AND DAYS OF SALE.**

12 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
13 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
14 **UNDER § 20-2005 OF THIS TITLE.**

15 **(F) ADMISSION FEE.**

16 **A LICENSE HOLDER MAY CHARGE AN ADMISSION FEE TO THE DRAFTHOUSE.**

17 **(G) FEE.**

18 **(1) THE ANNUAL LICENSE FEE IS \$1,500.**

19 **(2) THE FEE SHALL BE:**

20 **(I) PAID BEFORE THE LICENSE IS ISSUED; AND**

21 **(II) DISTRIBUTED AS PROVIDED UNDER THIS ARTICLE.**

22 **REVISOR'S NOTE:** This section is new language derived without substantive
23 change from former Art. 2B, § 8-701(a) and (c) through (h).

24 In the introductory language of subsection (c)(1) of this section, the phrase
25 “[t]he Board may issue the license” is substituted for the former requirement
26 that “[a] Class B-DH (drafhhouse) license shall be issued by the office where
27 Class B licenses are issued in the county in which the drafhhouse is located”
28 for brevity and to state expressly that the Board is the license issuing
29 authority.

1 In subsection (c)(1)(iv) of this section, the phrase “intends to” provide beer,
2 wine, and liquor is added for clarity because the activity cannot be done until
3 the drafthouse is licensed.

4 In subsection (c)(2) of this section, the phrase “[b]efore the Board may issue
5 the license” is added for clarity.

6 In subsection (d)(2) of this section, the reference to “the motion picture” is
7 substituted for the former reference to “the program” for clarity.

8 In subsection (e) of this section, the reference to the authority of the “license
9 holder” to “sell beer, wine, and liquor during the hours and days as set out for
10 a Class B beer, wine, and liquor license under § 20–2005 of this title” is
11 substituted for the former reference to the “hours and days of sale are as
12 provided in § 11–511 of this article” for clarity and consistency with similar
13 provisions on hours and days of sale in this article.

14 In subsection (f) of this section, the reference to charging an admission fee “to
15 the drafthouse” is added for clarity.

16 Former Art. 2B, § 8–701(b), which stated that former Art. 2B, § 8–701 applied
17 only in Frederick County, is deleted as unnecessary in light of the organization
18 of this revised article.

19 Former Art. 2B, § 8–701(i), which stated that all motion pictures shown at a
20 drafthouse licensed under this section shall comply with the nudity and sexual
21 displays provisions of former Art. 2B, § 10–405, is deleted as unnecessary in
22 light of the organization of this revised article.

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Beer” § 1–101

25 “Board” § 20–101

26 “Wine” § 1–101

27 **20–1008. MARYLAND ENSEMBLE THEATRE LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS C (MARYLAND ENSEMBLE THEATRE) BEER AND WINE**
30 **LICENSE.**

31 **(B) SIGNING OF LICENSE APPLICATION.**

32 **(1) THE PRESIDENT AND TWO OTHER OFFICERS OF THE MARYLAND**
33 **ENSEMBLE THEATRE SHALL SIGN THE APPLICATION FOR THE LICENSE.**

1 **(2) TWO OF THE SIGNERS SHALL BE RESIDENTS OF THE COUNTY.**

2 **(C) AUTHORIZED HOLDER.**

3 **THE BOARD MAY ISSUE A LICENSE FOR USE BY THE MARYLAND ENSEMBLE**
4 **THEATRE.**

5 **(D) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE**
7 **FOR ON-PREMISES CONSUMPTION.**

8 **(E) HOURS OF SALE.**

9 **THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES**
10 **CONSUMPTION FROM 1 HOUR BEFORE TO 1 HOUR AFTER:**

11 **(1) A REGULAR PERFORMANCE; OR**

12 **(2) A FUND-RAISER PERFORMANCE THAT BENEFITS THE MARYLAND**
13 **ENSEMBLE THEATRE.**

14 **(F) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$100.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 6-301(l)(9).

18 In subsection (b)(1) of this section, the former reference to the application
19 "filed on behalf of the Maryland Ensemble Theatre" is deleted as surplusage.

20 In subsection (b)(2) of this section, the reference to the "signers" is substituted
21 for the former reference to the "signatories from the Maryland Ensemble
22 Theatre" for brevity.

23 In subsection (c) of this section, the phrase "[t]he Board may" is substituted
24 for the former phrase "[o]n approval by the Board ... of the license application,
25 the Board shall" for brevity.

26 In subsection (d) of this section, the former reference to "stor[ing] for sale" is
27 deleted as implicit in the reference to "sell[ing]".

28 Also in subsection (d) of this section, the former reference to selling beer and
29 wine "to the public" is deleted as surplusage.

1 In the introductory language of subsection (e) of this section, the language
2 “[t]he license holder may sell beer and wine” is substituted for the former
3 language “[t]he beer and wine shall be consumed” for clarity.

4 In subsection (e)(2) of this section, the former references to a “special”
5 fund-raiser performance “exclusively” for the benefit of the Maryland
6 Ensemble Theatre are deleted as surplusage.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
8 the General Assembly, that in subsection (b)(2) of this section, the
9 requirement that an applicant be a resident of the County may violate the
10 equal protection guarantees of the Fourteenth Amendment to the United
11 States Constitution and Article 24 of the Maryland Declaration of Rights.
12 Maryland courts look unfavorably on legislation that classify persons by
13 geography, which may be accomplished by residency requirements, if the
14 primary purpose of the legislation is economic. *See Verzi v. Baltimore County*,
15 333 Md. 411 (1994).

16 Defined terms: “Beer” § 1–101
17 “Board” § 20–101
18 “County” § 20–101
19 “Wine” § 1–101

20 **20–1009. MICRO–BREWERY/ENTERTAINMENT CENTER LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS MEC (MICRO–BREWERY/ENTERTAINMENT CENTER)**
23 **LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE BOARD MAY ISSUE THE LICENSE TO A PERSON FOR USE IN CONJUNCTION**
26 **WITH A CLASS 7 MICRO–BREWERY LICENSE THAT THE PERSON THEN OBTAINS FROM**
27 **THE COMPTROLLER.**

28 **(C) SCOPE OF AUTHORIZATION.**

29 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, IN AN**
30 **ENTERTAINMENT CENTER FOR ON–PREMISES CONSUMPTION, MALT BEVERAGES**
31 **THAT ARE BREWED IN THE LICENSE HOLDER’S MICRO–BREWERY.**

32 **(2) THE ENTERTAINMENT CENTER MAY:**

1 (I) CONTAIN:

2 1. RIDES AND GAMES SUCH AS BOWLING LANES,
3 BILLIARD TABLES, AND GO-CARTS; AND

4 2. ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR
5 LOUNGES; AND

6 (II) ALLOW THE PLAYING OF MUSIC AND DANCING.

7 (D) HOURS AND DAYS OF SALE.

8 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:

9 (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE
10 FOLLOWING DAY; AND

11 (2) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

12 (E) FEE.

13 THE ANNUAL LICENSE FEE IS \$1,500.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 6-201(l)(10).

16 In subsection (d) of this section, the reference to the authority of the "license
17 holder" to "sell beer, wine, and liquor" is substituted for the former reference
18 to the "hours of sale are" for clarity and consistency with similar provisions on
19 hours and days of sale in this article.

20 Defined terms: "Beer" § 1-101

21 "Board" § 20-101

22 "Person" § 1-101

23 "Wine" § 1-101

24 **20-1010. PRIVATE BUSINESS CLUB LICENSE.**

25 (A) ESTABLISHED.

26 THERE IS A CLASS C (PRIVATE BUSINESS CLUB) BEER, WINE, AND LIQUOR
27 LICENSE.

28 (B) APPLICANTS FOR LICENSE.

1 **(1) THREE OFFICERS OF THE PRIVATE BUSINESS CLUB SHALL APPLY**
2 **FOR THE LICENSE.**

3 **(2) AT LEAST TWO OF THE OFFICERS SHALL BE RESIDENTS OF THE**
4 **COUNTY.**

5 **(C) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A PRIVATE BUSINESS CLUB**
7 **THAT:**

8 **(1) IS ORGANIZED FOR BUSINESS AND PROFESSIONAL PERSONS;**

9 **(2) IS NONPROFIT;**

10 **(3) HAS BEEN INCORPORATED SINCE AT LEAST 1 YEAR BEFORE THE**
11 **APPLICATION FOR THE LICENSE WAS MADE;**

12 **(4) HAS AT LEAST 75 MEMBERS;**

13 **(5) PREPARES AND SERVES MEALS TO MEMBERS AND THEIR GUESTS**
14 **DURING REGULAR OPERATING HOURS; AND**

15 **(6) HAS MADE AT LEAST \$100,000 IN CAPITAL EXPENDITURES FOR**
16 **TENANT IMPROVEMENTS, EQUIPMENT, AND FURNISHINGS USED IN THE PRIVATE**
17 **BUSINESS CLUB.**

18 **(D) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
20 **LIQUOR TO MEMBERS AND THEIR GUESTS FOR ON-PREMISES CONSUMPTION.**

21 **(E) HOURS AND DAYS OF SALE.**

22 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
23 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
24 **UNDER § 20-2005 OF THIS TITLE.**

25 **(F) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$2,000.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6-301(l)(7).

3 In subsection (b) of this section, the former reference to a "7-day" license is
4 deleted for consistency in license names throughout this article.

5 In subsection (d) of this section, the reference to "beer, wine, and liquor" is
6 substituted for the former reference to "alcoholic beverages" for clarity.

7 Also in subsection (d) of this section, the former reference to "keep[ing] for
8 sale" is deleted as implicit in the reference to "sell[ing]".

9 Also in subsection (d) of this section, the former reference to selling "at retail"
10 is deleted as surplusage.

11 In subsection (e) of this section, the reference to the hours and days of sale
12 that are set out "under § 20-2005 of this title" is added for clarity.

13 Defined terms: "Board" § 20-101

14 "Club" § 1-101

15 "County" § 20-101

16 "Person" § 1-101

17 **20-1011. PRIVATE COUNTRY CLUB LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS C (PRIVATE COUNTRY CLUB) BEER, WINE, AND LIQUOR**
20 **LICENSE.**

21 **(B) APPLICANTS FOR LICENSE.**

22 **(1) THREE OFFICERS OF THE PRIVATE COUNTRY CLUB SHALL APPLY**
23 **FOR THE LICENSE.**

24 **(2) AT LEAST TWO OF THE OFFICERS SHALL BE RESIDENTS OF THE**
25 **COUNTY.**

26 **(C) AUTHORIZED HOLDER.**

27 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A PRIVATE COUNTRY CLUB**
28 **THAT:**

29 **(1) IS ORGANIZED FOR SOCIAL PURPOSES;**

1 **(2) HAS BEEN INCORPORATED SINCE AT LEAST 1 YEAR BEFORE THE**
2 **APPLICATION FOR THE LICENSE WAS MADE;**

3 **(3) HAS AT LEAST 75 MEMBERS;**

4 **(4) PREPARES AND SERVES MEALS TO MEMBERS AND THEIR GUESTS**
5 **DURING REGULAR OPERATING HOURS;**

6 **(5) IS IN THE 14TH ELECTION DISTRICT OR WHEREVER ELSE IS**
7 **ALLOWED IN THE COUNTY; AND**

8 **(6) HAS MADE AT LEAST \$500,000 IN CAPITAL EXPENDITURES FOR**
9 **STRUCTURES, IMPROVEMENTS, EQUIPMENT, AND FURNISHINGS USED IN THE**
10 **PRIVATE COUNTRY CLUB.**

11 **(D) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
13 **LIQUOR TO MEMBERS AND THEIR GUESTS FOR CONSUMPTION IN THE STRUCTURES**
14 **AND ON THE SURROUNDING GROUNDS OF THE LICENSED PREMISES.**

15 **(E) HOURS AND DAYS OF SALE.**

16 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
17 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
18 **UNDER § 20-2005 OF THIS TITLE.**

19 **(F) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$2,000.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 6-301(l)(8).

23 In subsection (a) of this section, the former reference to a "7-day" license is
24 deleted for consistency in license names throughout this article.

25 In the introductory language of subsection (c) of this section, the reference to
26 the "Board" is added to state expressly what was only implied in the former
27 law, that the Board is the unit that issues licenses.

28 In subsection (d) of this section, the reference to "beer, wine, and liquor" is
29 substituted for the former reference to "alcoholic beverages" for clarity.

1 Also in subsection (d) of this section, the former reference to “keep[ing] for
2 sale” is deleted as implicit in the reference to “sell[ing]”.

3 Also in subsection (d) of this section, the former reference to selling “at retail”
4 is deleted as surplusage.

5 In subsection (e) of this section, the reference to the hours and days of sale
6 that are set out “under § 20–2005 of this title” is added for clarity.

7 Defined terms: “Beer” § 1–101

8 “Board” § 20–101

9 “Club” § 1–101

10 “County” § 20–101

11 “Wine” § 1–101

12 **20–1012. RETIREMENT CENTER LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A SPECIAL CLASS C (RETIREMENT CENTER) BEER, WINE, AND**
15 **LIQUOR LICENSE.**

16 **(B) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE RETIREMENT CENTER LICENSE BY CONVERTING**
18 **A SPECIAL CLASS C (CLUB) LICENSE HELD ON BEHALF OF A RETIREMENT CENTER**
19 **INTO THE RETIREMENT CENTER LICENSE.**

20 **(C) SCOPE OF AUTHORIZATION.**

21 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
22 **RETAIL BEER, WINE, AND LIQUOR TO RESIDENTS AND GUESTS AT THE LICENSED**
23 **PREMISES FOR ON–PREMISES CONSUMPTION.**

24 **(2) THE LICENSE HOLDER MAY SELL FOR OFF–PREMISES**
25 **CONSUMPTION ONLY SPECIAL ANNIVERSARY OR SPECIAL EVENT COLLECTIBLE**
26 **BOTTLES OF WINE OR LIQUOR NOT MORE THAN 30 CALENDAR DAYS BEFORE THE**
27 **SPECIAL ANNIVERSARY OR EVENT.**

28 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**
29 **CIVIC GROUP OR ANY OTHER ORGANIZATION THAT RENTS THE PREMISES FROM THE**
30 **LICENSE HOLDER FOR AN EVENT MAY SERVE AT THE EVENT ALCOHOLIC BEVERAGES**
31 **THAT THE LICENSE HOLDER PROVIDES.**

1 **(II) NOT MORE THAN 25 EVENTS DESCRIBED IN SUBPARAGRAPH**
2 **(I) OF THIS PARAGRAPH AT WHICH ALCOHOLIC BEVERAGES ARE SERVED MAY BE**
3 **HELD IN 1 YEAR.**

4 **(III) THE EVENTS MAY BE OPEN TO THE PUBLIC.**

5 **(4) THE LICENSED PREMISES MAY BE EXPANDED TO INCLUDE ANY**
6 **BUILDING OR FACILITY AT THE RETIREMENT CENTER CAMPUS, REGARDLESS OF**
7 **WHETHER THE BUILDING OR FACILITY EXISTS WHEN THE LICENSE IS ISSUED.**

8 **(5) THE RETIREMENT CENTER CAMPUS SHALL BE LIMITED TO TWO**
9 **AREAS AND THE SERVICE ROOMS CONNECTED TO THOSE TWO AREAS.**

10 **(D) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$1,500.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 6-301(l)(10).

14 The Alcoholic Beverages Article Review Committee notes, for consideration by
15 the General Assembly, that the hours and days of sale for the license are not
16 stated in statutory law.

17 Defined terms: "Beer" § 1-101

18 "Board" § 1-101

19 "Wine" § 1-101

20 **20-1013. STADIUM LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A STADIUM LICENSE.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A PROFESSIONAL**
25 **BASEBALL TEAM FRANCHISE, REGARDLESS OF WHETHER THE FRANCHISE IS A**
26 **PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY.**

27 **(C) SCOPE OF AUTHORIZATION.**

28 **THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT THE STADIUM IN WHICH**
29 **THE BASEBALL TEAM PLAYS ITS HOME GAMES, TO SELL BEER AND WINE:**

1 **(1) IN PLASTIC, STYROFOAM, OR PAPER CONTAINERS ON THE**
2 **LICENSED PREMISES;**

3 **(2) FOR ON-PREMISES CONSUMPTION; AND**

4 **(3) TO AN INDIVIDUAL PRESENT AT AN EVENT HELD IN THE STADIUM.**

5 **(D) HOURS AND DAYS OF SALE.**

6 **THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FROM THE TIME**
7 **THE STADIUM OPENS FOR THE EVENT UNTIL THE EVENT ENDS.**

8 **(E) PROHIBITED ACTIVITIES.**

9 **THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO:**

10 **(1) CARRY ANY ALCOHOLIC BEVERAGE ONTO THE LICENSED**
11 **PREMISES; OR**

12 **(2) CARRY ANY ALCOHOLIC BEVERAGE FROM THE LICENSED**
13 **PREMISES.**

14 **(F) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$2,000.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 8-211.1.

18 In the introductory language of subsection (c) of this section, the reference to
19 "wine" is substituted for the former reference to "light wine" to avoid
20 confusion. In Frederick County, wine that is sold under a retail license with a
21 wine privilege may have an alcohol content above the traditional maximum
22 level for light wine.

23 Also in the introductory language of subsection (c) of this section, the former
24 phrase "only under the following circumstances" is deleted as surplusage.

25 In subsection (c)(1) of this section, the reference to the "licensed premises" is
26 substituted for the former reference to the "stadium premises" for consistency
27 with the terminology used in subsection (e)(1) of this section.

28 In subsection (c)(3) of this section, the reference to "an individual" is
29 substituted for the former reference to "persons" because this subsection

1 applies only to human beings. Similarly, in subsection (e)(1) of this section,
2 the reference to an “individual” is substituted for the former reference to a
3 “person”.

4 In subsection (e) of this section, the former phrase “[e]xcept for a manufacturer
5 or distributor of beer who is conducting business with the licensee for purposes
6 of this section” is deleted as unnecessary.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Beer” § 1–101

9 “Board” § 20–101

10 “Wine” § 1–101

11 **20–1014. WEINBERG ARTS CENTER LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS C (WEINBERG CENTER) BEER, WINE, AND LIQUOR**
14 **LICENSE.**

15 **(B) SIGNING OF LICENSE APPLICATION.**

16 **(1) THE PRESIDENT AND TWO OTHER OFFICERS OF THE WEINBERG**
17 **CENTER FOR THE ARTS SHALL SIGN THE APPLICATION FOR THE LICENSE.**

18 **(2) AT LEAST TWO OF THE OFFICERS SHALL BE RESIDENTS OF THE**
19 **COUNTY.**

20 **(C) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY THE NONPROFIT WEINBERG**
22 **CENTER FOR THE ARTS.**

23 **(D) SCOPE OF AUTHORIZATION.**

24 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
25 **WINE, AND LIQUOR AT RETAIL TO A CUSTOMER ON THE LICENSED PREMISES.**

26 **(2) BEER, WINE, AND LIQUOR MAY BE CONSUMED ONLY IN THE**
27 **CENTRAL ROTUNDA OR THE LOBBY.**

28 **(E) HOURS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FROM 1 HOUR**
2 **BEFORE TO 1 HOUR AFTER:**

3 **(1) A PERFORMANCE; OR**

4 **(2) A FUND-RAISER THAT BENEFITS THE WEINBERG CENTER FOR**
5 **THE ARTS.**

6 **(F) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$325.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 6-301(l)(5)(i) through (iii) and (v).

10 Throughout this section, the phrase "Weinberg Center for the Arts" is
11 substituted for the former phrases "performing arts center" and "performing
12 arts organization" for clarity and consistency.

13 In subsection (b)(2) of this section, the former reference to the application
14 "filed on behalf of the Weinberg Center for the Arts" is deleted as surplusage.

15 In subsection (c) of this section, the former reference to the Weinberg Center
16 for the Arts as a nonprofit organization "whereby no individual or group of
17 individuals derive any personal profits from the operation of performing arts"
18 is deleted as implicit in the reference to "nonprofit".

19 In subsections (d) and (e) of this section, the references to "[b]eer, wine, and
20 liquor" are substituted for the former references to "all alcoholic beverages"
21 for clarity.

22 In subsection (d)(1) of this section, the former reference to "keep[ing] for sale"
23 is deleted as implicit in the reference to "sell[ing]".

24 In subsection (e)(2) of this section, the former references to a "special"
25 fund-raiser "exclusively" for the benefit of the Weinberg Center for the Arts
26 are deleted as surplusage.

27 Former Art. 2B, § 6-301(l)(5)(iv), which stated that the license holder must
28 abide by regulations set forth and mandated for the license, is deleted as an
29 unnecessary statement of common practice.

30 Defined terms: "Beer" § 1-101

31 "Board" § 20-101

32 "County" § 20-101

33 "Wine" § 1-101

1 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

2 **20-1101. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
5 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
6 **EXCEPTION OR VARIATION:**

7 **(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
8 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

9 **(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
10 **FROM LICENSED PREMISES”).**

11 **(B) EXCEPTIONS.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
13 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

14 **(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**
15 **AND**

16 **(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

17 REVISOR’S NOTE: This section is new language added to incorporate by reference
18 general provisions relating to additional privileges of license holders.

19 Defined terms: “Beer” § 1-101

20 “County” § 20-101

21 “License” § 1-101

22 “License holder” § 1-101

23 “Wine” § 1-101

24 **20-1102. SALES OF COLLECTIBLE BOTTLES OF WINE AND LIQUOR.**

25 **(A) ELIGIBLE LICENSE HOLDERS.**

26 **THIS SECTION APPLIES TO A HOLDER OF:**

27 **(1) A CLASS C PER DIEM BEER AND WINE LICENSE; OR**

1 **(2) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **A LICENSE HOLDER LISTED UNDER SUBSECTION (A) OF THIS SECTION MAY**
4 **SELL COLLECTIBLE SPECIAL ANNIVERSARY OR EVENT BOTTLES OF WINE OR LIQUOR**
5 **FOR OFF-PREMISES CONSUMPTION ON THE DAYS PERMITTED BY THE LICENSE FOR**
6 **THE SPECIAL ANNIVERSARY OR EVENT.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 7-101(o)(2).

9 In subsection (a) of this section, the former reference to selling collectible
10 bottles "[a]fter obtaining a license" is deleted as implicit in the fact that the
11 privilege applies only to license holders.

12 Former Art. 2B, § 7-101(o)(1), which stated that former Art. 2B, §
13 7-101(o) applied only in Frederick County, is deleted as unnecessary in light
14 of the organization of this revised article.

15 Defined terms: "Beer" § 1-101
16 "License" § 1-101
17 "License holder" § 1-101
18 "Wine" § 1-101

19 **20-1103. PROMOTER'S PERMIT.**

20 **(A) ESTABLISHED.**

21 **THERE IS A PROMOTER'S PERMIT.**

22 **(B) SCOPE OF AUTHORIZATION.**

23 **A FOR-PROFIT ORGANIZATION SHALL OBTAIN THE PERMIT FROM THE BOARD**
24 **BEFORE THE ORGANIZATION MAY HELP PUBLICIZE, SELL TICKETS FOR, ORGANIZE,**
25 **OPERATE, PRODUCE, OR STAGE AN EVENT:**

26 **(1) AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR SERVED; AND**

27 **(2) THAT IS CONDUCTED IN CONJUNCTION WITH AN ORGANIZATION**
28 **THAT HOLDS A LICENSE ISSUED UNDER SUBTITLE 13, PART III OF THIS TITLE.**

29 **(C) REGULATIONS.**

1 **THE BOARD MAY ADOPT REGULATIONS ESTABLISHING THE REQUIREMENTS**
 2 **FOR CONDUCTING AN EVENT DESCRIBED IN SUBSECTION (B) OF THIS SECTION,**
 3 **INCLUDING HEALTH AND SAFETY STANDARDS TO BE MET BY A PERMIT HOLDER.**

4 **(D) FEES.**

5 **THE PERMIT FEE IS:**

6 **(1) \$250, IF THE PROMOTER EXPECTS THAT FEWER THAN 1,000**
 7 **INDIVIDUALS WILL ATTEND;**

8 **(2) \$600, IF THE PROMOTER EXPECTS THAT FROM 1,001 TO 3,000**
 9 **INDIVIDUALS WILL ATTEND; AND**

10 **(3) \$1,000, IF THE PROMOTER EXPECTS THAT MORE THAN 3,000**
 11 **INDIVIDUALS WILL ATTEND.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 7–102(b) through (e).

14 Throughout this section, the references to a “permit” are substituted for the
 15 former references to a “license” to conform to the rule followed in this article
 16 that a permit is a secondary type of authorization that may be granted to a
 17 person who already has a license.

18 Former Art. 2B, § 7–102(a), which stated that former Art. 2B, § 7–102 applied
 19 only in Frederick County, is deleted as unnecessary in light of the organization
 20 of this revised article.

21 Defined terms: “Alcoholic beverage” § 1–101

22 “Board” § 20–101

23 “License” § 1–101

24 **SUBTITLE 12. CATERER'S LICENSES.**

25 **20–1201. LOCAL CATERER'S LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A LOCAL CATERER'S LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
2 **MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS B RESTAURANT OR HOTEL**
3 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

4 **(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE**
5 **COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION**
6 **FACILITIES FOR A CATERED EVENT.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES A HOLDER TO:**

9 **(1) PROVIDE BEER, WINE, AND LIQUOR AT A PUBLICLY OR PRIVATELY**
10 **SPONSORED EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S**
11 **CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS**
12 **ISSUED; AND**

13 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
14 **HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.**

15 **(D) DUTIES.**

16 **THE LICENSE HOLDER SHALL:**

17 **(1) PREPARE, DELIVER, AND PROVIDE FOOD FOR CONSUMPTION AT**
18 **THE CATERED EVENT;**

19 **(2) PROVIDE THE SERVICE EMPLOYEES TO SERVE ALCOHOLIC**
20 **BEVERAGES AT THE CATERED EVENT;**

21 **(3) ENSURE THAT AT LEAST ONE SERVICE EMPLOYEE IS CERTIFIED**
22 **BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS ARTICLE AND IS ON**
23 **THE PREMISES AT ALL TIMES DURING THE EVENT; AND**

24 **(4) ENSURE AFTER THE EVENT THAT ALL OF THE ALCOHOLIC**
25 **BEVERAGES:**

26 **(I) REMAIN IN THE POSSESSION OF THE LICENSE HOLDER; AND**

27 **(II) ARE RETURNED TO THE PREMISES FOR WHICH THE CLASS**
28 **B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED.**

29 **(E) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$1,500.**

2 **(F) EFFECT OF SECTION.**

3 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
4 **HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL**
5 **CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B**
6 **LICENSE IS ISSUED.**

7 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
8 expressly what was only implied in the former law, that a local caterer's
9 license exists in Frederick County.

10 Subsections (b) through (f) of this section are new language derived without
11 substantive change from former Art. 2B, § 6-703.1(b) through (i).

12 In subsection (b)(2) of this section, the phrase "for a catered event" is added
13 for clarity.

14 In subsection (c)(1) of this section, the reference to "beer, wine, and liquor" is
15 substituted for the former reference to "alcoholic beverages" for clarity.

16 In subsection (c)(2) of this section, the reference to "the holder's Class B
17 license" is substituted for the former reference to "a Class B restaurant or
18 hotel (on-sale) beer, wine and liquor license" for brevity.

19 Also in subsection (c)(2) of this section, the former reference to the hours and
20 days that are authorized "in this article" for a Class B license is deleted as
21 surplusage.

22 In subsection (d)(1) of this section, the former reference to providing food "as
23 well as provid[ing] alcoholic beverages" is deleted as unnecessary in light of
24 subsection (c)(1) of this section.

25 In subsection (f) of this section, the reference to a "local" caterer's license is
26 added for clarity.

27 Also in subsection (f) of this section, the reference to the premises for the
28 "Class B" license is substituted for the former reference to the premises for the
29 "existing" license for clarity.

30 Former Art. 2B, § 6-703.1(a), which stated that former Art. 2B, § 6-703.1
31 applied only in Frederick County, is deleted as unnecessary in light of the
32 organization of this revised article.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Beer” § 1–101

3 “Board” § 20–101

4 “County” § 20–101

5 “Hotel” § 1–101

6 “On–sale” § 1–101

7 “Restaurant” § 1–101

8 “Wine” § 1–101

9 **SUBTITLE 13. TEMPORARY LICENSES.**

10 **PART I. IN GENERAL.**

11 **20–1301. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
14 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
15 **EXCEPTION OR VARIATION:**

16 **(1) § 4–1202 (“PER DIEM LICENSES”);**

17 **(2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

18 **(3) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

19 **(4) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

20 **(5) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

21 **(B) EXCEPTIONS.**

22 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
23 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

24 **(1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
25 **AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 20–1312 OF THIS SUBTITLE;**

26 **(2) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
27 **LICENSE”), WHICH IS SUPERSEDED BY § 20–1313 OF THIS SUBTITLE; AND**

28 **(3) § 4–1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY §§**
29 **20–1312 AND 20–1313 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 the general provisions relating to local temporary licenses.

3 Defined term: "County" § 20-101

4 **20-1302. RESERVED.**

5 **20-1303. RESERVED.**

6 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

7 **20-1304. BEER FESTIVAL LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A BEER FESTIVAL LICENSE.**

10 **(B) AUTHORIZED HOLDER.**

11 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
12 **CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM**
13 **BREWERY LICENSE.**

14 **(C) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.**

16 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

17 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

18 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

19 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER**
20 **FESTIVAL.**

21 **(E) TIMES, LOCATION, AND FOCUS OF FESTIVAL.**

22 **THE BOARD SHALL:**

23 **(1) CHOOSE 4 WEEKENDS EACH YEAR FOR THE BEER FESTIVAL THAT**
24 **DO NOT FALL ON THE DATES CHOSEN FOR THE CUMBERLAND AND SHENANDOAH**

1 VALLEY WINE FESTIVAL IN WASHINGTON COUNTY OR THE MARYLAND WINE
2 FESTIVAL IN CARROLL COUNTY;

3 (2) CHOOSE FOR THE FESTIVAL:

4 (I) A LOCATION THAT IS NOT ALREADY LICENSED; OR

5 (II) SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE
6 PREMISES OF A HOLDER OF A STADIUM ON-SALE LICENSE; AND

7 (3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS
8 THE PROMOTION OF MARYLAND BEER.

9 (F) FESTIVAL ON PREMISES OF STADIUM LICENSE HOLDER.

10 IF A BEER FESTIVAL IS HELD ON THE PREMISES OF A HOLDER OF A STADIUM
11 LICENSE, THE HOLDER OF THE STADIUM LICENSE MAY NOT SELL ANY ALCOHOLIC
12 BEVERAGES DURING THE FESTIVAL.

13 (G) HOLDING ANOTHER LICENSE ALLOWED.

14 A BEER FESTIVAL LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A
15 DIFFERENT CLASS OR NATURE.

16 (H) FEE.

17 THE LICENSE FEE IS \$15.

18 (I) REGULATIONS.

19 THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8-803(b) through (i).

22 Throughout this section, the former references to a "special" beer festival
23 license are deleted as surplusage.

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

26 In subsection (b) of this section, the reference to a "retail" license is substituted
27 for the former reference to a "current retail alcoholic beverages license issued
28 in the State" for brevity.

1 Also in subsection (b) of this section, the former phrase “[n]otwithstanding any
2 other provision of this article,” is deleted as unnecessary in light of the
3 organization of this revised article.

4 In the introductory language of subsection (c) of this section, the reference to
5 the requirement that the “holder shall” display and sell is substituted for the
6 former reference to the “license entitl[ing] the holder to” display and sell for
7 consistency with terminology used throughout this article.

8 In subsections (d)(2), (e)(2)(i) and (ii), and (f) of this section, the former
9 references to a festival, location, or premises “in Frederick County” are deleted
10 as surplusage.

11 In subsection (e)(2)(i) of this section, the reference to a “location that is not
12 already licensed” is substituted for the former reference to a “nonlicensed
13 premises” for consistency with terminology used throughout this article.

14 In subsection (f) of this section, the reference to the holder “of the stadium
15 license” is added for clarity.

16 In subsection (g) of this section, the reference to a license holder who “may
17 hold” another license is substituted for the former statement that “[t]his
18 section does not prohibit the licensee” from holding another license for clarity.

19 Former Art. 2B, § 8–803(a), which defined the term “Board”, is deleted as
20 redundant in light of the defined term “Board” in § 20–101 of this title.

21 Defined terms: “Alcoholic beverage” § 1–101

22 “Beer” § 1–101

23 “Board” § 20–101

24 “On–sale” § 1–101

25 **20–1305. WINE FESTIVAL LICENSE.**

26 **(A) “FESTIVAL” DEFINED.**

27 **IN THIS SECTION, “FESTIVAL” MEANS THE FREDERICK COUNTY WINE**
28 **FESTIVAL.**

29 **(B) ESTABLISHED.**

30 **THERE IS A WINE FESTIVAL (WF) LICENSE.**

31 **(C) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
2 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

3 **(D) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS**
5 **DISTRIBUTED IN THE STATE.**

6 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

7 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

8 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

9 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

10 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

11 **THE BOARD:**

12 **(1) MAY CHOOSE TWO WEEKENDS EACH YEAR FOR THE FESTIVAL;**

13 **(2) SHALL CHOOSE LOCATIONS THAT ARE NOT ALREADY LICENSED;**

14 **AND**

15 **(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
16 **THE PROMOTION OF MARYLAND WINE.**

17 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

18 **A LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR**
19 **NATURE.**

20 **(H) FEE.**

21 **THE LICENSE FEE IS \$20.**

22 **(I) REGULATIONS.**

23 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

24 **REVISOR'S NOTE:** This section is new language derived without substantive
25 change from former Art. 2B, § 8-308.1(c) through (k) and (a)(1) and (3).

1 Throughout this section, the former references to a “special” wine festival are
2 deleted as surplusage.

3 Subsection (b) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (c) of this section, the former phrase “[n]otwithstanding any
6 other provision of this article” is deleted as unnecessary in light of the
7 organization of this revised article.

8 Also in subsection (c) of this section, the reference to a holder of a “retail
9 license” is substituted for the former reference to a holder of “an existing State
10 retail alcoholic beverages license” for brevity.

11 In the introductory language of subsection (d) of this section, the reference to
12 the “license authoriz[ing] the holder” to display and sell is substituted for the
13 former reference to the requirement that a “holder of a special WF license
14 shall” display and sell for clarity and consistency with terminology used
15 throughout this article.

16 In the introductory language of subsection (e) of this section, the reference to
17 the requirement that a “license holder shall” display and sell is substituted for
18 the former reference to a “license entitl[ing] the holder to” display and sell for
19 clarity and consistency with terminology used throughout this article.

20 In subsection (f)(2) of this section, the reference to locations that are not
21 “already licensed” is substituted for the former reference to locations that are
22 not “licensed under this article” for consistency with terminology used
23 throughout this article.

24 Also in subsection (f)(2) of this section, the former reference to a location “for
25 the festivals” is deleted as surplusage.

26 Also in subsection (f)(2) of this section, the former reference to a location “in
27 the county” is deleted as surplusage.

28 In subsection (g) of this section, the reference to a license holder who “may
29 hold” another license is substituted for the former statement that “[t]his
30 section does not prohibit the holder ... from holding” another license for
31 clarity.

32 Former Art. 2B, § 8–308.1(a)(2), which defined “Board” as meaning the
33 Frederick County Board of License Commissioners, is deleted as redundant in
34 light of the defined term “Board” in § 20–101 of this title.

1 Former Art. 2B, § 8–308.1(b), which stated that former Art. 2B, § 8–308.1
2 applied only in Frederick County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Board” § 20–101

5 “State” § 1–101

6 “Wine” § 1–101

7 **20–1306. MIDDLETOWN WINE FESTIVAL LICENSE.**

8 **(A) ESTABLISHED.**

9 **(1) THERE IS A MIDDLETOWN WINE FESTIVAL (MWF) LICENSE.**

10 **(2) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN MAY NOT**
11 **HOLD MORE THAN TWO 1–DAY MIDDLETOWN WINE FESTIVALS EACH YEAR ON THE**
12 **DAYS THAT THE BURGESS AND COMMISSIONERS CHOOSE.**

13 **(B) AUTHORIZED HOLDER.**

14 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 3 WINERY**
15 **LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE AT**
18 **RETAIL FOR ON– AND OFF–PREMISES CONSUMPTION.**

19 **(D) HOURS AND DAYS OF OPERATION.**

20 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE DURING THE HOURS AND**
21 **DAYS DESIGNATED FOR THE MIDDLETOWN WINE FESTIVAL.**

22 **(E) TIME AND PLACE OF FESTIVAL.**

23 **THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:**

24 **(1) EACH YEAR MAY CHOOSE THE DAYS FOR THE FESTIVAL; AND**

25 **(2) SHALL CHOOSE LOCATIONS THAT ARE NOT ALREADY LICENSED.**

26 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

1 **A LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR**
2 **NATURE.**

3 **(G) FEE.**

4 **THE LICENSE FEE IS \$20.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8-308.2(b) through (g).

7 Subsection (a) of this section is revised in standard language used throughout
8 this article to establish a license.

9 In the introductory language of subsection (d) of this section, the reference to
10 the requirement that a "license holder shall" display and sell is substituted for
11 the former reference to a "license entitl[ing] the holder to" display and sell for
12 clarity and consistency with terminology used throughout this article.

13 In subsection (e)(2) of this section, the reference to locations that are not
14 "already licensed" is substituted for the former reference to locations that are
15 not "licensed under this article" for consistency with terminology used
16 throughout this article.

17 In subsection (f) of this section, the reference to a license holder who "may
18 hold" another license is substituted for the former statement that "[t]his
19 section does not prohibit the holder ... from holding" another license for
20 clarity.

21 Former Art. 2B, § 8-308.2(a), which stated that former Art. 2B, § 8-308.2
22 applied only in Frederick County, is deleted as unnecessary in light of the
23 organization of this revised article.

24 Former Art. 2B, § 8-308.2(h), which authorized the Board to adopt regulations
25 to carry out this section, is deleted as unnecessary because the Board has
26 power to adopt regulations under § 20-207 of this article.

27 Defined terms: "Board" § 20-101

28 "Wine" § 1-101

29 **20-1307. BEER AND WINE TASTING LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

32 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE.**

2 **(C) SCOPE OF AUTHORIZATION.**

3 **(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE**
4 **ON-PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING IF THE TASTING IS**
5 **NOT CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

6 **(2) THE LICENSE HOLDER MUST NOTIFY THE BOARD IN WRITING AT**
7 **LEAST 5 DAYS BEFORE THE EVENT AT WHICH THE LICENSE IS TO BE USED.**

8 **(D) APPLICATION PROCESS.**

9 **(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD**
10 **A LICENSE APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

11 **(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A PUBLIC**
12 **HEARING.**

13 **(3) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT**
14 **MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

15 **(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE LICENSE**
16 **HOLDER'S CLASS A LICENSE IS RENEWED.**

17 **(E) LIMIT ON SERVINGS.**

18 **(1) AN INDIVIDUAL MAY CONSUME BEER AND WINE COVERED BY THE**
19 **LICENSE IN A QUANTITY OF NOT MORE THAN:**

20 **(I) 3 OUNCES FROM EACH OFFERING OF BEER; AND**

21 **(II) 1 OUNCE FROM EACH OFFERING OF WINE.**

22 **(2) AN INDIVIDUAL MAY CONSUME WINE IN A QUANTITY OF NOT MORE**
23 **THAN 6 OUNCES FROM ALL OFFERINGS IN A DAY.**

24 **(F) PROCEDURES FOR TASTING EVENT.**

25 **(1) THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME**
26 **AT A WINE TASTING EVENT ARE:**

1 **(I) ALL OF THE BOTTLES IN A WINE PRESERVATION SYSTEM**
2 **THAT THE BOARD APPROVES; AND**

3 **(II) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY**
4 **A HOLDER OF A SOLICITOR'S PERMIT, THE HOLDER OF THE BWST LICENSE, OR AN**
5 **EMPLOYEE OF THE LICENSE HOLDER.**

6 **(2) AFTER A BOTTLE OF BEER OR WINE IS OPENED FOR A TASTING**
7 **EVENT:**

8 **(I) THE BOTTLE MUST BE MARKED THAT IT IS TO BE USED FOR**
9 **THAT PURPOSE ONLY;**

10 **(II) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH**
11 **THAT OF ANY OTHER BOTTLE; AND**

12 **(III) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.**

13 **(G) FEE.**

14 **THE ANNUAL LICENSE FEE IS \$200.**

15 **(H) REGULATIONS.**

16 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 8–406(b) through (g).

19 Throughout this section, the former references to “sampling” are deleted as
20 redundant of the references to “tasting”.

21 Subsection (a) of this section is revised in standard language used throughout
22 this article to establish a license.

23 In subsection (d)(4) of this section, the reference to “Class A license” is
24 substituted for the former reference to “regular license” for clarity.

25 In the introductory language of subsection (e) of this section, the reference to
26 beer and wine “covered by the license” is added for clarity.

27 In subsection (e)(1)(i) and (ii) of this section, the reference to “each offering”
28 are substituted for the former references to “a given brand” for consistency
29 with the terminology used throughout this article. Similarly, in subsection

1 (e)(2) of this section, the reference to all “offerings” is substituted for the
2 former references to all “brands”.

3 In subsection (e)(2) of this section, the reference to “wine” is substituted for
4 the former reference to “light wine” to avoid confusion. In Frederick County,
5 wine that is sold under a retail license with a wine privilege may have an
6 alcohol content above the traditional maximum level for light wine.

7 Former Art. 2B, § 8–406(a), which stated that former Art. 2B, § 8–406 applied
8 only in Frederick County, is deleted as unnecessary in light of the organization
9 of this revised article.

10 Defined terms: “Beer” § 1–101
11 “Board” § 20–101
12 “License” § 1–101
13 “License holder” § 1–101
14 “Wine” § 1–101

15 **20–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

16 (A) ESTABLISHED.

17 THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.

18 (B) AUTHORIZED HOLDER.

19 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,
20 AND LIQUOR LICENSE.

21 (C) SCOPE OF AUTHORIZATION.

22 THE LICENSE AUTHORIZES THE HOLDER TO ALLOW CONSUMPTION OF BEER,
23 WINE, AND LIQUOR FOR TASTING.

24 (D) LIMIT ON SERVINGS.

25 (1) AN INDIVIDUAL MAY CONSUME BEER AND WINE COVERED BY THE
26 LICENSE IN A QUANTITY OF NOT MORE THAN:

27 (I) 3 OUNCES FROM EACH OFFERING OF BEER; AND

28 (II) 1 OUNCE FROM EACH OFFERING OF WINE.

29 (2) AN INDIVIDUAL MAY CONSUME WINE IN A QUANTITY OF NOT MORE
30 THAN 6 OUNCES FROM ALL OFFERINGS IN A DAY.

1 **(3) AN INDIVIDUAL MAY CONSUME LIQUOR COVERED BY THE**
 2 **LICENSE IN A QUANTITY OF NOT MORE THAN:**

3 **(I) 0.5 OUNCE FROM EACH OFFERING; AND**

4 **(II) 1.5 OUNCES FROM ALL OFFERINGS IN 1 DAY.**

5 **(E) PROCEDURES FOR TASTING EVENT.**

6 **THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME AT A WINE**
 7 **TASTING EVENT ARE:**

8 **(1) ALL BOTTLES IN A WINE PRESERVATION SYSTEM THAT THE**
 9 **BOARD APPROVES; AND**

10 **(2) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY A**
 11 **HOLDER OF A SOLICITOR'S PERMIT, THE HOLDER OF THE BWLT LICENSE, OR AN**
 12 **EMPLOYEE OF THE LICENSE HOLDER.**

13 **(F) FEE.**

14 **THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, §§ 8–406.1(b) through (g) and 8–406(e)(1) and (3).

17 Throughout this section, the former references to “sampling” are deleted as
 18 redundant of the references to “tasting”.

19 Subsection (a) of this section is revised in standard language used throughout
 20 this title to establish a license.

21 In subsection (c) of this section, the reference to the license authorizing “the
 22 holder to allow” the consumption of wine is added for clarity and consistency
 23 with terminology used throughout this article.

24 In subsection (d) of this section, the references to “each offering” and “all
 25 offerings” are substituted for the former references to “a given brand” and “all
 26 brands” for consistency with the terminology used throughout this article.

27 Also in subsection (d) of this section, the reference to an “individual” is
 28 substituted for the former, overly broad reference to a “person” for clarity.

1 In subsection (d)(1) of this section, the allowed quantities from former Art. 2B,
2 § 8–406 – revised at § 20–1307 of this subtitle – are substituted for the former
3 statement that “[t]he limitations on the consumption of beer and wine under
4 § 8–406 of this subtitle apply to a beer, wine, and liquor tasting license” for
5 clarity.

6 Former Art. 2B, § 8–406.1(a), which stated that former Art. 2B, § 8–406.1
7 applied only in Frederick County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Defined terms: “Beer” § 1–101

10 “Board” § 20–101

11 “License” § 1–101

12 “Wine” § 1–101

13 **20–1309. MULTIVENUE WINE LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A 1–DAY MULTIVENUE WINE (MVW) LICENSE.**

16 **(B) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

18 **(C) SCOPE OF AUTHORIZATION.**

19 **(1) THE LICENSE HOLDER MAY CONDUCT SIMULTANEOUS WINE**
20 **EVENTS AT NOT MORE THAN FIVE VENUES THAT ARE:**

21 **(I) WITHIN WALKING DISTANCE OF EACH OTHER; AND**

22 **(II) LOCATED IN DISTRICTS THAT ALLOW THE CONSUMPTION OF**
23 **WINE.**

24 **(2) UNDER REGULATIONS THAT THE BOARD ADOPTS, AT EACH WINE**
25 **EVENT, THE LICENSE HOLDER:**

26 **(I) MAY SELL WINE BY THE GLASS FOR ON–PREMISES**
27 **CONSUMPTION OR BY THE BOTTLE FOR OFF–PREMISES CONSUMPTION;**

28 **(II) MAY ALLOW THE HOLDER OF A CLASS 4 LIMITED WINERY**
29 **LICENSE TO CONDUCT A WINE TASTING; AND**

1 **(III) SHALL PROHIBIT A GUEST FROM TRANSPORTING WINE**
2 **FROM ONE VENUE TO ANOTHER.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8-406.2(b) through (d).

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (b) of this section, the former reference to a "bona fide" nonprofit
8 organization is deleted as surplusage.

9 Former Art. 2B, § 8-406.2(a), which stated that former Art. 2B, § 8-406.2
10 applied only in Frederick County, is deleted in light of the organization of this
11 revised article.

12 Defined terms: "Board" § 20-101

13 "License" § 1-101

14 "License holder" § 1-101

15 "Wine" § 1-101

16 **20-1310. RESERVED.**

17 **20-1311. RESERVED.**

18 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

19 **20-1312. CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
20 **LICENSES.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS C PER DIEM BEER AND A CLASS C PER DIEM BEER AND**
23 **WINE LICENSE.**

24 **(B) SCOPE OF AUTHORIZATION.**

25 **AN APPLICANT MAY PURCHASE:**

26 **(1) A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER**
27 **AND WINE LICENSE FOR EACH DAY A LICENSE IS REQUIRED; OR**

28 **(2) A CLASS C MULTIDAY BEER LICENSE OR A CLASS C MULTIDAY**
29 **BEER AND WINE LICENSE FOR ALL DAYS FOR WHICH A LICENSE IS REQUIRED.**

1 **(C) NUMBER OF DAYS FOR SINGLE APPLICANT.**

2 **THE DAYS FOR WHICH LICENSES UNDER THIS SECTION MAY BE ISSUED TO A**
3 **SINGLE APPLICANT MAY NOT EXCEED 50 IN A CALENDAR YEAR.**

4 **(D) FEE.**

5 **THE FEE IS \$10 PER DAY FOR:**

6 **(1) A CLASS C PER DIEM BEER LICENSE;**

7 **(2) A CLASS C PER DIEM BEER AND WINE LICENSE;**

8 **(3) A CLASS C MULTIDAY BEER LICENSE; OR**

9 **(4) A CLASS C MULTIDAY BEER AND WINE LICENSE.**

10 REVISOR'S NOTE: Subsection (a) of this section is standard language added
11 establishing a license.

12 Subsections (b) through (d) of this section are new language derived without
13 substantive change from former Art. 2B, § 7-101(b)(7)(ii) through (iv).

14 In subsection (c) of this section, the former reference to the "total number" of
15 days is deleted as surplusage.

16 Former Art. 2B, § 7-101(b)(7)(i), which stated that former Art. 2B, §
17 7-101(b)(7) applied only in Frederick County, is deleted as unnecessary in
18 light of the organization of this revised article.

19 Defined terms: "Beer" § 1-101

20 "Wine" § 1-101

21 **20-1313. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

24 **(B) SCOPE OF AUTHORIZATION.**

25 **AN APPLICANT MAY PURCHASE:**

26 **(1) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE FOR**
27 **EACH DAY A LICENSE IS REQUIRED; OR**

1 **(2) A CLASS C MULTIDAY BEER, WINE, AND LIQUOR LICENSE FOR ALL**
 2 **DAYS FOR WHICH A LICENSE IS REQUIRED.**

3 **(C) NUMBER OF DAYS FOR SINGLE APPLICANT.**

4 **THE DAYS FOR WHICH LICENSES UNDER THIS SUBSECTION MAY BE ISSUED TO**
 5 **A SINGLE APPLICANT MAY NOT EXCEED 50 IN A CALENDAR YEAR.**

6 **(D) FEE.**

7 **THE FEE IS \$30 PER DAY FOR:**

8 **(1) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE; OR**

9 **(2) A CLASS C MULTIDAY BEER, WINE, AND LIQUOR LICENSE.**

10 REVISOR'S NOTE: Subsection (a) of this section is standard language added
 11 establishing a license.

12 Subsections (b) through (d) of this section are new language derived without
 13 substantive change from former Art. 2B, § 7-101(b)(9)(ii) through (iv).

14 In subsection (c) of this section, the former reference to the "total number" of
 15 days is deleted as surplusage.

16 Former Art. 2B, § 7-101(b)(9)(i), which stated that former Art. 2B, §
 17 7-101(b)(9) applied only in Frederick County, is deleted as unnecessary in
 18 light of the organization of this revised article.

19 Defined terms: "Beer" § 1-101

20 "Wine" § 1-101

21 **20-1314. LICENSES FOR VOLUNTEER FIRE COMPANIES.**

22 **(A) AUTHORIZED.**

23 **THE BOARD MAY ISSUE A PER DIEM LICENSE TO THE:**

24 **(1) MIDDLETOWN VOLUNTEER FIRE COMPANY;**

25 **(2) WOLFSVILLE VOLUNTEER FIRE COMPANY;**

26 **(3) JEFFERSON VOLUNTEER FIRE COMPANY; AND**

1 **(4) MYERSVILLE VOLUNTEER FIRE COMPANY.**

2 **(B) USE OF PROCEEDS.**

3 **ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE**
4 **ENTITIES LISTED IN SUBSECTION (A) OF THIS SECTION SHALL BE USED ONLY:**

5 **(1) TO PURCHASE FIRE AND RESCUE EQUIPMENT;**

6 **(2) FOR OPERATING EXPENSES; AND**

7 **(3) FOR CONSTRUCTING AND MAINTAINING THE BUILDINGS THAT**
8 **HOUSE THE EMERGENCY EQUIPMENT.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, §§ 7–101(o)(3) and 8–211(g).

11 In subsection (a) of this section, the reference to “the Board” is added to clarify
12 that the Board issues the licenses.

13 Also in subsection (a) of this section, the former phrase “[n]otwithstanding any
14 other restrictions imposed by this article,” is deleted as unnecessary in light
15 of the organization of this revised article.

16 Also in subsection (a) of this section, the former reference to “[t]he restrictions
17 in this section and in § 7–101(g) of this article ... not apply[ing] to licenses
18 issued” under “this subsection” is deleted as unnecessary in light of the
19 organization of this revised article.

20 Defined terms: “Alcoholic beverage” § 1–101

21 “Board” § 20–101

22 **20–1315. ST. KATHARINE DREXEL ROMAN CATHOLIC CONGREGATION, INC.**

23 **(A) ESTABLISHED.**

24 **THE BOARD MAY ISSUE A 1–DAY BEER, WINE, AND LIQUOR LICENSE TO ST.**
25 **KATHARINE DREXEL ROMAN CATHOLIC CONGREGATION, INC.**

26 **(B) USE OF PROCEEDS.**

27 **ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR ST.**
28 **KATHARINE DREXEL ROMAN CATHOLIC CONGREGATION, INC., SHALL BE USED TO**
29 **FUND BUILDING CONSTRUCTION OR FOR CHARITABLE PURPOSES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8–211(h).

3 In subsection (a) of this section, the former phrase “[n]otwithstanding the
4 restrictions in this section and in § 7–101(g) of this article,” is deleted as
5 unnecessary in light of the organization of this revised article.

6 In subsection (b) of this section, the former phrase “under paragraph (1) of this
7 subsection” is deleted as surplusage.

8 Defined terms: “Alcoholic beverage” § 1–101
9 “Board” § 20–101

10 **20–1316. HOLY FAMILY CATHOLIC COMMUNITY.**

11 **(A) ESTABLISHED.**

12 **THE BOARD MAY ISSUE A 1–DAY SPECIAL CLASS C BEER AND WINE LICENSE**
13 **AND A 1–DAY SPECIAL CLASS C BEER, WINE, AND LIQUOR LICENSE TO HOLY FAMILY**
14 **CATHOLIC COMMUNITY.**

15 **(B) USE OF PROCEEDS.**

16 **ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR HOLY**
17 **FAMILY CATHOLIC COMMUNITY SHALL BE USED TO FUND BUILDING**
18 **CONSTRUCTION OR FOR CHARITABLE PURPOSES.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 8–211(i).

21 In subsection (a) of this section, the former phrase “[n]otwithstanding the
22 restrictions in this section and in § 7–101(g) of this article,” is deleted as
23 unnecessary in light of the organization of this revised article.

24 In subsection (b) of this section, the former phrase “under paragraph (1) of this
25 subsection” is deleted as surplusage.

26 Defined terms: “Alcoholic beverage” § 1–101
27 “Board” § 20–101

28 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

29 **20–1401. APPLICATION OF GENERAL PROVISIONS.**

30 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
2 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
3 WITHOUT EXCEPTION OR VARIATION:

4 (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING
5 BOARD”);

6 (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

7 (3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
8 COMPANY”);

9 (4) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

10 (5) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

11 (6) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
12 GENERAL”);

13 (7) § 4-111 (“PAYMENT OF LICENSE FEES”);

14 (8) § 4-112 (“DISPOSITION OF LICENSE FEES”);

15 (9) § 4-113 (“REFUND OF LICENSE FEES”); AND

16 (10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

17 (B) EXCEPTION.

18 SECTION 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”) OF DIVISION
19 I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §
20 20-1404 OF THIS SUBTITLE.

21 (C) VARIATIONS.

22 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
23 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

24 (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§
25 20-1402 AND 20-1403 OF THIS SUBTITLE; AND

1 **(2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
2 **PETITION OF SUPPORT”), SUBJECT TO § 20-1405 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to applications for local licenses.

5 Defined term: “County” § 20-101

6 **20-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

7 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
8 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10-103(b)(13)(v)1A.

11 Defined terms: “Board” § 20-101

12 “Central Repository” § 1-101

13 “License” § 1-101

14 **20-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
15 **APPLICATION PROCESS.**

16 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
17 **OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
18 **PROCESS.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10-103(b)(13)(v) and, as it related to Frederick
21 County, (i)2.

22 The reference to “record information” is substituted for the former reference
23 to “records” to conform to the terminology used in CP § 10-201.

24 The reference to “the application process” is substituted for the former
25 reference to “its necessary use” for clarity.

26 Defined term: “Board” § 20-101

27 **20-1404. APPLICATION ON BEHALF OF PARTNERSHIP.**

28 **(A) REQUIREMENTS FOR APPLICATION.**

29 **(1) A LICENSE FOR THE USE OF A PARTNERSHIP SHALL BE APPLIED**
30 **FOR AND ISSUED TO THREE INDIVIDUALS.**

1 **(2) THE THREE INDIVIDUALS ARE NOT REQUIRED TO BE PARTNERS**
2 **BUT SHALL BE AUTHORIZED IN WRITING TO ACT FOR THE PARTNERSHIP.**

3 **(3) ONE OF THE THREE INDIVIDUALS SHALL:**

4 **(I) HAVE BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2**
5 **YEARS BEFORE THE APPLICATION IS FILED; AND**

6 **(II) BE A REGISTERED VOTER OF THE COUNTY BEFORE AND AT**
7 **THE TIME THE APPLICATION IS FILED.**

8 **(4) THE NAMES OF EACH PARTNER SHALL BE STATED ON THE**
9 **APPLICATION.**

10 **(B) CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY AS**
11 **PARTNER.**

12 **IF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IS A**
13 **PARTNER OF A PARTNERSHIP ON BEHALF OF WHICH AN APPLICATION FOR A**
14 **LICENSE HAS BEEN FILED, THE APPLICATION SHALL INCLUDE:**

15 **(1) THE NAME OF EACH OWNER OF MORE THAN 33% OF THE STOCK IN**
16 **THE CORPORATE PARTNER;**

17 **(2) THE NAME OF EACH OWNER OF MORE THAN 33% OF OWNERSHIP**
18 **INTEREST OF THE PARTNERSHIP PARTNER; OR**

19 **(3) THE NAME OF EACH MEMBER WITH MORE THAN A 33% INTEREST**
20 **IN THE LIMITED LIABILITY COMPANY PARTNER.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 9-101(a)(5).

23 In subsection (a)(2) of this section, the reference to the three individuals "not
24 [being] required" to be a partner is substituted for the former reference to
25 "[n]one of the 3 individuals need" to be a partner, to conform to the style used
26 throughout this article.

27 The Alcoholic Beverages Article Review Committee notes, for consideration by
28 the General Assembly, that the requirements in subsection (a)(3) of this
29 section that an individual be a resident of the County for 2 years before filing
30 an application may violate the equal protection guarantees of the Fourteenth
31 Amendment to the United States Constitution and Article 24 of the Maryland

1 Declaration of Rights. Maryland courts look unfavorably on legislation that
2 classify persons by geography, which may be accomplished by residency or
3 registration requirements, if the primary purpose of the legislation is
4 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

5 Defined terms: "County" § 20-101
6 "License" § 1-101

7 **20-1405. PERSONS ELIGIBLE TO SIGN PETITION OF SUPPORT.**

8 (A) OWNERS OF REAL ESTATE WITHIN 5,000 FEET OF ESTABLISHMENT FOR
9 WHICH LICENSE IS SOUGHT.

10 SUBJECT TO SUBSECTION (B) OF THIS SECTION, PERSONS WHO ARE OWNERS
11 OF REAL ESTATE WITHIN 5,000 FEET OF THE ESTABLISHMENT FOR WHICH A LICENSE
12 IS SOUGHT SHALL BE THOSE PERSONS SIGNING THE PETITION OF SUPPORT FOR THE
13 LICENSE APPLICATION.

14 (B) ALTERNATE PLAN.

15 IF AN INSUFFICIENT NUMBER OF PERSONS OWN REAL ESTATE WITHIN 5,000
16 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT, THE PERSONS SIGNING
17 THE PETITION OF SUPPORT SHALL BE DRAWN FROM OWNERS OF REAL ESTATE
18 WITHIN THE AREA OF A CIRCLE THAT:

19 (1) HAS THE ESTABLISHMENT FOR WHICH A LICENSE IS SOUGHT AT
20 ITS CENTER; AND

21 (2) ENCOMPASSES PROPERTIES OWNED BY AT LEAST 1,000 PERSONS.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10-103(b)(18)(iv).

24 Throughout this section, the references to a "petition of support" are
25 substituted for the former references to a "certificate" to conform to the
26 terminology used throughout this article.

27 In subsection (a) of this section, the reference to a certificate of support "for
28 the license application" is added for clarity.

29 Defined terms: "License" § 1-101
30 "Person" § 1-101

31 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

1 **20-1501. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
4 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
5 **WITHOUT EXCEPTION OR VARIATION:**

6 (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);

7 (2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
8 FOR SAME PREMISES”);

9 (3) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);

10 (4) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);

11 (5) § 4-207 (“LICENSES ISSUED TO MINORS”);

12 (6) § 4-209 (“HEARING”);

13 (7) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);

14 (8) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);

15 (9) § 4-212 (“LICENSE NOT PROPERTY”);

16 (10) § 4-213 (“REPLACEMENT LICENSES”); AND

17 (11) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE
18 APPLICATIONS”).

19 (B) **VARIATIONS.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
21 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

22 (1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
23 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III OF
24 THIS TITLE; AND

25 (2) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),
26 SUBJECT TO § 20-1502 OF THIS SUBTITLE.

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the issuance of local licenses.

3 Defined terms: "County" § 20-101

4 "License" § 1-101

5 "Local licensing board" § 1-101

6 **20-1502. ONLINE POSTING OF APPLICATION.**

7 **THE BOARD MAY FULFILL THE NOTICE REQUIREMENT OF § 4-208 OF THIS**
8 **ARTICLE BY POSTING ONLINE A COMPLETED APPLICATION WITH ALL SUBMITTED**
9 **DOCUMENTS AT LEAST 14 DAYS BEFORE THE HEARING DATE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-202(a)(1)(ii).

12 Defined term: "Board" § 20-101

13 **GENERAL REVISOR'S NOTE TO SUBTITLE**

14 Former Art. 2B, § 9-102(b-1)(2)(iii), which stated that the bowling alley exception to
15 the prohibition against multiple licenses did not apply to Frederick County, is
16 deleted as unnecessary. This revision applies the general rule to Frederick County.
17 The fact that Frederick County is not covered by the exception need not be stated.

18 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

19 **PART I. LICENSING CONDITIONS.**

20 **20-1601. LICENSE QUOTA IN ELECTION DISTRICTS.**

21 **(A) IN GENERAL.**

22 **(1) FOR EVERY 4,000 INDIVIDUALS OR MAJOR FRACTION IN AN**
23 **ELECTION DISTRICT, THE BOARD MAY NOT ISSUE MORE THAN ONE LICENSE IN EACH**
24 **OF THE FOLLOWING CLASSES:**

25 **(I) CLASS A (OFF-SALE) BEER LICENSE;**

26 **(II) CLASS B (ON-SALE) BEER LICENSE;**

27 **(III) CLASS A (OFF-SALE) BEER AND WINE LICENSE;**

28 **(IV) CLASS B (ON-SALE) BEER AND WINE LICENSE; AND**

1 **(V) CLASS A (OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

2 **(2) THE POPULATION OF EACH ELECTION DISTRICT IS TO BE**
3 **DETERMINED BY THE MOST RECENT FEDERAL CENSUS.**

4 **(B) RESTRICTION ON ISSUING NEW LICENSES.**

5 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN AN**
6 **ELECTION DISTRICT IN WHICH THE NUMBER OF LICENSES IN A CLASS THAT WERE**
7 **ISSUED AS OF JUNE 1, 1949, EXCEEDS THE QUOTA SPECIFIED IN SUBSECTION (A) OF**
8 **THIS SECTION, THE BOARD MAY NOT ISSUE NEW LICENSES IN THAT CLASS.**

9 **(2) THE BOARD MAY ISSUE NEW LICENSES IN A CLASS WHEN THE**
10 **NUMBER OF LICENSES IN THAT CLASS FALLS BELOW THE QUOTA SPECIFIED IN**
11 **SUBSECTION (A) OF THIS SECTION.**

12 **(C) EFFECT OF SECTION.**

13 **THIS SECTION DOES NOT APPLY TO THE TRANSFER OR RENEWAL OF A**
14 **LICENSE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 9-211(b) and (c).

17 In the introductory language of subsection (a)(1) and in subsection (b)(1) and
18 (2) of this section, the references to the "Board" are added to state expressly
19 what was only implicit in the former law, that the Board is the governmental
20 unit that issues licenses.

21 In the introductory language of subsection (a)(1) of this section, the reference
22 to "individuals" is substituted for the former reference to "people" to conform
23 to the terminology used throughout this article.

24 Also in the introductory language of subsection (a)(1) of this section, the
25 reference to "an" election district is substituted for the former reference to "any
26 one" election district for brevity.

27 In subsection (a)(1)(iii) and (iv) of this section, the references to "wine" are
28 substituted for the former references to "light wine" to reflect that license
29 holders in the County may sell wine with an alcohol content of 22%, which is
30 above the traditional maximum level of 15.5% for light wine.

31 In subsection (b)(2) of this section, the reference to the Board "issu[ing] new
32 licenses in a class when" a specified event occurs is substituted for the former

1 phrase “no new licenses of such class shall be issued unless and until” a
2 specified event occurs for brevity.

3 In subsection (c) of this section, the reference to “[t]his section ... not
4 apply[ing] to the transfer or renewal of a license” is substituted for the former
5 phrase “a transfer or renewal of an existing license shall in no way be
6 construed to be a new license” for clarity.

7 Former Art. 2B, § 9–211(a), which stated that the provisions of former Art.
8 2B, § 9–211 applied only in Frederick County, is deleted as unnecessary in
9 light of the organization of this revised article.

10 Defined terms: “Board” § 20–101
11 “License” § 1–101

12 **20–1602. RESTRICTIONS IN CERTAIN ELECTION DISTRICTS.**

13 **(A) GENERAL PROHIBITION AGAINST ISSUANCE OF LICENSES.**

14 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE BOARD**
15 **MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT IN ANY OF THE FOLLOWING**
16 **ELECTION DISTRICTS:**

- 17 **(I) CATOCTIN (6TH);**
18 **(II) HAUVERS (10TH);**
19 **(III) JACKSON (16TH);**
20 **(IV) LINGANORE (19TH); AND**
21 **(V) BALLENGER (23RD).**

22 **(2) THIS SUBSECTION DOES NOT APPLY TO A CLASS 8 FARM BREWERY**
23 **LICENSE ISSUED UNDER § 2–210 OF THIS ARTICLE.**

24 **(3) THE BOARD MAY ISSUE THE FOLLOWING LICENSES FOR AN**
25 **ESTABLISHMENT IN THE BALLENGER ELECTION DISTRICT:**

- 26 **(I) A CLASS 7 MICRO–BREWERY LICENSE;**
27 **(II) A CLASS B–CC LICENSE;**
28 **(III) A CLASS B LICENSE; AND**

1 (IV) A CLASS MEC LICENSE.

2 (B) CLASS A, CLASS B, AND CLASS C BEER LICENSES ALLOWED IN CERTAIN
3 DISTRICTS.

4 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
5 THE BOARD MAY ISSUE A CLASS A, CLASS B, OR CLASS C BEER LICENSE FOR AN
6 ESTABLISHMENT IN ANY OF THE FOLLOWING ELECTION DISTRICTS:

7 (I) JEFFERSON (14TH);

8 (II) JOHNSVILLE (17TH); AND

9 (III) BURKITTSVILLE (22ND).

10 (2) THE BOARD MAY ISSUE A CLASS B-CI (COUNTRY INN) ON-SALE
11 BEER, WINE, AND LIQUOR LICENSE FOR THE USE OF AN ESTABLISHMENT IN THE
12 BURKITTSVILLE (22ND) ELECTION DISTRICT.

13 (C) CLASS A, CLASS B, AND CLASS C BEER AND WINE LICENSES AND CLASS
14 A, CLASS B, AND CLASS C BEER, WINE, AND LIQUOR LICENSES ALLOWED IN
15 CERTAIN DISTRICTS.

16 THE BOARD MAY ISSUE A CLASS A, CLASS B, OR CLASS C BEER AND WINE
17 LICENSE OR A CLASS A, CLASS B, OR CLASS C BEER, WINE, AND LIQUOR LICENSE
18 FOR AN ESTABLISHMENT IN ANY OF THE FOLLOWING ELECTION DISTRICTS:

19 (1) BUCKEYSTOWN (1ST);

20 (2) FREDERICK (2ND);

21 (3) CREAGERSTOWN (4TH);

22 (4) EMMITSBURG (5TH);

23 (5) URBANA (7TH);

24 (6) LIBERTY (8TH);

25 (7) NEW MARKET (9TH);

26 (8) WOODSBORO (11TH);

- 1 **(9) PETERSVILLE (12TH);**
2 **(10) MT. PLEASANT (13TH);**
3 **(11) THURMONT (15TH);**
4 **(12) WOODVILLE (18TH);**
5 **(13) LEWISTOWN (20TH);**
6 **(14) TUSCARORA (21ST);**
7 **(15) BRADDOCK (24TH);**
8 **(16) BRUNSWICK (25TH); AND**
9 **(17) WALKERSVILLE (26TH).**

10 **(D) 3RD ELECTION DISTRICT — CLASS C BEER, WINE, AND LIQUOR**
11 **LICENSES ALLOWED.**

12 **THE BOARD MAY ISSUE A CLASS C BEER, WINE, AND LIQUOR LICENSE FOR AN**
13 **ESTABLISHMENT IN THE 3RD ELECTION DISTRICT.**

14 **(E) MIDDLETOWN — CLASS A, CLASS B, OR CLASS C BEER LICENSES AND**
15 **CLASS B BEER, WINE, AND LIQUOR LICENSES ALLOWED.**

16 **(1) THE BOARD MAY ISSUE WITHIN THE MUNICIPAL BOUNDARIES OF**
17 **MIDDLETOWN:**

18 **(I) CLASS A, CLASS B, OR CLASS C BEER LICENSES;**

19 **(II) CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSES, IF**
20 **THE LICENSED PREMISES DERIVES AT LEAST 70% OF ITS MONTHLY GROSS REVENUE**
21 **FROM THE SALE OF FOOD; AND**

22 **(III) MIDDLETOWN WINE FESTIVAL LICENSES.**

23 **(2) IN ALL OTHER AREAS OF THE MIDDLETOWN (3RD) ELECTION**
24 **DISTRICT, THE BOARD MAY ISSUE ONLY:**

25 **(I) CLASS A, CLASS B, OR CLASS C BEER LICENSES; OR**

1 (II) MIDDLETOWN WINE FESTIVAL LICENSES.

2 (F) HOLDERS OF WINERY, LIMITED WINERY, OR CLASS A WINE LICENSES.

3 (1) WINE MAY BE SOLD AS PROVIDED UNDER A WINERY LICENSE, A
4 LIMITED WINERY LICENSE, OR A CLASS A WINE LICENSE IN ANY ELECTION
5 DISTRICT.

6 (2) A HOLDER OF A LIMITED WINERY LICENSE MAY PROVIDE TABLES
7 AND CHAIRS ON THE PREMISES OF THE LICENSED FACILITY FOR THE SALE, BY THE
8 GLASS, OF WINE AND POMACE BRANDY MADE AT THE FACILITY TO AN INDIVIDUAL
9 WHO PARTICIPATES IN A GUIDED TOUR OF THE FACILITY OR ATTENDS A SCHEDULED
10 PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT THE LICENSED
11 PREMISES.

12 (G) CIVIC AND RELIGIOUS ORGANIZATIONS — BEER, WINE, AND LIQUOR
13 LICENSES.

14 (1) THE BOARD MAY ISSUE A BEER, WINE, AND LIQUOR LICENSE TO:

15 (I) A RELIGIOUS ORGANIZATION;

16 (II) A FRATERNAL ORGANIZATION;

17 (III) A CIVIC ORGANIZATION;

18 (IV) A WAR VETERANS' ORGANIZATION; AND

19 (V) A PATRIOTIC ORGANIZATION.

20 (2) A LICENSE ISSUED UNDER THIS SUBSECTION MAY BE USED ONLY
21 FOR ON-PREMISES CONSUMPTION.

22 (3) ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES
23 BY AN ORGANIZATION LISTED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
24 USED SOLELY FOR CHARITABLE PURPOSES OR OTHERWISE TO FURTHER THE
25 PURPOSES OF THE ORGANIZATION.

26 (H) GOLF AND COUNTRY CLUB LICENSES.

27 THE BOARD MAY ISSUE CLASS C (GOLF AND COUNTRY CLUB) LICENSES FOR
28 ESTABLISHMENTS IN THE 16TH ELECTION DISTRICT.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8–211(b) through (f), (g–1), and (j).

3 Throughout this section, the references to the “Board” are added to state
4 expressly what was only implicit in the former law, that the Board is the
5 governmental unit that issues licenses.

6 Also throughout this section, the references to an “establishment” are
7 substituted for the former references to “place[s] of business” to conform to the
8 terminology used throughout this article.

9 Also throughout this section, the former references to a license “for the sale of
10 alcoholic beverages authorized by this article” and a license “as authorized by
11 this article” are deleted as included in the defined term “license”.

12 In subsection (a)(1)(v) of this section, the former phrase “[e]xcept as provided
13 in paragraph (3) of this subsection” is deleted as unnecessary in light of the
14 introductory language, “[e]xcept as otherwise provided in this section”, of
15 subsection (a)(1) of this section. Similarly, in subsection (f) of this section, the
16 former phrase “[n]otwithstanding any other provisions of this section” is
17 deleted.

18 In subsection (a)(3)(i) of this section, the former cross–reference to a Class 7
19 micro–brewery license “under § 2–208 of this article” is deleted as surplusage.
20 Similarly, in subsection (a)(3)(ii), (iii), and (iv) of this section, the former
21 cross–references to a Class B–CC license “under § 6–201(l)(8) of this article”,
22 a Class B license “under § 6–201(l)(9) of this article”, and a Class MEC license
23 “under § 6–201(l)(10) of this article” are deleted.

24 In the introductory language of subsections (b) and (c) and in subsection (d) of
25 this section, the references to licenses that “may” be issued for an
26 establishment are substituted for the former references to licenses that “shall”
27 be issued for an establishment to avoid the misleading implication that the
28 Board is required to automatically approve license applications.

29 In subsection (b)(2) of this section, the former reference to an establishment
30 “that meets the requirements of § 6–201(l)(1)(i) of this article” is deleted as
31 surplusage.

32 In the introductory language of subsection (c) and in subsection (f)(1) of this
33 section, the references to “wine” are substituted for the former references to
34 “light wine” to reflect that license holders in the County may sell wine with an
35 alcohol content of 22%, which is above the traditional maximum level of 15.5%
36 for light wine.

1 In subsection (f)(2) of this section, the reference to “an individual” is
2 substituted for the former reference to “a person” because only a human being
3 can participate in a guided tour.

4 In the introductory language of subsection (g)(1) of this section, the former
5 reference to “[t]he restrictions in this section and in § 7–101(g) of this article
6 ... not apply[ing] to licenses issued under this subsection” is deleted as
7 unnecessary in light of the organization of this revised article. Similarly, in
8 subsection (h) of this section, the former phrase “[n]otwithstanding the
9 restrictions in this section and in § 7–101(g) of this article” is deleted.

10 In the introductory language of subsection (g)(1) of this section, the former
11 reference to a “bona fide” organization is deleted as surplusage.

12 Former Art. 2B, § 8–211(a), which stated that the provisions of Art. 2B, §
13 8–211 applied only in Frederick County, is deleted as unnecessary in light of
14 the organization of this revised article.

15 Defined terms: “Alcoholic beverage” § 1–101

16 “Board” § 20–101

17 “License” § 1–101

18 “Pomace brandy” § 1–101

19 “Wine” § 1–101

20 **20–1603. PROHIBITION AGAINST CHAIN STORES, SUPERMARKETS, DISCOUNT**
21 **HOUSES, AND FRANCHISED ESTABLISHMENTS.**

22 **A CLASS A LICENSE MAY NOT BE ISSUED FOR, TRANSFERRED TO, USED IN**
23 **CONJUNCTION WITH, OR USED AT THE LOCATION OF:**

24 **(1) A CHAIN STORE;**

25 **(2) A SUPERMARKET;**

26 **(3) A DISCOUNT HOUSE; OR**

27 **(4) A FRANCHISED ESTABLISHMENT:**

28 **(I) THAT IS OPERATED UNDER AN AGREEMENT BETWEEN A**
29 **FRANCHISEE AND FRANCHISOR THAT PERMITS THE FRANCHISEE TO CONDUCT A**
30 **BUSINESS OR SELL A PRODUCT OR SERVICE UNDER A NAME OR MARK, IN**
31 **ACCORDANCE WITH THE METHODS AND PROCEDURES SET OUT BY THE FRANCHISOR;**
32 **AND**

1 **(II) FOR WHICH THE FRANCHISOR ASSISTS THE FRANCHISEE**
 2 **THROUGH ADVERTISING, PROMOTION, OR OTHER SERVICES.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 9-211(d).

5 In the introductory language of this section, the reference to the "location" is
 6 substituted for the former reference to the "premises" for clarity.

7 Also in the introductory language of this section, the former reference to a
 8 license being "granted" is deleted as unnecessary in light of the reference to a
 9 license being "issued".

10 Also in the introductory language of this section, the former phrase "premises
 11 having any drug or pharmaceutical, or other business establishment of the
 12 type commonly known as" a chain store, supermarket, discount house, or
 13 franchised establishment is deleted as surplusage.

14 **20-1604. DRIVE-THROUGH SALES PROHIBITED.**

15 **THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR**
 16 **USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH**
 17 **SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

18 **(1) SOLD AT RETAIL; AND**

19 **(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN A**
 20 **MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 9-211.1, except as it related to the transfer of a
 23 license.

24 In the introductory language of this section, the defined term "Board" is
 25 substituted for the former reference to "the License Commissioner" for
 26 consistency with the terminology used throughout this article.

27 Also in the introductory language of this section, the reference to a "sales"
 28 facility is substituted for the former reference to a "purchase" facility for
 29 clarity.

30 Defined terms: "Alcoholic beverage" § 1-101

31 "Board" § 20-101

32 "License" § 1-101

33 "Off-sale" § 1-101

1 **20-1605. RESERVED.**

2 **20-1606. RESERVED.**

3 **PART II. MULTIPLE LICENSING PLANS.**

4 **20-1607. RESERVED.**

5 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

6 **20-1701. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
9 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
10 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

11 **(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

12 **(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
13 **REQUIRED”);**

14 **(3) § 4-305 (“FILING FEE AND ENDORSEMENT”); AND**

15 **(4) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

16 **(B) VARIATION.**

17 **SECTION 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE**
18 **AND INVENTORY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY,**
19 **SUBJECT TO § 20-1702 OF THIS SUBTITLE.**

20 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
21 general provisions relating to the transfer of licenses and the substitution of
22 names of officers on licenses.

23 **Defined terms: “County” § 20-101**
24 **“License” § 1-101**

25 **20-1702. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

26 **THE BOARD MAY NOT TRANSFER AN OFF-SALE LICENSE FOR USE IN A**
27 **BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH PURCHASE**

1 **FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND**
2 **DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR**
3 **VEHICLE FOR OFF-PREMISES CONSUMPTION.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10-503(l)(2) and, as it related to license
6 transfers, § 9-211.1.

7 The former reference to a license "of any class" is deleted as unnecessary.

8 Former Art. 2B, § 10-503(l)(1), which stated that former Art. 2B, §
9 10-503(l) applied only in Frederick County, is deleted as unnecessary in light
10 of the organization of this revised article.

11 Defined terms: "Alcoholic beverage" § 1-101
12 "Board" § 20-101
13 "License" § 1-101
14 "Off-sale" § 1-101

15 **SUBTITLE 18. RENEWAL OF LICENSES.**

16 **20-1801. APPLICATION OF GENERAL PROVISIONS.**

17 **TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF**
18 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

19 REVISOR'S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to the renewal of local licenses.

21 Defined terms: "County" § 20-101
22 "License" § 1-101

23 **20-1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE** 24 **RENEWALS.**

25 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
26 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10-103(b)(13)(v)2.

29 Defined term: "License" § 1-101

30 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

1 **20-1901. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
4 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
5 **WITHOUT EXCEPTION OR VARIATION:**

6 (1) **§ 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

7 (2) **§ 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
8 **PREMISES”);**

9 (3) **§ 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**

10 (4) **§ 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

11 (5) **§ 4-508 (“DISPLAY OF LICENSE”).**

12 (B) **VARIATIONS.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
14 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

15 (1) **§ 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT**
16 **TO § 20-1902 OF THIS SUBTITLE; AND**

17 (2) **§ 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §**
18 **20-1903 OF THIS SUBTITLE.**

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to the conduct of local license holders.

21 Defined terms: “Alcoholic beverage” § 1-101

22 “County” § 20-101

23 “License” § 1-101

24 “License holder” § 1-101

25 **20-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

26 **A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL WHO IS:**

27 (1) **AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR**
28 **OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; OR**

1 **(2) AT LEAST 14 YEARS OLD TO PERFORM ANY TASK OTHER THAN TO**
2 **SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES.**

3 REVISOR'S NOTE: This section is new language derived without substantive change
4 from former Art. 2B, § 12-302(b)(7).

5 In the introductory language of this section, the reference to an "individual" is
6 substituted for the former reference to a "person" because this section applies
7 only to human beings.

8 Also in the introductory language of this section, the former phrase
9 "[n]otwithstanding the other provisions of this section" is deleted as
10 unnecessary in light of the organization of this revised article.

11 Defined terms: "Alcoholic beverage" § 1-101
12 "License holder" § 1-101

13 **20-1903. ALCOHOL AWARENESS PROGRAM.**

14 **(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED**
15 **PREMISES ALLOWED.**

16 **(1) THE INDIVIDUAL CERTIFIED BY AN APPROVED ALCOHOL**
17 **AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSE PREMISES FOR AN**
18 **EMERGENCY IF:**

19 **(I) THE EMERGENCY MEETS STANDARDS THAT THE BOARD**
20 **SETS BY REGULATION; AND**

21 **(II) THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

22 **(2) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A**
23 **LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY**
24 **ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE**
25 **ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

26 **(B) PENALTY.**

27 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

28 **(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

1 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500**
2 **OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 13-101(d) and (c)(2)(i)6 and (iv)3 and 4.

5 In subsection (a)(1) of this section, the reference to an "individual" is
6 substituted for the former reference to a "person" because this section applies
7 only to human beings.

8 Defined terms: "Board" § 20-101
9 "License holder" § 1-101

10 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

11 **20-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

12 **(A) IN GENERAL.**

13 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
14 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
15 **PREMISES LICENSED UNDER THIS TITLE.**

16 **(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED**
17 **UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED**
18 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

19 **(B) PENALTY.**

20 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
21 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11-304(a)(1) and, as it related to Frederick
24 County, (2).

25 In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided
26 under this title" is added for clarity.

27 Also in subsection (a)(1) of this section, the reference to an "individual" is
28 substituted for the former reference to a "person" because the prohibition
29 against consumption applies only to human beings.

30 Also in subsection (a)(1) of this section, the reference to "a premises licensed
31 under this title" is substituted for the former reference to "any premises open

1 to the general public, any place of public entertainment, or any place at which
 2 setups or other component parts of mixed alcoholic drinks are sold under any
 3 license issued under the provisions of the Business Regulation Article” for
 4 brevity.

5 In subsection (a)(2) of this section, the reference to “a premises licensed under
 6 this title” is substituted for the former reference to “the premises” for
 7 consistency with the terminology used in subsection (a)(1) of this section.

8 In subsection (b) of this section, the reference to a person who “violates this
 9 section” is substituted for the former reference to a person who is “found
 10 consuming any alcoholic beverage on any premises open to the general public,
 11 and any owner, operator or manager of those premises or places who
 12 knowingly permits consumption between the hours provided by this section”
 13 for brevity.

14 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
 15 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
 16 section.

17 Also in subsection (b) of this section, the former reference to a fine “not less
 18 than \$5” is deleted to conform to the statement of legislative policy in §
 19 14–102 of the Criminal Law Article, which sets forth the general rule that,
 20 notwithstanding a statutory minimum penalty, a court may impose a lesser
 21 penalty of the same character.

22 Defined terms: “Alcoholic beverage” § 1–101
 23 “Person” § 1–101

24 **20–2002. BEER LICENSES.**

25 **(A) CLASS A BEER LICENSE.**

26 **(1) A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

27 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
 28 **THE FOLLOWING DAY; AND**

29 **(II) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

30 **(2) (I) THE BOARD MAY GRANT A SPECIAL SUNDAY OPENING**
 31 **PERMIT TO THE LICENSE HOLDER.**

32 **(II) THE PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR**
 33 **OFF-PREMISES CONSUMPTION ON SUNDAY FROM 11 A.M. TO 2 A.M. THE FOLLOWING**
 34 **DAY.**

1 (III) THE ANNUAL PERMIT FEE IS \$100 IN ADDITION TO THE
2 ANNUAL FEE FOR THE LICENSE.

3 (IV) THE PERMIT IS NOT CONSIDERED A SEPARATE CLASS OF
4 LICENSE AND, IF IT IS GRANTED, THE PRIVILEGE SHALL BE INCORPORATED INTO
5 THE LICENSE.

6 **(B) CLASS B BEER LICENSE.**

7 **(1) A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

8 (I) ON MONDAY THROUGH SATURDAY, FOR ON- AND
9 OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

10 **(II) ON SUNDAY:**

11 1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
12 FOR ON-PREMISES CONSUMPTION:

13 A. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

14 B. FOR A SPECIFIC EVENT THAT THE BOARD HAS
15 APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.

16 2. FOR OFF-PREMISES CONSUMPTION, FROM 1 P.M. TO 2
17 A.M. THE FOLLOWING DAY.

18 **(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER
19 ON SUNDAY.**

20 **(C) CLASS C BEER LICENSE.**

21 **(1) A HOLDER OF A CLASS C BEER (ON-SALE) LICENSE MAY SELL
22 BEER:**

23 (I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.
24 THE FOLLOWING DAY; AND

25 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON
26 SUNDAY:

27 1. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

1 **2. FOR A SPECIFIC EVENT THAT THE BOARD HAS**
 2 **APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.**

3 **(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER**
 4 **ON SUNDAY.**

5 **(D) CLASS D BEER LICENSE.**

6 **RESERVED.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, §§ 11-301(a)(3), 11-403(a)(1)(ii), and 11-511(c)
 9 and (d)(4).

10 In subsection (a)(2)(ii) of this section, the former reference to the "existing
 11 Class A beer" license is deleted as surplusage.

12 Former Art. 2B, § 11-511(a), which stated that former Art. 2B, § 11-511
 13 applied only in Frederick County, is deleted as unnecessary in light of the
 14 organization of this revised article.

15 Former Art. 2B, § 11-511(b), which stated that "[t]his section does not apply
 16 to holders of Class E licenses" is deleted as unnecessary. Class E licenses are
 17 issued by the Comptroller, not by the Board, and so would not apply to former
 18 § 11-511 in any case.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
 20 the General Assembly, that in subsection (a)(1)(ii) of this section, which
 21 revised former Art. 2B, § 11-511(a)(3)(ii), a holder of a Class A beer license
 22 may exercise the privileges of the license on Sunday, from 11 a.m. to 2 a.m.
 23 the following day. However, in subsection (a)(2) of this section, which revised
 24 former Art. 2B, § 11-511(d)(4)(i), the Board may grant a special Sunday
 25 opening permit to a holder of the license that authorizes the sale of beer from
 26 11 a.m. to 2 a.m. the following day, thus raising the question whether a special
 27 Sunday opening permit is needed for Sunday sales.

28 Defined terms: "Beer" § 1-101

29 "Board" § 20-101

30 "License holder" § 1-101

31 **20-2003. CLASS A WINE LICENSE.**

32 **A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE ON SUNDAY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11-511(d)(1).

3 Defined term: "Wine" § 1-101

4 **20-2004. BEER AND WINE LICENSES.**

5 **(A) CLASS A BEER AND WINE LICENSE.**

6 **(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER**
7 **AND WINE:**

8 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
9 **THE FOLLOWING DAY; AND**

10 **(II) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

11 **(2) (I) THE BOARD MAY GRANT A SPECIAL SUNDAY OPENING**
12 **PERMIT TO THE LICENSE HOLDER.**

13 **(II) THE PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR**
14 **OFF-PREMISES CONSUMPTION ON SUNDAY FROM 11 A.M. TO 2 A.M. THE FOLLOWING**
15 **DAY.**

16 **(III) THE ANNUAL PERMIT FEE IS \$140 IN ADDITION TO THE**
17 **ANNUAL FEE FOR THE LICENSE.**

18 **(IV) THE PERMIT IS NOT CONSIDERED A SEPARATE CLASS OF**
19 **LICENSE AND, IF IT IS GRANTED, THE PRIVILEGE SHALL BE INCORPORATED INTO**
20 **THE LICENSE.**

21 **(B) CLASS B BEER AND WINE LICENSE.**

22 **(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER**
23 **AND WINE:**

24 **(I) ON MONDAY THROUGH SATURDAY, FOR ON- AND**
25 **OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

26 **(II) ON SUNDAY:**

27 **1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
28 **FOR ON-PREMISES CONSUMPTION:**

1 **A. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

2 **B. FOR A SPECIFIC EVENT THAT THE BOARD HAS**
 3 **APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD; AND**

4 **2. FOR OFF-PREMISES CONSUMPTION, FROM 1 P.M. TO 2**
 5 **A.M. THE FOLLOWING DAY.**

6 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
 7 **COUNTER ON SUNDAY.**

8 **(C) CLASS C BEER AND WINE LICENSE.**

9 **(1) A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER**
 10 **AND WINE:**

11 **(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES**
 12 **CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

13 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON**
 14 **SUNDAY, FOR ON-PREMISES CONSUMPTION:**

15 **1. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

16 **2. FOR A SPECIFIC EVENT THAT THE BOARD HAS**
 17 **APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.**

18 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
 19 **COUNTER ON SUNDAY.**

20 **(D) CLASS D BEER AND WINE LICENSE.**

21 **RESERVED.**

22 **REVISOR'S NOTE:** This section is new language derived without substantive
 23 change from former Art. 2B, §§ 11-302(a)(4), 11-403(a)(1)(ii), and 11-511(c)
 24 and (d)(3).

25 In subsections (a) and (b) of this section, the references to the authority of a
 26 license holder to "sell beer and wine" are substituted for the former reference
 27 to "the hours of operation" of license holders to conform to the terminology
 28 used throughout this article.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that in subsection (a)(1)(ii) of this section, which
3 revised former Art. 2B, § 11-302(a)(4)(ii), a holder of a Class A beer and wine
4 license may exercise the privileges of the license on Sunday, from 11 a.m. to 2
5 a.m. the following day. However, in subsection (a)(2) of this section, which
6 revised former Art. 2B, § 11-511(d)(3)(i), the Board may grant a special
7 Sunday opening permit to a holder of the license that authorizes the sale of
8 beer and wine from 11 a.m. to 2 a.m. the following day, thus raising the
9 question whether a special Sunday opening permit is needed for Sunday sales.

10 Defined terms: "Beer" § 1-101

11 "Board" § 20-101

12 "Wine" § 1-101

13 **20-2005. BEER, WINE, AND LIQUOR LICENSES.**

14 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

15 **(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY**
16 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO**
17 **2 A.M. THE FOLLOWING DAY.**

18 **(2) (I) THE BOARD MAY GRANT A SPECIAL SUNDAY OPENING**
19 **PERMIT TO THE LICENSE HOLDER.**

20 **(II) THE PERMIT AUTHORIZES THE HOLDER TO SELL BEER,**
21 **WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON SUNDAY FROM 11 A.M. TO**
22 **2 A.M. THE FOLLOWING DAY.**

23 **(III) THE ANNUAL PERMIT FEE IS \$650 IN ADDITION TO THE**
24 **ANNUAL FEE FOR THE LICENSE.**

25 **(IV) THE PERMIT IS NOT CONSIDERED A SEPARATE CLASS OF**
26 **LICENSE AND, IF IT IS GRANTED, THE PRIVILEGE SHALL BE INCORPORATED INTO**
27 **THE LICENSE.**

28 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

29 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY**
30 **SELL BEER, WINE, AND LIQUOR:**

31 **(I) ON MONDAY THROUGH SATURDAY, FOR ON- AND**
32 **OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

1 **(II) ON SUNDAY:**

2 1. **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
3 **FOR ON-PREMISES CONSUMPTION:**

4 A. **FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

5 B. **FOR A SPECIFIC EVENT THAT THE BOARD HAS**
6 **APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD; AND**

7 2. **FOR OFF-PREMISES CONSUMPTION, FROM 1 P.M. TO 2**
8 **A.M. THE FOLLOWING DAY.**

9 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
10 **A BAR OR COUNTER ON SUNDAY.**

11 **(C) CLASS B BEER, WINE, AND LIQUOR LICENSE IN BALLENGER DISTRICT.**

12 **A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE IN THE**
13 **BALLENGER (23RD) ELECTION DISTRICT MAY SELL BEER, WINE, AND LIQUOR:**

14 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
15 **FOLLOWING DAY; AND**

16 **(2) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

17 **(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

18 **(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY**
19 **SELL BEER, WINE, AND LIQUOR FOR ON- AND OFF-PREMISES CONSUMPTION:**

20 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
21 **THE FOLLOWING DAY; AND**

22 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON**
23 **SUNDAY:**

24 1. **FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

25 2. **FOR A SPECIFIC EVENT THAT THE BOARD HAS**
26 **APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.**

1 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
2 **A BAR OR COUNTER ON SUNDAY.**

3 **(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

4 **RESERVED.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, §§ 6–201(l)(9)(i) and (v), 11–303(a)(2)(v),
7 11–403(a)(1)(ii), and 11–511(c) and (d)(2).

8 Defined terms: “Board” § 20–101

9 “Beer” § 1–101

10 “License holder” § 1–101

11 “Wine” § 1–101

12 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

13 **20–2101. APPLICATION OF GENERAL PROVISIONS.**

14 **TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”)**
15 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
16 **VARIATION.**

17 REVISOR'S NOTE: This section is new language added to incorporate by reference
18 general provisions relating to the revocation and suspension of local licenses.

19 Former Art. 2B, § 10–405(a)(9), which stated that former Art. 2B,
20 § 10–405, which related to nudity and sexual displays, applied in Frederick
21 County, is deleted as unnecessary in light of the organization of this revised
22 article.

23 Defined terms: “County” § 20–101

24 “License” § 1–101

25 **SUBTITLE 22. EXPIRATION OF LICENSES.**

26 **20–2201. APPLICATION OF GENERAL PROVISIONS.**

27 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
28 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

29 REVISOR'S NOTE: This section is new language added to incorporate by reference
30 the general provisions relating to the expiration of local licenses.

1 Defined terms: "County" § 20-101
2 "License" § 1-101

3 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

4 **20-2301. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE**
7 **HOLDER") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
8 **EXCEPTION OR VARIATION:**

9 **(1) § 4-802 ("EXPIRATION OF LICENSE ON DEATH OF LICENSE**
10 **HOLDER");**

11 **(2) § 4-804 ("TRANSFER OR REINSTATEMENT OF LICENSE");**

12 **(3) § 4-805 ("RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
13 **RESTRICTION"); AND**

14 **(4) § 4-806 ("REFUND").**

15 **(B) VARIATION.**

16 **SECTION 4-803 ("CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
17 **CONTINUATION OF BUSINESS") OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
18 **COUNTY, SUBJECT TO § 20-2302 OF THIS SUBTITLE.**

19 **REVISOR'S NOTE:** This section is new language added to incorporate by reference
20 general provisions relating to the death of a local license holder.

21 Defined terms: "County" § 20-101
22 "License" § 1-101
23 "License holder" § 1-101

24 **20-2302. NO CHARGE FOR CERTIFICATE OF PERMISSION.**

25 **A FEE MAY NOT BE CHARGED FOR A CERTIFICATE OF PERMISSION FOR THE**
26 **CONTINUATION OF THE BUSINESS IN THE NAME OF THE PERSONAL**
27 **REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR THE BENEFIT OF THE ESTATE**
28 **OF THE DECEASED LICENSE HOLDER.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-506(a)(2)(ii).

3 The reference to a certificate of permission "for the continuation of the
4 business in the name of the personal representative or special administrator
5 for the benefit of the estate of the deceased license holder" is added for clarity.

6 Defined term: "License holder" § 1-101

7 **SUBTITLE 24. JUDICIAL REVIEW.**

8 **20-2401. APPLICATION OF GENERAL PROVISIONS.**

9 **TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE**
10 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

11 REVISOR'S NOTE: This section is new language added to incorporate by reference
12 general provisions relating to the appeal of the decisions of the Board.

13 Defined term: "County" § 20-101

14 **20-2402. COURT MAY REMAND.**

15 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
16 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
17 **REMAND THE PROCEEDINGS TO THE BOARD.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 16-101(e)(4)(ii)6.

20 The reference to the "circuit court for the County" is substituted for the former
21 reference to the "court" for clarity.

22 Defined terms: "Board" § 20-101
23 "County" § 20-101

24 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

25 **20-2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
26 **BEVERAGES.**

27 **(A) IN GENERAL.**

28 **AFTER LEGAL CLOSING HOURS FOR LICENSED PREMISES UNDER §§ 20-2003**
29 **THROUGH 20-2006 OF THIS TITLE, AN UNLICENSED ESTABLISHMENT MAY NOT:**

1 **(1) SERVE ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC**
 2 **BEVERAGES TO BE CONSUMED BY A CUSTOMER FROM SUPPLIES THAT THE**
 3 **CUSTOMER PREVIOUSLY PURCHASED OR RESERVED; OR**

4 **(2) SERVE, KEEP, OR ALLOW TO BE CONSUMED AT ITS LOCATION OR**
 5 **AT A LOCATION UNDER ITS CONTROL OR POSSESSION ALCOHOLIC BEVERAGES,**
 6 **SETUPS, OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

7 **(B) NUDITY OR SEXUAL DISPLAY.**

8 **THE PROHIBITIONS AGAINST NUDITY OR SEXUAL DISPLAYS UNDER § 4–605 OF**
 9 **THIS ARTICLE APPLY TO AN ESTABLISHMENT UNDER SUBSECTION (A) OF THIS**
 10 **SECTION.**

11 **(C) PENALTY.**

12 **A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 13 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 14 **NOT EXCEEDING \$10,000 OR BOTH.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 20–106(a) and (c) through (e).

17 Subsection (a) of this section is revised as an enumeration of prohibited
 18 activities for an unlicensed establishment, rather than as the definition of
 19 “bottle club”, for clarity and brevity. In the former law, a “bottle club” was
 20 defined as an unlicensed establishment that conducts certain activities. The
 21 former law then prohibited a bottle club from conducting those activities.

22 In the introductory language of subsection (a) of this section, the reference to
 23 closing hours for “licensed premises” is substituted for the former reference to
 24 closing hours for “establishments” for clarity.

25 Also in the introductory language of subsection (a) of this section, the reference
 26 to an “unlicensed establishment” is substituted for the former reference to a
 27 “bottle club” to conform to the terminology used throughout this article.

28 In subsection (a)(1) of this section, the former reference to “giv[ing]” alcoholic
 29 beverages is deleted as included in the reference to “serv[ing]” alcoholic
 30 beverages.

31 In subsection (a)(2) of this section, the former references to “giv[ing]” and
 32 “dispens[ing]” alcoholic beverages are deleted as included in the reference to
 33 “serv[ing]” alcoholic beverages.

1 Former Art. 2B, § 20–106(b), which stated that former Art. 2B, § 20–106
2 applied only in Frederick County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101
5 “Person” § 1–101

6 **20–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
7 **BEVERAGES IS PROHIBITED.**

8 **(A) PROHIBITION AGAINST INDIVIDUAL.**

9 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
10 **ALCOHOLIC BEVERAGES IN:**

11 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

12 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

13 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
14 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
15 **BUSINESS REGULATION ARTICLE.**

16 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

17 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
18 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
19 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
20 **THIS SECTION.**

21 **(C) PENALTY.**

22 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
23 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 11–304(a)(1) and the introductory language of
26 (2) and (1)(1)(ii) and (2).

27 In subsections (a) and (b) of this section, the references to an “establishment”
28 are substituted for the former references to “premises” to avoid the implication
29 that the establishment is licensed.

1 In subsection (a) of this section, the former reference to the “general” public is
2 deleted as surplusage.

3 In subsection (b) of this section, the former reference to an “operator” is deleted
4 as included in the reference to a “manager”.

5 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
6 to conform to the statement of legislative policy in § 14–102 of the Criminal
7 Law Article, which sets forth the general rule that, notwithstanding a
8 statutory minimum penalty, a court may impose a lesser penalty of the same
9 character.

10 Former Art. 2B, § 11–304(l)(1)(i), which stated that former Art. 2B, § 11–304(l)
11 applied only in Frederick County, is deleted as unnecessary in light of the
12 organization of this revised article.

13 The Alcoholic Beverages Article Review Committee notes, for consideration by
14 the General Assembly, that under § 20–2501 of this subtitle, a person who
15 operates an unlicensed business establishment who knowingly allows a
16 customer to bring alcoholic beverages for consumption into the establishment
17 is subject to imprisonment not exceeding 2 years or a fine not exceeding
18 \$10,000 or both, while under this section, an owner or a manager of an
19 unlicensed establishment who allows the consumption of alcoholic beverages
20 in the establishment is subject only to a fine not exceeding \$50.

21 Defined terms: “Alcoholic beverage” § 1–101
22 “Person” § 1–101

23 **SUBTITLE 26. ENFORCEMENT.**

24 **20–2601. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
27 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
28 **VARIATION:**

29 **(1) § 6–202 (“INSPECTIONS”);**

30 **(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND**
31 **QUALITY OF ALCOHOLIC BEVERAGES”);**

32 **(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

1 (4) § 6-205 (“PEACE OFFICERS”);

2 (5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
3 ALCOHOLIC BEVERAGE”);

4 (6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
5 EVIDENCE OF SALE”);

6 (7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
7 ALCOHOL IN PUBLIC PLACES”);

8 (8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
9 CONSUMPTION”); AND

10 (9) § 6-211 (“FINES AND FORFEITURES”).

11 (B) EXCEPTION.

12 SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION
13 LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS
14 SUPERSEDED BY § 20-2602 OF THIS SUBTITLE.

15 REVISOR’S NOTE: This section is new language added to incorporate by reference
16 general provisions relating to enforcement.

17 Defined terms: “Alcoholic beverage” § 1-101

18 “County” § 20-101

19 “State” § 1-101

20 **20-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

21 (A) IN COUNTY.

22 THE COUNTY MAY:

23 (1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE
24 PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS
25 ARTICLE; AND

26 (2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC
27 BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR ON A
28 HIGHWAY.

29 (B) IN CITY OF FREDERICK.

1 **IN THE CITY OF FREDERICK, THE MAYOR AND ALDERMEN MAY REGULATE**
2 **THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC**
3 **PROPERTY OWNED BY THE CITY OR ON A PUBLIC HIGHWAY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 19–103(a)(7) and, as it related to the City of
6 Frederick, (c).

7 In subsection (a)(1) of this section, the reference to “the prohibition against
8 disorderly intoxication under § 6–320 of this article” is substituted for the
9 former obsolete reference to “this subheading”.

10 In subsection (a)(2) of this section, the former reference to the public “in
11 general” is deleted as surplusage.

12 In subsection (b) of this section, the former phrase “within the city limits” is
13 deleted as surplusage.

14 Defined terms: “Alcoholic beverage” § 1–101
15 “County” § 20–101

16 **20–2603. ISSUANCE OF CITATIONS.**

17 **AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL**
18 **CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 16–408, as it related to inspectors in Frederick
21 County.

22 The former reference to license violations “under this article” is deleted as
23 surplusage.

24 Defined term: “License” § 1–101

25 **20–2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

26 **(A) IN GENERAL.**

27 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
28 **ESTABLISHMENT.**

29 **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

- 1 (4) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
2 INTOXICATED INDIVIDUAL”);
- 3 (5) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF
4 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 5 (6) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR
6 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
7 YEARS”);
- 8 (7) § 6-310 (“PROVIDING FREE FOOD”);
- 9 (8) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
10 DEALER”);
- 11 (9) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 12 (10) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
13 CONTAINER”);
- 14 (11) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
15 DETACHABLE METAL TAB”);
- 16 (12) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
17 REGULAR LABEL PRESUMED ILLICIT”);
- 18 (13) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 19 (14) § 6-320 (“DISORDERLY INTOXICATION”);
- 20 (15) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
21 PUBLIC”);
- 22 (16) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- 23 (17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
24 MACHINE”);
- 25 (18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
26 BEVERAGES”);
- 27 (19) § 6-327 (“TAX EVASION”);

1 **(20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND**

2 **(21) § 6-329 (“PERJURY”).**

3 **(B) VARIATION.**

4 **SECTION 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES**
5 **NOT PURCHASED FROM LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE**
6 **APPLIES IN THE COUNTY, SUBJECT TO § 20-2702 OF THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to prohibited acts.

9 Defined terms: “Alcoholic beverage” § 1-101

10 “County” § 20-101

11 “License holder” § 1-101

12 “Retail dealer” § 1-101

13 **20-2702. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT**
14 **PURCHASED FROM LICENSE HOLDER — EXCEPTION FOR CONTINUING CARE**
15 **RETIREMENT COMMUNITY.**

16 **RESIDENTS AND THEIR GUESTS IN A CONTINUING CARE RETIREMENT**
17 **COMMUNITY THAT HOLDS A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE**
18 **MAY CONSUME WINE NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT**
19 **COMMUNITY IF:**

20 **(1) THE WINE IS CONSUMED WITH A MEAL IN THE DINING ROOM; AND**

21 **(2) THE CONTINUING CARE RETIREMENT COMMUNITY:**

22 **(I) IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE**
23 **CONTINUING CARE RETIREMENT OF INDIVIDUALS AT LEAST 60 YEARS OLD;**

24 **(II) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;**

25 **(III) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM**
26 **THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN**
27 **SERVICES ARTICLE; AND**

28 **(IV) PREPARES AND SERVES MEALS DURING REGULAR**
29 **OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 12-107(b)(9).

3 Defined terms: "Beer" § 1-101
4 "License" § 1-101
5 "On-sale" § 1-101
6 "Wine" § 1-101

7 **20-2703. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.**

8 **(A) IN GENERAL.**

9 **A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC**
10 **BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER MAY**
11 **NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

12 **(1) A MEMBER OF THE BOARD;**

13 **(2) THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR;**

14 **(3) A FULL-TIME OR PART-TIME ALCOHOLIC BEVERAGES**
15 **INSPECTOR; OR**

16 **(4) ANY OTHER EMPLOYEE OF THE BOARD.**

17 **(B) PENALTY.**

18 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
19 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 15-103(f)(1)(iii) and (2).

22 In the introductory language of subsection (a) of this section, the former
23 references to a "corporation" are deleted as included in the defined term
24 "person".

25 Also in the introductory language of subsection (a) of this section, the reference
26 to "offer or make a payment or gift" is substituted for the former reference to
27 "offer to pay any commission, profit, or remuneration or make any gift" for
28 brevity.

29 Also in the introductory language of subsection (a) of this section, the defined
30 term "license holder" is substituted for the former reference to a "licensee

1 licensed under the provisions of this article” for brevity and consistency
2 throughout this article.

3 Also in the introductory language of subsection (a) of this section, the former
4 reference to “beer or other” alcoholic beverages is deleted as included in the
5 defined term “alcoholic beverage”.

6 In subsection (a)(4) of this section, the reference to “any other” employee of the
7 Board is added for clarity.

8 Defined terms: “Alcoholic beverage” § 1–101

9 “Board” § 20–101

10 “License holder” § 1–101

11 “Person” § 1–101

12 **SUBTITLE 28. PENALTIES.**

13 **20–2801. APPLICATION OF GENERAL PROVISION.**

14 **SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE**
15 **APPLIES IN THE COUNTY.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to imposing a penalty for a violation for which no
18 specific penalty is provided.

19 Defined term: “County” § 20–101

20 **20–2802. PENALTY IMPOSED BY BOARD.**

21 **(A) FINE OR SUSPENSION.**

22 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$3,000 FOR EACH OFFENSE**
23 **OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION**
24 **OF A LICENSE.**

25 **(B) REDUCTION OF SUSPENSION.**

26 **THE BOARD MAY REDUCE A SUSPENSION BY ALLOWING THE LICENSE HOLDER**
27 **TO PAY AN ADDITIONAL FINE NOT EXCEEDING \$1,000 FOR EACH WEEK THE**
28 **SUSPENSION IS REDUCED.**

29 **(C) DISPOSITION OF FINES.**

1 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR GARRETT**
2 **COUNTY.**

3 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
4 full reference to the “Board of License Commissioners for Garrett County”.

5 **(c) COUNTY.**

6 **“COUNTY” MEANS GARRETT COUNTY.**

7 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
8 full reference to “Garrett County”.

9 **21–102. SCOPE OF TITLE.**

10 **THIS TITLE APPLIES ONLY IN GARRETT COUNTY.**

11 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
12 organization of this revised article.

13 **21–103. COPY OF LEGISLATION.**

14 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
15 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
16 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
17 **MARYLAND 21401.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 18–103.

20 The reference to the “County Commissioners” is substituted for the former
21 reference to the “local governing body” for clarity.

22 The reference to this “title” is substituted for the former reference to this
23 “subtitle” to conform to the organization of this revised article. Under the
24 former law, each local governing body derived its authority to enact alcoholic
25 beverages legislation from a common subtitle. Under this revised article, each
26 local governing body derives its authority from the title dedicated to the
27 jurisdiction of the local governing body.

28 Defined terms: “Alcoholic beverage” § 1–101
29 “County” § 21–101

30 **GENERAL REVISOR’S NOTE TO SUBTITLE**

1 Throughout this title, the references to “wine” are substituted for the former
2 references to “light wine” to reflect that license holders in the County may sell wine
3 with a maximum alcohol content of 22%, which is above the traditional maximum
4 level of 15.5% for light wine.

5 Correspondingly, former Art. 2B, § 4–101(m), which defined “light wine” in the
6 County as a fermented beverage that contains not in excess of 22% of alcohol by
7 volume, is deleted because the definition is not used in this title.

8 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

9 **21–201. ESTABLISHED.**

10 **(A) IN GENERAL.**

11 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR GARRETT COUNTY.**

12 **(B) BOARD AS STATE UNIT.**

13 **THE BOARD IS A STATE UNIT THAT:**

14 **(1) ADMINISTERS THIS TITLE; AND**

15 **(2) MAY ISSUE, DENY, REVOKE, OR SUSPEND LICENSES WITHIN THE**
16 **LIMITS SET OUT UNDER THIS ARTICLE.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 15–108 and 15–201(a)(1) and (c)(6), as it
19 related to Garrett County.

20 In subsection (a) of this section, the name “Board of License Commissioners
21 for Garrett County” is used instead of the commonly used but misleading
22 name “liquor control board” for clarity and consistency with the terminology
23 used throughout this article to refer to local licensing boards.

24 Also in subsection (a) of this section, the former reference to the board being
25 “hereby constituted and established” is deleted as surplusage.

26 Also in subsection (a) of this section, the former reference to the board being
27 “appointed and ... [having] the tenure, compensation, powers and duties as
28 provided in this subtitle” is deleted as surplusage.

29 Also in subsection (a) of this section, the former reference to a board “upon
30 which shall be devolved all the duties and rights given elsewhere in this
31 article” is deleted as surplusage.

1 In the introductory language of subsection (b) of this section, the reference to
2 a State “unit” is substituted for the former reference to a State “agency” to
3 conform to the terminology used in revised articles.

4 Defined terms: “Board” § 21–101

5 “License” § 1–101

6 “State” § 1–101

7 **21–202. MEMBERSHIP.**

8 (A) **COMPOSITION; APPOINTMENT OF MEMBERS.**

9 (1) **THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE**
10 **BOARD.**

11 (2) **THE APPOINTMENTS SHALL BE MADE:**

12 (I) **IF THERE IS A RESIDENT SENATOR ELECTED FROM THE**
13 **COUNTY, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

14 (II) **IF THERE IS NO RESIDENT SENATOR ELECTED FROM THE**
15 **COUNTY, WITH CONFIRMATION BY THE HOUSE OF DELEGATES.**

16 (B) **QUALIFICATIONS.**

17 (1) **EACH MEMBER OF THE BOARD SHALL BE:**

18 (I) **A RESIDENT AND VOTER OF THE COUNTY; AND**

19 (II) **AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND**
20 **OF RECOGNIZED BUSINESS CAPACITY.**

21 (2) **AN INDIVIDUAL WHO IS RECEIVING COMPENSATION FROM THE**
22 **COUNTY MAY NOT BE APPOINTED TO THE BOARD.**

23 (3) (I) **TWO MEMBERS OF THE BOARD SHALL BE MEMBERS OF THE**
24 **SAME POLITICAL PARTY AS THAT OF A MAJORITY OF THE MEMBERS OF THE BOARD**
25 **OF COUNTY COMMISSIONERS.**

26 (II) **ONE MEMBER OF THE BOARD SHALL BE A MEMBER OF A**
27 **POLITICAL PARTY OTHER THAN THE ONE REPRESENTED BY A MAJORITY OF THE**
28 **BOARD OF COUNTY COMMISSIONERS.**

29 (C) **TENURE.**

1 **(1) THE TERM OF A MEMBER IS 6 YEARS AND BEGINS ON JUNE 1.**

2 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
3 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

4 **(D) VACANCIES.**

5 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
6 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
7 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
8 **THIS SECTION.**

9 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
10 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
11 **QUALIFIES.**

12 **(E) REMOVAL.**

13 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
14 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

15 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
16 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
17 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

18 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
19 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
20 **MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, §§ 15–201(c)(1) and (4), (d)(6), (e)(2)(i), the first
23 and fourth sentences of (f), and (j)(1), 15–101(a)(4), and 15–110(a).

24 In subsections (b)(2) and (d)(1) of this section, the references to an “individual”
25 are substituted for the former, overly broad references to a “person” for clarity.

26 In subsection (b)(2) of this section, the former reference to the appointment of
27 an individual who is “then serving as a County Commissioner for the county”
28 is deleted as included in the reference to the appointment of an individual who
29 is “receiving any other compensation from the County”.

30 In subsection (b)(3)(i) of this section, the reference to members of “the same
31 political party as that of” a majority of the members of the Board of County

1 Commissioners is substituted for the former reference to members of “that
2 political party which has elected” for clarity.

3 Similarly, in subsection (b)(3)(ii) of this section, the reference to “a political
4 party other than the one represented by a majority” is substituted for the
5 former reference to “that political party other than the one electing” a
6 majority.

7 In subsection (c) of this section, the former reference to June 1, 1966, as the
8 beginning date for a new term is deleted as obsolete. In addition, the former
9 reference to the initial appointments of 2, 4, and 6 years is deleted in light of
10 the reference that the terms of the members of the Board be staggered as
11 required on July 1, 2016. This substitution is not intended to alter the term of
12 any member of the Board of License Commissioners for Garrett County.

13 In subsection (c)(1) of this section, the reference to “[t]he term of a member ...
14 begins” is substituted for the former reference to “[i]n computing the time at
15 which appointments to the several boards normally expire, and when new
16 terms of office begin” for brevity.

17 Subsection (d) of this section is standard language substituted for the former
18 reference to vacancies being “filled for the unexpired term in the same manner
19 as the original appointment” for clarity.

20 In subsection (e)(1) of this section, the former reference to a member “of any
21 board of license commissioners appointed by him under the provisions of this
22 article” is deleted as surplusage.

23 In subsection (e)(2) of this section, the former phrase “in his own defense” is
24 deleted as surplusage.

25 Former Art. 2B, § 15–101(m), which provided a cross–reference to provisions
26 applicable to Garrett County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Defined terms: “Board” § 21–101

29 “County” § 21–101

30 **21–203. CHAIR.**

31 **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

32 REVISOR’S NOTE: This section is new language derived without substantive
33 change from former Art. 2B, § 15–201(g).

34 The requirement that the Board “elect a” chair is substituted for the former
35 requirement that the Board “organize by electing its own” chair for brevity.

1 The reference to a “chair” is substituted for the former reference to a
2 “chairman” because SG § 2–1238 requires the use of words that are neutral as
3 to gender to the extent practicable.

4 Defined term: “Board” § 21–101

5 **21–204. MEETINGS; COMPENSATION; STAFF.**

6 **(A) MEETINGS.**

7 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
8 **SHALL MEET AT LEAST ONCE EACH MONTH.**

9 **(2) THE CHAIR MAY CANCEL A MEETING FOR LACK OF AN AGENDA.**

10 **(B) COMPENSATION.**

11 **(1) IN ACCORDANCE WITH § 32.44 OF THE GARRETT COUNTY CODE**
12 **OF ORDINANCES, THE COUNTY COMMISSIONERS SHALL SET THE SALARIES OF THE**
13 **MEMBERS OF THE BOARD.**

14 **(2) WHEN ATTENDING MEETINGS, EACH MEMBER IS ENTITLED TO**
15 **REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL**
16 **REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

17 **(C) STAFF.**

18 **THE COUNTY COMMISSIONERS SHALL PROVIDE TO THE BOARD:**

19 **(1) ADMINISTRATIVE, CLERICAL, AND ACCOUNTING SERVICES AS**
20 **NEEDED; AND**

21 **(2) (I) LEGAL COUNSEL THROUGH THE OFFICE OF THE COUNTY**
22 **ATTORNEY; OR**

23 **(II) FUNDS FOR THE PAYMENT FOR COMPETENT PRIVATE**
24 **LEGAL COUNSEL.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, §§ 15–201(h)(1) and (i)(5) and the third and fourth
27 sentences of 15–205(a)(2).

1 In subsection (a)(2) of this section, the reference to the “chair” is substituted
2 for the former reference to the “chairman” because SG § 2–1238 requires the
3 use of words that are neutral as to gender to the extent practicable.

4 In subsection (b)(1) of this section, the reference to “§ 32.44 of the Garrett
5 County Code of Ordinances” is substituted for the former obsolete reference to
6 “Chapter 91 of the Public Local Laws of Garrett County”.

7 In subsection (b)(2) of this section, the reference to “reimbursement for
8 expenses under the Standard State Travel Regulations, as provided in the
9 State budget” is standard language substituted for the former reference to “a
10 mileage fee in amounts equal to the mileage fees provided for in the Standard
11 State Travel Regulations”. As to the Standard State Travel Regulations, *see*
12 COMAR 23.02.01.01 through 12.

13 In subsection (c)(1) of this section, the former reference to administrative,
14 clerical, and accounting services as needed by the Board “in the execution of
15 their duties under the provisions of this article” is deleted as surplusage.

16 In subsection (c)(2)(ii) of this section, the reference to “funds for the payment
17 for” private legal counsel is substituted for the former reference to “bear the
18 expense of” private legal counsel for clarity.

19 Former Art. 2B, § 15–109(m), which provided that the County Commissioners
20 may not receive compensation for serving as members of the Board of License
21 Commissioners, is deleted in light of § 21–202(b) of this subtitle.

22 The first sentence of former Art. 2B, § 15–205(a)(2), which stated that §
23 15–205(a)(2) applied only to Garrett County, is deleted as unnecessary in light
24 of the organization of this revised article.

25 The second sentence of former Art. 2B, § 15–205(a)(2), which stated that the
26 position of clerk of the Board of License Commissioners was abolished as of
27 July 1, 1987, is deleted as obsolete.

28 Defined terms: “Board” § 21–101

29 “County” § 21–101

30 “State” § 1–101

31 **21–205. REGULATIONS.**

32 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

33 REVISOR’S NOTE: This section is new language derived without substantive
34 change from former Art. 2B, § 16–301(a), as it related to the authority of the
35 Board to adopt regulations.

1 The defined term “Board” is substituted for the former reference to “the board
2 of license commissioners from any county or Baltimore City, respectively”
3 because this section applies only to the Board of License Commissioners for
4 Garrett County.

5 The reference to the Board “adopt[ing] regulations to carry out” this article is
6 substituted for the former reference to the Board “hav[ing] full power and
7 authority to adopt such reasonable rules and regulations as they may deem
8 necessary to enable them effectively to discharge the duties imposed upon
9 them by” this article for brevity.

10 The former phrase “[i]n addition to the powers otherwise provided by this
11 article,” is deleted as surplusage.

12 Defined term: “Board” § 21–101

13 **SUBTITLE 3. LIQUOR CONTROL.**

14 **21–301. LIQUOR CONTROL — NOT APPLICABLE.**

15 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
16 **IN THE COUNTY.**

17 REVISOR’S NOTE: This section is new language added to clarify that there is no
18 liquor control board or department of liquor control in the County.

19 The following provisions relating to a liquor control board and dispensary
20 system in Garrett County are deleted as obsolete:

21 (1) former Art. 2B, § 15–203(a–1) (authorizing establishment and
22 maintenance of specified County dispensaries);

23 (2) former Art. 2B, § 15–206(b) (establishing audit requirements for
24 the County Liquor Control Board);

25 (3) former Art. 2B, § 15–207(b–1) (providing for the distribution of
26 profits by the County Liquor Control Board); and

27 (4) former Art. 2B, § 15–210, as it applied to Garrett County
28 (providing for the application to Garrett County of the subtitle governing
29 liquor control boards).

30 Historically, the Garrett County Board of License Commissioners and the
31 Garrett County Liquor Control Board, though charged with separate and
32 distinct duties, consisted of the same membership. Whether the members
33 convened as the Board of License Commissioners or the Liquor Control Board

1 depended on the function being performed at the time. The duties of the Board
2 of License Commissioners included regulatory and administrative functions
3 related to licensure, inspections, and enforcement, while the Liquor Control
4 Board was required to implement and maintain the County dispensary system
5 and to collect the Garrett County beer tax.

6 Chapter 675 of 1987 repealed the requirement that alcoholic beverages license
7 holders in Garrett County purchase all wine and liquor from the Garrett
8 County dispensaries. This legislation, however, did not repeal all provisions of
9 law related to liquor control boards and county dispensaries that were specific
10 to Garrett County. But because of the 20% surcharge that at that time the
11 dispensary system added to the price of wine and liquor, the legislation made
12 the dispensaries noncompetitive and had the functional effect of closing down
13 the dispensary system. Garrett County has not operated dispensaries since
14 that time. Furthermore, Chapter 131 of 2006 repealed the Garrett County
15 beer tax. As a result there are no functions for a Garrett County liquor control
16 board to perform, and no functioning liquor control board in the County.

17 Defined term: "County" § 21-101

18 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

19 **21-401. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
22 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
23 **EXCEPTION OR VARIATION:**

24 **(1) § 2-201 ("ISSUANCE BY COMPTROLLER");**

25 **(2) § 2-205 ("CLASS 3 WINERY LICENSE");**

26 **(3) § 2-207 ("CLASS 5 BREWERY LICENSE");**

27 **(4) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**

28 **(5) § 2-211 ("RESIDENCY REQUIREMENT");**

29 **(6) § 2-212 ("ADDITIONAL LICENSES");**

30 **(7) § 2-213 ("ADDITIONAL FEES");**

31 **(8) § 2-214 ("SALE OR DELIVERY RESTRICTED");**

1 **(9) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER**
2 **PROHIBITED”);**

3 **(10) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES**
4 **AND RETAILERS”);**

5 **(11) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
6 **PROHIBITED PRACTICES”); AND**

7 **(12) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
8 **RETAILERS — PROHIBITED”).**

9 **(B) EXCEPTION.**

10 **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**
11 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

12 **(C) VARIATIONS.**

13 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
14 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

15 **(1) § 2-202 (“CLASS 1 DISTILLERY LICENSE”), SUBJECT TO §**
16 **21-403 OF THIS SUBTITLE;**

17 **(2) § 2-204 (“CLASS 2 RECTIFYING LICENSE”), SUBJECT TO § 21-404**
18 **OF THIS SUBTITLE;**

19 **(3) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO §**
20 **21-405 OF THIS SUBTITLE;**

21 **(4) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO §**
22 **21-406 OF THIS SUBTITLE; AND**

23 **(5) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”), SUBJECT TO §**
24 **21-407 OF THIS SUBTITLE.**

25 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
26 incorporate by reference general provisions relating to the issuance of
27 manufacturer’s licenses.

28 Subsection (b) of this section is new language derived without substantive
29 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only

1 implicit in the former law, that a limited distillery license may not be issued
2 in the County.

3 Former Art. 2B, § 2-208(b)(2)(xii), which stated that the Class 7
4 micro-brewery license shall be issued in the County, is deleted as unnecessary
5 in light of the organization of this revised article.

6 Defined terms: "County" § 21-101
7 "Manufacturer's license" § 1-101

8 **21-402. HOURS AND DAYS OF SALE OR DELIVERY.**

9 **A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER**
10 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
11 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11-101(a).

14 The former phrase "[e]xcept as provided in subsections (b) and (c)" is deleted
15 as unnecessary.

16 Defined terms: "Alcoholic beverage" § 1-101
17 "Manufacturer's license" § 1-101

18 **21-403. CLASS 1 DISTILLERY LICENSE.**

19 **(A) APPLICATION OF SECTION.**

20 **THIS SECTION APPLIES TO A CLASS 1 DISTILLERY LICENSE IN THE COUNTY.**

21 **(B) DAYS OF OPERATION.**

22 **A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES**
23 **LISTED IN § 2-202(C)(5) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT WHERE**
24 **THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY**
25 **SALES AT A DISTILLERY.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 2-202(e)(2) and the first phrase of (e)(1).

28 Defined terms: "County" § 21-101
29 "License holder" § 1-101

30 **21-404. CLASS 2 RECTIFYING LICENSE.**

1 **(A) APPLICATION OF SECTION.**

2 **THIS SECTION APPLIES TO A CLASS 2 RECTIFYING LICENSE IN THE COUNTY.**

3 **(B) DAYS OF OPERATION.**

4 **A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES**
5 **LISTED IN § 2–204(B)(4) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT WHERE**
6 **THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY**
7 **SALES AT A RECTIFYING FACILITY.**

8 REVISOR’S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 2–203(d)(2) and the first phrase of (d)(1).

10 Defined terms: “County” § 21–101
11 “License holder” § 1–101

12 **21–405. CLASS 4 LIMITED WINERY LICENSE.**

13 **(A) APPLICATION OF SECTION.**

14 **THIS SECTION APPLIES TO A CLASS 4 LIMITED WINERY LICENSE IN THE**
15 **COUNTY.**

16 **(B) DAYS OF OPERATION.**

17 **A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES**
18 **LISTED IN § 2–206(B)(6) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT WHERE**
19 **THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY**
20 **SALES AT A WINERY.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 2–205(b)(8)(ii) and the first phrase of (b)(8)(i).

23 Defined terms: “County” § 21–101
24 “License holder” § 1–101

25 **21–406. CLASS 6 PUB–BREWERY LICENSE.**

26 **(A) APPLICATION OF SECTION.**

27 **THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE**
28 **COUNTY.**

1 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

2 **SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

3 REVISOR’S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a
5 Class 6 pub–brewery license in Garrett County, and, as it authorized off–sale
6 privileges of beer in refillable containers only in specific jurisdictions, not
7 including Garrett County, the introductory language of (g)(1).

8 Defined terms: “County” § 21–101
9 “License” § 1–101

10 **21–407. CLASS 8 FARM BREWERY LICENSE.**

11 **(A) APPLICATION OF SECTION.**

12 **THIS SECTION APPLIES TO A CLASS 8 FARM BREWERY LICENSE IN THE**
13 **COUNTY.**

14 **(B) DAYS OF OPERATION.**

15 **A LICENSE HOLDER MAY OPEN ON SUNDAYS DURING THE HOURS ALLOWED**
16 **UNDER § 21–2002(E)(2) OF THIS TITLE TO ENGAGE IN THE ACTIVITIES LISTED IN §**
17 **2–210(C)(1) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT OR A PRECINCT IN AN**
18 **ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW,**
19 **HAVE APPROVED SUNDAY SALES AT A FARM.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 2–209(a)(8)(ii) and the first phrase of (a)(8)(i).

22 Defined terms: “County” § 21–101
23 “License holder” § 1–101

24 **SUBTITLE 5. WHOLESALER’S LICENSES.**

25 **21–501. APPLICATION OF GENERAL PROVISIONS.**

26 **TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS**
27 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

28 REVISOR’S NOTE: This section is new language added to incorporate by reference
29 general provisions relating to the issuance of wholesaler’s licenses.

1 Defined terms: "County" § 21-101
2 "Wholesaler's license" § 1-101

3 **21-502. HOURS AND DAYS OF SALE OR DELIVERY.**

4 **EXCEPT AS PROVIDED IN § 21-503 OF THIS SUBTITLE, A HOLDER OF A**
5 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
6 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
7 **SUNDAY.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 11-102(a).

10 Defined terms: "Alcoholic beverage" § 1-101
11 "Wholesaler's license" § 1-101

12 **21-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

13 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

14 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
15 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
16 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
17 **RETURNS ON THE SAME DAY.**

18 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

19 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
20 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
21 **REQUIRED TO DISPENSE DRAFT BEER.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11-102(b).

24 In subsection (a) of this section, the reference to a "per diem" license is
25 substituted for the former reference to a "special 1-day" license to conform to
26 the terminology used throughout this article.

27 Also in subsection (a) of this section, the reference to a per diem license issued
28 "under Subtitle 13 of this title" is substituted for the former reference to a
29 license issued "pursuant to § 7-101 of this article" to reflect the reorganization
30 of material relating to per diem licenses in titles for each applicable
31 jurisdiction in this revision.

1 Also in subsection (a) of this section, the reference to delivery of beer on the
2 “effective date of the per diem license” is substituted for the former reference
3 to delivery on the “effective day of the license” for clarity.

4 Also in subsection (a) of this section, the former reference to accepting returns
5 on the same day “of delivery” is deleted as surplusage.

6 In subsection (b) of this section, the language that the “agreement entered into
7 under subsection (a) of this section shall include [the type of equipment to
8 dispense draft beer]” is substituted for the former language that the “parties
9 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

10 Defined terms: “Beer” § 1–101

11 “Wholesaler’s license” § 1–101

12 SUBTITLE 6. BEER LICENSES.

13 21–601. CLASS A BEER LICENSE.

14 (A) ESTABLISHED.

15 THERE IS A CLASS A BEER LICENSE.

16 (B) SCOPE OF AUTHORIZATION.

17 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
18 AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

19 (2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED
20 PACKAGE OR CONTAINER.

21 (3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
22 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

23 (C) FEES.

24 (1) THE ANNUAL LICENSE FEE IS \$150.

25 (2) THE NEW–LICENSE ISSUING FEE IS \$150 AND SHALL BE PAID IN
26 ADDITION TO THE ANNUAL LICENSE FEE.

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 3–101(m) and (a)(1).

1 In subsection (a) of this section, the former reference to a license being “issued
2 by the license issuing authority of the county in which the place of business is
3 located” is deleted as surplusage.

4 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
5 as implicit in the word “sell”.

6 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
7 deleted as surplusage.

8 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
9 the former reference to “deliver[ing]” for clarity and accuracy.

10 Defined terms: “Beer” § 1–101
11 “Consumer” § 1–101

12 **21–602. CLASS B BEER LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS B BEER LICENSE.**

15 **(B) SCOPE OF AUTHORIZATION.**

16 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER FOR ON– OR**
17 **OFF–PREMISES CONSUMPTION:**

18 **(1) AT A HOTEL, A MOTEL, OR AN INN THAT:**

19 **(I) ACCOMMODATES THE PUBLIC;**

20 **(II) PROVIDES SERVICES ORDINARILY FOUND IN HOTELS,**
21 **MOTELS, OR INNS;**

22 **(III) IS EQUIPPED WITH AT LEAST 10 BEDROOMS FOR PUBLIC**
23 **ACCOMMODATION; AND**

24 **(IV) HAS A LOBBY WITH A REGISTRATION AND MAIL DESK, AND**
25 **SEATING; OR**

26 **(2) A RESTAURANT THAT:**

27 **(I) HAS SEATING AT TABLES, NOT INCLUDING BARS OR**
28 **COUNTERS, FOR AT LEAST 20 INDIVIDUALS; AND**

1 **(II) CAN PREPARE AND SERVE FULL-COURSE MEALS FOR AT**
2 **LEAST 20 INDIVIDUALS AT ONE SEATING.**

3 **(C) CATERING OPTION.**

4 **(1) THE BOARD MAY ISSUE THE LICENSE WITH OR WITHOUT A**
5 **CATERING OPTION.**

6 **(2) A LICENSE HOLDER WITH A CATERING OPTION MAY SELL BEER**
7 **FOR CONSUMPTION AT EVENTS THAT THE HOLDER CATERS OFF THE LICENSED**
8 **PREMISES.**

9 **(3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER:**

10 **(I) SHALL PROVIDE FOOD IF THE HOLDER PROVIDES BEER AT A**
11 **CATERED EVENT OFF THE LICENSED PREMISES; AND**

12 **(II) MAY EXERCISE THE CATERING OPTION ONLY DURING THE**
13 **HOURS AND DAYS THAT ARE ALLOWED UNDER THE LICENSE.**

14 **(D) FEES.**

15 **THE FEES ARE:**

16 **(1) FOR A LICENSE WITHOUT A CATERING OPTION:**

17 **(I) \$150 FOR A ONE-TIME ISSUING FEE; AND**

18 **(II) \$150 FOR THE ANNUAL LICENSE FEE; AND**

19 **(2) FOR A LICENSE WITH A CATERING OPTION:**

20 **(I) \$250 FOR A ONE-TIME ISSUING FEE; AND**

21 **(II) \$250 FOR THE ANNUAL LICENSE FEE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 3-201(m)(2) through (7).

24 Subsection (a) of this section is revised in standard language used throughout
25 this title to establish a license.

26 In subsection (b)(1) of this section, the former reference to a "bona fide" hotel,
27 motel, or inn is deleted as surplusage.

1 In subsection (b)(2) of this section, the references to “individuals” are
 2 substituted for the former references to “persons” because only individuals,
 3 not entities, may be seated and consume food in a restaurant.

4 In subsection (c)(2) of this section, the former phrase “keep for sale” is deleted
 5 as implicit in the word “sell”.

6 Also in subsection (c)(2) of this section, the former phrase “[i]n addition to
 7 exercising the privileges stated in [subsection (b) of this section,]” is deleted
 8 as surplusage.

9 In subsection (d)(1)(i) and (2)(i) of this section, the references to a “one-time”
 10 issuing fee are added for clarity.

11 In subsection (d)(1)(ii) and (2)(ii) of this section, the references to the annual
 12 “license” fee are added for clarity and consistency with other similar provisions
 13 of this article.

14 Former Art. 2B, § 3–201(m)(1), which stated that former Art. 2B, § 3–201(m)
 15 applied only in Garrett County, is deleted as unnecessary in light of the
 16 organization of this revised article.

17 Former Art. 2B, § 3–201(m)(8), which authorized the Board to adopt
 18 regulations to carry out former Art. 2B, § 3–201(m), is deleted as unnecessary
 19 because the Board may adopt regulations under § 21–205 of this revised
 20 article.

21 Defined terms: “Beer” § 1–101

22 “Board” § 21–101

23 “Hotel” § 1–101

24 “Restaurant” § 1–101

25 **21–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

26 **A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

27 REVISOR’S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 3–301(m).

29 Defined terms: “Beer” § 1–101

30 “County” § 21–101

31 **21–604. CLASS D BEER LICENSE.**

32 **(A) ESTABLISHED.**

1 **THERE IS A CLASS D BEER LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
4 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
5 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

6 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

7 **(C) FEES.**

8 **(1) THE ANNUAL LICENSE FEE IS \$150.**

9 **(2) THE NEW-LICENSE ISSUING FEE IS \$150 AND SHALL BE PAID IN**
10 **ADDITION TO THE ANNUAL LICENSE FEE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 3-401(m) and (a)(1).

13 In subsection (a) of this section, the former reference to a license being "issued
14 by the license issuing authority of the county in which the place of business is
15 located" is deleted as surplusage.

16 In subsection (b)(1) of this section, the reference to "on- and off-premises"
17 consumption is substituted for the former reference to consumption "on the
18 premises or elsewhere" for clarity.

19 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
20 deleted as implicit in the word "sell".

21 Defined term: "Beer" § 1-101

22 **SUBTITLE 7. WINE LICENSES.**

23 **21-701. CLASS A WINE LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

26 **(B) AUTHORIZED HOLDER.**

1 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR**
2 **A CLASS 4 LIMITED WINERY LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
5 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE**
6 **WINERY.**

7 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
8 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

9 **(D) FEES.**

10 **(1) THE ONE-TIME LICENSE ISSUING FEE IS \$50.**

11 **(2) THE ANNUAL LICENSE FEE IS \$50.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 4-201(a)(9), (b)(1) and (3), (c)(1), (d)(1), and
14 (e)(1)(iv) and (2).

15 Throughout this section, the references to "wine" are substituted for the
16 former references to "light wine" to reflect that license holders in the County
17 may sell wine with an alcohol content of 22%, which is above the traditional
18 maximum level of 15.5% for light wine.

19 In subsection (b) of this section, the reference to a "Class 3 winery license" is
20 substituted for the former reference to a "Class 3 manufacturer's license, who
21 makes wine from agricultural products grown in Maryland" for brevity and to
22 conform to the terminology used throughout this article. Similarly, the
23 reference to a "Class 4 limited winery license" is substituted for the former
24 reference to a "Class 4 manufacturer's license".

25 Also in subsection (b) of this section, the former reference to a license being
26 issued "by the license issuing authority of the county in which the place of
27 business is located" is deleted as surplusage.

28 In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted
29 as implicit in the word "sell".

30 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
31 any consumer" is deleted as surplusage.

1 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
2 former reference to “delivered” to conform to the terminology used throughout
3 this article.

4 Defined terms: “County” § 21–101
5 “Wine” § 1–101

6 SUBTITLE 8. BEER AND WINE LICENSES.

7 21–801. CLASS A BEER AND WINE LICENSE.

8 (A) ESTABLISHED.

9 THERE IS A CLASS A BEER AND WINE LICENSE.

10 (B) SCOPE OF AUTHORIZATION.

11 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
12 AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

13 (2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A
14 SEALED PACKAGE OR CONTAINER.

15 (3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
16 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS
17 SOLD.

18 (C) FEES.

19 (1) THE ANNUAL LICENSE FEE IS \$350.

20 (2) THE ISSUING FEE FOR A NEW LICENSE IS \$350, IN ADDITION TO
21 THE ANNUAL LICENSE FEE.

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 5–101(m) and (a)(1).

24 In this section and throughout this subtitle, the references to “wine” are
25 substituted for the former references to “light wine” to reflect that license
26 holders in the County may sell wine with an alcohol content of 22%, which is
27 above the traditional maximum level of 15.5% for light wine.

28 Subsection (a) of this section is revised in standard language used throughout
29 this article to establish a license.

1 In subsection (a) of this section and throughout this subtitle, the former
2 references to the license being “issued by the license issuing authority of the
3 county in which the place of business is located” are deleted as surplusage.

4 In subsection (b)(1) of this section and throughout this subtitle, the former
5 references to “keep[ing] for sale” are deleted as implicit in the references to
6 “sell[ing]”.

7 In subsection (b)(1) of this section, the former reference to selling beer and
8 wine “in any quantity to any consumers,” is deleted as surplusage.

9 In subsection (b)(2) of this section, the word “sell” is substituted for the former
10 word “deliver” to conform to the terminology used throughout this article.

11 Defined terms: “Beer” § 1–101
12 “Wine” § 1–101

13 **21–802. CLASS B BEER AND WINE LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS B BEER AND WINE LICENSE.**

16 **(B) SCOPE OF AUTHORIZATION.**

17 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN:**

18 **(I) A HOTEL, A MOTEL, OR AN INN THAT:**

19 **1. PROVIDES SERVICES ORDINARILY FOUND IN A HOTEL,**
20 **A MOTEL, OR AN INN;**

21 **2. IS EQUIPPED WITH AT LEAST 10 BEDROOMS FOR**
22 **PUBLIC ACCOMMODATION; AND**

23 **3. HAS A LOBBY WITH A REGISTRATION AND MAIL DESK**
24 **AND SEATING FACILITIES; OR**

25 **(II) A RESTAURANT THAT:**

26 **1. HAS SEATING AT TABLES, NOT INCLUDING SEATS AT**
27 **BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS; AND**

28 **2. CAN PREPARE AND SERVE FULL–COURSE MEALS FOR**
29 **AT LEAST 20 INDIVIDUALS AT ONE SEATING.**

1 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, AT**
2 **RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:**

3 **(I) BEER AND WINE FOR ON-PREMISES CONSUMPTION; AND**

4 **(II) BEER FOR OFF-PREMISES CONSUMPTION.**

5 **(C) CATERING OPTION.**

6 **(1) THE BOARD MAY ISSUE THE LICENSE WITH A CATERING OPTION.**

7 **(2) IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN**
8 **SUBSECTION (B)(2) OF THIS SECTION, A HOLDER OF A LICENSE WITH A CATERING**
9 **OPTION MAY SELL BEER AND WINE FOR CONSUMPTION AT EVENTS THAT THE**
10 **LICENSE HOLDER CATERS OFF THE LICENSED PREMISES.**

11 **(3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER**
12 **SHALL PROVIDE FOOD AT THE CATERED EVENT.**

13 **(4) THE LICENSE HOLDER MAY EXERCISE THE CATERING OPTION**
14 **ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED UNDER THE LICENSE.**

15 **(D) FEES.**

16 **(1) FOR A LICENSE WITHOUT A CATERING OPTION:**

17 **(I) THE ISSUING FEE FOR A NEW LICENSE IS \$350; AND**

18 **(II) THE ANNUAL FEE IS \$350.**

19 **(2) FOR A LICENSE WITH A CATERING OPTION:**

20 **(I) THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND**

21 **(II) THE ANNUAL FEE IS \$475.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 5-201(m)(3) through (8) and the first sentence
24 of (a)(1).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

1 In the introductory language of subsection (b)(1)(i) of this section, the former
2 reference to a “bona fide” hotel, motel, or inn is deleted as surplusage.

3 In subsection (b)(1)(i) of this section, the former reference to “an establishment
4 that accommodates the public” is deleted as surplusage.

5 In subsection (b)(1)(ii) of this section, the references to “individuals” are
6 substituted for the former references to “persons” because this subsection
7 applies only to human beings.

8 In subsection (b)(1)(ii)1 of this section, the former reference to seating
9 “capacity” is deleted as surplusage.

10 In the introductory language of subsection (b)(2) of this section, the former
11 reference to a license “without a catering option” is deleted as surplusage.
12 Similarly, in subsection (c)(1) of this section, the former reference to a license
13 “without” a catering option is deleted.

14 In subsection (b)(2) of this section, the phrases “at retail, at the place described
15 in the license” are added to state expressly what was only implicit in the
16 former law.

17 In subsection (b)(2)(i) of this section, the reference to “beer and wine” is
18 substituted for the former reference to “[a]ll alcoholic beverages” for clarity.

19 In subsection (b)(2)(ii) of this section, the reference to “beer” is substituted for
20 the former reference to “[b]rewed beverages” for clarity.

21 In subsection (c)(3) of this section, the former phrase “if the holder provides
22 alcoholic beverages” is deleted as implicit in the phrase “[t]o exercise the
23 catering option”.

24 In subsection (d)(1)(i) and (2)(i), the references to an issuing fee “for a new
25 license” are added for consistency with other similar provisions of this subtitle.

26 Former Art. 2B, § 5–201(m)(1), which stated that former Art. 2B, § 5–201(m)
27 applied only in Garrett County, is deleted as unnecessary in light of the
28 organization of this revised article.

29 Former Art. 2B, § 5–201(m)(2), which defined the term “license”, is deleted as
30 surplusage.

31 Former Art. 2B, § 5–201(m)(9), which authorized the Board to adopt
32 regulations to carry out this subsection, is deleted as unnecessary because the
33 Board has power to adopt regulations under § 18–205 of this title.

34 Defined terms: “Beer” § 1–101

1 "Board" § 21-101
2 "Hotel" § 1-101
3 "Restaurant" § 1-101
4 "Wine" § 1-101

5 **21-803. CLASS BDR BEER AND WINE LICENSE.**

6 (A) ESTABLISHED.

7 THERE IS A CLASS BDR (DELUXE RESTAURANT) BEER AND WINE LICENSE.

8 (B) AUTHORIZED HOLDER.

9 THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS B BEER AND WINE
10 LICENSE OR A CLASS B BEER, WINE, AND LIQUOR LICENSE.

11 (C) SCOPE OF AUTHORIZATION.

12 (1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A DELUXE
13 RESTAURANT, AS DEFINED IN THE REGULATIONS OF THE BOARD, THAT:

14 (I) HAS SEATING FOR AT LEAST 20 INDIVIDUALS; AND

15 (II) HAS A MINIMUM CAPITAL INVESTMENT OF \$25,000 FOR THE
16 RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS.

17 (2) IF THE APPLICANT PURCHASES OR LEASES AN EXISTING
18 BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE LAND
19 AND IMPROVEMENTS SHALL BE BASED ON THE ASSESSED VALUE OF THE LAND AND
20 IMPROVEMENTS IN ACCORDANCE WITH THE RECORDS OF THE STATE DEPARTMENT
21 OF ASSESSMENTS AND TAXATION AT THE TIME OF PURCHASE.

22 (3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, AT
23 RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:

24 (I) BEER AND WINE FOR ON-PREMISES CONSUMPTION; AND

25 (II) BEER FOR OFF-PREMISES CONSUMPTION.

26 (D) CATERING OPTION.

27 (1) THE BOARD MAY ISSUE THE LICENSE WITH A CATERING OPTION.

1 **(2) IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN**
 2 **SUBSECTION (C)(3) OF THIS SECTION, A HOLDER OF A LICENSE WITH A CATERING**
 3 **OPTION MAY SELL BEER AND WINE FOR CONSUMPTION AT EVENTS THAT THE**
 4 **LICENSE HOLDER CATERS OFF THE LICENSED PREMISES.**

5 **(3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER**
 6 **SHALL PROVIDE FOOD AT THE CATERED EVENT.**

7 **(4) THE LICENSE HOLDER MAY EXERCISE THE CATERING OPTION**
 8 **ONLY DURING THE HOURS AND DAYS THAT THE BOARD ALLOWS.**

9 **(E) FEES.**

10 **(1) FOR A LICENSE WITHOUT A CATERING OPTION:**

11 **(I) THE ISSUING FEE FOR A NEW LICENSE IS \$500; AND**

12 **(II) THE ANNUAL FEE IS \$500.**

13 **(2) FOR A LICENSE WITH A CATERING OPTION:**

14 **(I) THE ISSUING FEE FOR A NEW LICENSE IS \$625; AND**

15 **(II) THE ANNUAL FEE IS \$625.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 5-201(m-1)(2) through (11).

18 In subsection (a) of this section, the former phrase "which is a special Class B
 19 license" is deleted as surplusage.

20 Also in subsection (a) of this section, the former reference to an "(on-sale)"
 21 license is deleted as surplusage.

22 In subsection (b) of this section, the former phrase "[n]otwithstanding §
 23 9-102(a) of this article," is deleted as unnecessary in light of the organization
 24 of this revised article.

25 In the introductory language of subsection (c)(1) of this section, the reference
 26 to the "Board" is added to state expressly what was only implied in the former
 27 law, that the Board is the unit that issues licenses.

28 In subsection (c)(1)(i) of this section, the phrase "seating for at least" is
 29 substituted for the former phrase "a minimum facility seating capacity of" for
 30 brevity.

1 Also in subsection (c)(1)(i) of this section, the reference to “individuals” is
 2 substituted for the former reference to “persons” because this subsection
 3 applies only to human beings.

4 In the introductory language of subsection (c)(3) of this section, the former
 5 reference to a license “without a catering option” is deleted as surplusage.
 6 Similarly, in subsection (d)(1) of this section, the former reference to a license
 7 “without” a catering option is deleted.

8 In subsection (c)(3) of this section, the phrase “at retail, at the place described
 9 in the license” is added to state expressly what was only implicit in the former
 10 law.

11 In subsection (c)(3)(ii) of this section, the reference to “beer” is substituted for
 12 the former reference to “[b]rewed beverages” for clarity.

13 In subsection (d)(3) of this section, the former phrase “if the holder provides
 14 alcoholic beverages” is deleted as implicit in the phrase “[t]o exercise the
 15 catering option”.

16 Former Art. 2B, § 5–201(m–1)(1), which stated that former Art. 2B, §
 17 5–201(m–1) applied only in Garrett County, is deleted as unnecessary in light
 18 of the organization of this revised article.

19 Former Art. 2B, § 5–201(m–1)(12), which authorized the Board to adopt
 20 regulations to carry out this subsection, is deleted as unnecessary because the
 21 Board has power to adopt regulations under § 18–205 of this title.

22 Defined terms: “Beer” § 1–101

23 “Board” § 21–101

24 “Restaurant” § 1–101

25 “Wine” § 1–101

26 **21–804. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

27 **A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

28 REVISOR’S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 5–301(m).

30 Defined terms: “Beer” § 1–101

31 “County” § 21–101

32 “Wine” § 1–101

33 **21–805. CLASS D BEER AND WINE LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A CLASS D BEER AND WINE LICENSE.

3 (B) SCOPE OF AUTHORIZATION.

4 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,
5 AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND
6 OFF-PREMISES CONSUMPTION.

7 (C) CATERING OPTION.

8 (1) THE BOARD MAY ISSUE THE LICENSE WITH A CATERING OPTION.

9 (2) IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN
10 SUBSECTION (B) OF THIS SECTION, A HOLDER OF A LICENSE WITH A CATERING
11 OPTION MAY SELL BEER AND WINE FOR CONSUMPTION AT EVENTS THAT THE
12 LICENSE HOLDER CATERS OFF THE LICENSED PREMISES.

13 (3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER
14 SHALL PROVIDE FOOD AT THE CATERED EVENT.

15 (4) THE LICENSE HOLDER MAY EXERCISE THE CATERING OPTION
16 ONLY DURING THE HOURS AND DAYS THAT THE BOARD ALLOWS.

17 (D) DRUGSTORE PROHIBITION.

18 THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

19 (E) FEES.

20 (1) FOR A LICENSE WITHOUT A CATERING OPTION:

21 (I) THE ISSUING FEE FOR A NEW LICENSE IS \$350; AND

22 (II) THE ANNUAL FEE IS \$350.

23 (2) FOR A LICENSE WITH A CATERING OPTION:

24 (I) THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND

25 (II) THE ANNUAL FEE IS \$475.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5–401(m)(2) through (6) and the first and third
3 sentences of (a)(1).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (b) of this section, the former reference to a license “without a
7 catering option” is deleted as surplusage. Similarly, in subsection (c)(1) of this
8 section, the former reference to a license “without” a catering option is deleted.

9 Also in subsection (b) of this section, the phrase “at retail, at the place
10 described in the license” is added to state expressly what was only implied in
11 the former law.

12 Also in subsection (b) of this section, the reference to “on– and off–premises”
13 consumption is substituted for the former reference to “consumption on the
14 licensed premises or elsewhere” for clarity.

15 In subsection (c)(3) of this section, the former phrase “if the holder provides
16 alcoholic beverages” is deleted as implicit in the phrase “[t]o exercise the
17 catering option”.

18 Former Art. 2B, § 5–401(m)(1), which stated that former Art. 2B, § 5–401(m)
19 applied only in Garrett County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Defined terms: “Beer” § 1–101
22 “Board” § 21–101
23 “Wine” § 1–101

24 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

25 **21–901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

26 **A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE**
27 **COUNTY.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 6–101(m).

30 Defined terms: “Beer” § 1–101
31 “County” § 21–101
32 “Wine” § 1–101

1 **21-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

4 (B) REQUIRED DETERMINATION.

5 THE BOARD SHALL DENY AN APPLICATION FOR A LICENSE UNDER THIS
6 SECTION IF THE BOARD DETERMINES THAT THE BUSINESS TO BE OPERATED UNDER
7 THIS LICENSE WILL NOT ENHANCE RECREATIONAL, BUSINESS, AND ECONOMIC
8 DEVELOPMENT IN THE COUNTY.

9 (C) AUTHORIZED HOLDER — FOR HOTELS AND MOTELS.

10 THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR MOTEL THAT:

11 (1) IS AN ESTABLISHMENT TO ACCOMMODATE THE PUBLIC BY
12 PROVIDING CUSTOMARY HOTEL OR MOTEL SERVICES;

13 (2) HAS AT LEAST 25 ROOMS; AND

14 (3) HAS A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING
15 FACILITIES.

16 (D) AUTHORIZED HOLDER — FOR RESTAURANTS.

17 THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:

18 (1) HAS SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR
19 COUNTERS, FOR AT LEAST 20 INDIVIDUALS; AND

20 (2) CAN PREPARE AND SERVE FULL-COURSE MEALS FOR AT LEAST 20
21 INDIVIDUALS AT ONE SEATING.

22 (E) SCOPE OF AUTHORIZATION.

23 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
24 LIQUOR AT A HOTEL, MOTEL, OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED
25 IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.

26 (F) CATERING OPTION.

1 **(1) THE CATERING OPTION AUTHORIZES THE LICENSE HOLDER TO**
2 **SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION AT EVENTS CATERED BY THE**
3 **LICENSE HOLDER IN THE COUNTY OFF THE LICENSED PREMISES.**

4 **(2) A LICENSE HOLDER PROVIDING ALCOHOLIC BEVERAGES AT A**
5 **CATERED EVENT OFF THE LICENSED PREMISES SHALL ALSO PROVIDE FOOD.**

6 **(3) A HOLDER OF A LICENSE WITH THE CATERING OPTION MAY SELL**
7 **BEER FOR OFF-PREMISES CONSUMPTION FROM THE LICENSED PREMISES BUT MAY**
8 **NOT SELL BEER FOR OFF-PREMISES CONSUMPTION AT A CATERED EVENT HELD OFF**
9 **THE LICENSED PREMISES.**

10 **(4) THE LICENSE HOLDER MAY EXERCISE CATERING PRIVILEGES**
11 **ONLY DURING HOURS AND DAYS THAT ARE AUTHORIZED UNDER THE CLASS B**
12 **LICENSE.**

13 **(G) FEE.**

14 **(1) FOR A LICENSE WITHOUT THE CATERING OPTION, THE ANNUAL**
15 **LICENSE FEE IS \$1,500, AND THE ONE-TIME ISSUING FEE IS \$1,500.**

16 **(2) FOR A LICENSE WITH THE CATERING OPTION, THE ANNUAL**
17 **LICENSE FEE IS \$2,000, AND THE ONE-TIME ISSUING FEE IS \$2,000.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 6-201(m)(2) and, as it related to the scope of
20 this authorization, (a)(1).

21 Subsection (a) of this section is revised in standard language used throughout
22 this article to establish a license.

23 In the introductory language of subsection (c) of this section, the former
24 reference to a "bona fide" hotel or motel is deleted as surplusage.

25 In subsection (c)(2) of this section, the reference to "has at least 25 rooms" is
26 substituted for the former reference to "[i]s equipped with not less than 25
27 rooms" for brevity. Similarly, in subsection (d)(2) of this section, the references
28 to for "at least 20 individuals" are substituted for the former references to for
29 "20 or more persons" for brevity.

30 In subsection (d) of this section, the references to "individuals" are substituted
31 for the former, broader references to "persons" because the provisions refer
32 only to human beings.

1 In subsection (d)(2) of this section, the reference to “can” is substituted for the
2 former reference to “is capable of” for brevity.

3 Subsection (e) of this section states expressly what was only implicit in the
4 former law, that the Class B beer, wine, and liquor license is for on–premises
5 consumption. This can be inferred from the language, revised in subsection (f)
6 of this section, that only a license holder with a catering privilege may sell
7 beer for off–premises consumption.

8 In subsection (f)(1) of this section, the former phrase “keep for sale” is deleted
9 as surplusage.

10 In subsection (f)(3) of this section, the phrase “from the licensed premises” is
11 added for clarity.

12 Also in subsection (f)(3) of this section, the defined term “beer” is substituted
13 for the former phrase “brewed beverages, as defined in this article,” for clarity.

14 Former Art. 2B, § 6–201(m)(1), which stated that former Art. 2B, § 6–201(m)
15 applied only in Garrett County, is deleted as unnecessary in light of the
16 organization of this revised article.

17 Defined terms: “Alcoholic beverage” § 1–101

18 “Beer” § 1–101

19 “Board” § 21–101

20 “County” § 21–101

21 “Hotel” § 1–101

22 “Restaurant” § 1–101

23 “Wine” § 1–101

24 **21–903. CLASS BDR BEER, WINE, AND LIQUOR LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS BDR (DELUXE RESTAURANT) BEER, WINE, AND LIQUOR**
27 **LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

29 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

30 **(1) A CLASS B BEER, WINE, AND LIQUOR LICENSE; OR**

31 **(2) A CLASS B RESORT BEER, WINE, AND LIQUOR LICENSE.**

32 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A DELUXE**
2 **RESTAURANT AS DEFINED BY THE BOARD WITH:**

3 **(I) SEATING FOR AT LEAST 85 INDIVIDUALS; AND**

4 **(II) A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR THE**
5 **RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS.**

6 **(2) IF AN APPLICANT PURCHASES OR LEASES AN EXISTING BUILDING,**
7 **THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE LAND AND**
8 **IMPROVEMENTS SHALL BE BASED ON THE ASSESSED VALUE OF THE LAND AND**
9 **IMPROVEMENTS IN ACCORDANCE WITH THE RECORDS OF THE STATE DEPARTMENT**
10 **OF ASSESSMENTS AND TAXATION AT THE TIME OF PURCHASE OR LEASE.**

11 **(D) CATERING OPTION.**

12 **A LICENSE HOLDER OF A CLASS BDR LICENSE MAY ACQUIRE THE CATERING**
13 **OPTION AUTHORIZED UNDER § 21-901 OF THIS SUBTITLE.**

14 **(E) HOURS AND DAYS OF SALE.**

15 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
16 **HOURS AND DAYS OF SALE AS SET OUT IN § 21-2004(D) OF THIS TITLE.**

17 **(F) FEES.**

18 **(1) THE ANNUAL LICENSE FEE IS \$2,250, WITH A ONE-TIME ISSUANCE**
19 **FEE OF \$2,250.**

20 **(2) THE ANNUAL CATERING OPTION FEE IS \$500.**

21 **REVISOR'S NOTE:** This section is new language derived without substantive
22 change from former Art. 2B, § 6-201(m)(5)(i) through (ix).

23 In the introductory language of subsection (b) of this section, the former
24 phrase “[n]otwithstanding § 9-102(a) of this article” is deleted as unnecessary
25 in light of the organization of this revised article.

26 Also in the introductory language of subsection (b) of this section, the reference
27 to “a holder of” is substituted for the former reference to “an applicant who
28 already holds a” for brevity.

1 In subsection (c)(i) of this section, the former reference to seating “capacity” is
2 deleted as surplusage.

3 Also in subsection (c)(i) of this section, the references to “at least” are
4 substituted for the former references to “[a] minimum” to conform to the
5 terminology used throughout this article.

6 Also in subsection (c)(i) of this section, the reference to “individuals” is
7 substituted for the former reference to “persons” because the provisions refer
8 only to human beings.

9 In subsection (c)(2) of this section, the reference to the “State” Department of
10 Assessments and Taxation is added for clarity.

11 In subsection (d) of this section, the reference to the “catering option
12 authorized under § 21–905 of this article” is substituted for the former
13 reference to the “same catering option that is described under paragraph
14 (2)(iii) and (iv) of this subsection for Class B beer, wine and liquor licenses” for
15 brevity.

16 Former Art. 2B, § 6–201(m)(5)(x), which authorized the Board to “adopt rules
17 and regulations to carry out this [section]”, is deleted as unnecessary because
18 the Board has the power to adopt regulations under § 21–205 of this title.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
20 the General Assembly, that whether the license authorizes the holder to sell
21 alcoholic beverages for on–premises consumption, off–premises consumption,
22 or on– and off–premises consumption is not stated in statutory law.

23 Defined terms: “Beer” § 1–101
24 “Board” § 21–101
25 “Restaurant” § 1–101
26 “Wine” § 1–101

27 **21–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

28 **(A) “GUEST” DEFINED.**

29 **IN THIS SECTION, “GUEST” MEANS AN INDIVIDUAL WHO IS SPECIFICALLY**
30 **INVITED BY A MEMBER OF A CLUB OR AN ORGANIZATION WHERE THE MEMBER OF**
31 **THE CLUB OR ORGANIZATION IS IN ATTENDANCE.**

32 **(B) ESTABLISHED.**

33 **THERE IS A CLASS C (CLUB AND ORGANIZATION) BEER, WINE, AND LIQUOR**
34 **LICENSE.**

1 **(C) REQUIRED DETERMINATION.**

2 **(1) BEFORE ISSUING A LICENSE, THE BOARD SHALL DETERMINE**
3 **WHETHER THE BUSINESS TO BE OPERATED BY THE PROSPECTIVE LICENSE HOLDER**
4 **IS LIKELY TO ENHANCE THE RECREATIONAL, BUSINESS, AND ECONOMIC**
5 **DEVELOPMENT OF THE COUNTY.**

6 **(2) IF THE BOARD DETERMINES THAT THE ISSUANCE OF A LICENSE**
7 **WILL NOT ENHANCE RECREATIONAL, BUSINESS, AND ECONOMIC DEVELOPMENT IN**
8 **THE COUNTY, THE BOARD SHALL DENY THE APPLICATION FOR THE LICENSE.**

9 **(D) AUTHORIZED HOLDER.**

10 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

11 **(1) A NATIONALLY CHARTERED NONPROFIT ORGANIZATION OR CLUB**
12 **THAT:**

13 **(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE**
14 **ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES**
15 **HAS BEEN ENGAGED;**

16 **(II) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS**
17 **IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE IS MADE;**

18 **(III) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND**
19 **GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

20 **(IV) MEETS IN A CLUBHOUSE THAT IS USED PRINCIPALLY FOR**
21 **CLUB PURPOSES;**

22 **(2) A LODGE OR CHAPTER OF A NONPROFIT AND NATIONALLY**
23 **CHARTERED FRATERNAL ORGANIZATION THAT:**

24 **(I) IS COMPOSED OF INDUCTED MEMBERS;**

25 **(II) HAS AT LEAST 100 MEMBERS PAYING THE DUES THAT WERE**
26 **REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY BEFORE**
27 **THE YEAR FOR WHICH THE LICENSE IS ISSUED; AND**

28 **(III) OPERATES A HOME OR CLUBHOUSE:**

- 1 **1. FOR THE USE OF ITS MEMBERS; AND**
- 2 **2. THAT HAS FACILITIES FOR PREPARING AND SERVING**
3 **FOOD ON THE PREMISES TO MEMBERS AND GUESTS;**
- 4 **(3) A BOAT OR YACHT CLUB THAT:**
 - 5 **(I) OWNS REAL ESTATE IN THE COUNTY; AND**
 - 6 **(II) HAS AT LEAST 150 DUES-PAYING MEMBERS, AT LEAST 50 OF**
7 **WHOM OWN A YACHT, BOAT, OR OTHER VESSEL; AND**
- 8 **(4) A COUNTRY CLUB THAT:**
 - 9 **(I) HAS AT LEAST 75 MEMBERS PAYING DUES OF AT LEAST \$40**
10 **PER YEAR PER MEMBER; AND**
 - 11 **(II) MAINTAINS AT THE TIME OF FILING THE APPLICATION FOR**
12 **THE LICENSE:**
 - 13 **1. A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT**
14 **LEAST NINE HOLES; OR**
 - 15 **2. A SWIMMING POOL THAT IS AT LEAST 20 BY 40 FEET**
16 **AND AT LEAST SIX TENNIS COURTS.**
- 17 **(E) SCOPE OF AUTHORIZATION.**
18 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
19 **LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE TO THE MEMBERS**
20 **AND GUESTS OF THE CLUBS AND ORGANIZATIONS, FOR ON-PREMISES**
21 **CONSUMPTION.**
- 22 **(F) SUNDAY SALES.**
 - 23 **(1) THIS SUBSECTION APPLIES ONLY IN:**
 - 24 **(I) ELECTION DISTRICTS 11 AND 15; AND**
 - 25 **(II) ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN**
26 **ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW**
27 **APPROVE SUNDAY SALES.**

1 **(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON**
2 **SUNDAY DURING THE HOURS AS SET OUT UNDER § 21-2004(E)(2) OF THIS TITLE.**

3 **(3) IN ADDITION TO THE FEES SPECIFIED IN SUBSECTION (G) OF THIS**
4 **SECTION, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

5 **(I) \$250, AS AN ANNUAL LICENSE FEE; AND**

6 **(II) \$250, AS AN ISSUANCE FEE FOR A NEW LICENSE.**

7 **(G) FEES.**

8 **(1) THE ANNUAL LICENSE FEE IS \$1,500.**

9 **(2) THE ISSUANCE FEE FOR A NEW LICENSE IS \$1,500, IN ADDITION**
10 **TO THE ANNUAL LICENSE FEE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, §§ 11-512(c)(1), (2)(i), (3), and, as they related to
13 Class C licenses, (4) and (5) and 6-301(m)(1)(ii) and (2) and the first sentence
14 of (a)(1).

15 Subsection (b) of this section is revised in standard language used throughout
16 this article to establish a license.

17 In subsection (c)(1) of this section, the former reference to the issuance of a
18 license "pursuant to this paragraph" is deleted as surplusage.

19 In subsection (c)(2) of this section, the former phrase "in its discretion" is
20 deleted as surplusage.

21 Also in subsection (c)(2) of this section, the reference to "recreational, business,
22 and economic development" is substituted for the former reference to "such
23 development" for clarity.

24 Throughout subsection (d) of this section, the former references to "bona fide"
25 organizations or members are deleted as surplusage.

26 In the introductory language of subsection (d) of this section, the former
27 reference to issuing the license "only" to certain clubs or organizations is
28 deleted as surplusage.

29 In subsection (d)(1)(iv) of this section, the former requirement that the lodge
30 or chapter be "neither directly nor indirectly operated as a public business" is
31 deleted as unnecessary because the organization is required to be nonprofit.
32 Similarly, in subsection (d)(1)(iii) of this section, the former requirement that

1 the lodge or chapter be “neither directly nor indirectly operated as a public
2 business” is deleted as unnecessary because the organization of which the
3 lodge or chapter is a part is a nonprofit organization.

4 In subsection (d)(2) of this section, the reference to “inducted” members is
5 substituted for the former reference to members “duly elected and initiated in
6 accordance with the rites and customs of the fraternal organization” for
7 brevity.

8 In subsection (d)(4) of this section, the former phrase “in lieu of [a] golf course”
9 is deleted as surplusage.

10 In subsection (d)(4)(ii) of this section, the former reference to 20 by 40 feet “in
11 size” is deleted as surplusage.

12 In subsection (e) of this section, the former reference to consumption “only” on
13 the premises is deleted as surplusage.

14 In subsection (f) of this section, the former phrase “This subsection only
15 applies to on-premises sales by: (i) A holder of a Class C service club license”
16 is deleted as unnecessary in light of the organization of this section.

17 Also in subsection (f) of this section, the former phrase “in which the voters
18 approved Sunday sales in the referendum authorized by law in November
19 1996” is deleted as surplusage.

20 Also in subsection (f) of this section, the former phrase “the holder of a Class
21 C service club license ... who wants to provide Sunday sales and who is
22 otherwise eligible to provide Sunday sales” is deleted as unnecessary.

23 In subsection (g) of this section, the reference to “issuance fee” is substituted
24 for the former reference to “issuing fee” for consistency with language used
25 throughout this article to refer to a fee for a new license.

26 Former Art. 2B, § 6–301(m)(1)(i), which stated that former Art. 2B, § 6–301(m)
27 applied only in Garrett County, is deleted as unnecessary in light of the
28 organization of this revised article.

29 Defined terms: “Beer” § 1–101

30 “Board” § 21–101

31 “Club” § 1–101

32 “County” § 21–101

33 “Wine” § 1–101

34 **21–905. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

35 **(A) ESTABLISHED.**

1 **(1) THERE IS:**

2 **(I) A CLASS D (75% ON-SALE) BEER, WINE, AND LIQUOR**
3 **LICENSE; AND**

4 **(II) A CLASS D (75% OFF-SALE) BEER, WINE, AND LIQUOR**
5 **LICENSE.**

6 **(2) THE BOARD MAY NOT ISSUE A LICENSE UNDER THIS SECTION TO**
7 **A GROCERY STORE WHOSE PRIMARY BUSINESS IS TO SELL FOOD AT RETAIL TO THE**
8 **PUBLIC FOR OFF-PREMISES CONSUMPTION.**

9 **(B) SCOPE OF AUTHORIZATION — ON-SALE LICENSE.**

10 **THE BOARD SHALL ISSUE THE LICENSE FOR ON-PREMISES CONSUMPTION**
11 **FOR USE BY AN ESTABLISHMENT WHOSE TOTAL BEER, WINE, AND LIQUOR SALES ARE**
12 **AT LEAST 75% ON-PREMISES CONSUMPTION AND NOT MORE THAN 25%**
13 **OFF-PREMISES CONSUMPTION.**

14 **(C) SCOPE OF AUTHORIZATION — OFF-SALE LICENSE.**

15 **THE BOARD SHALL ISSUE THE LICENSE FOR OFF-SALE CONSUMPTION FOR**
16 **USE BY AN ESTABLISHMENT WHOSE TOTAL BEER, WINE, AND LIQUOR SALES ARE AT**
17 **LEAST 75% OFF-PREMISES CONSUMPTION AND NOT MORE THAN 25% ON-PREMISES**
18 **CONSUMPTION.**

19 **(D) CATERING OPTION.**

20 **(1) A HOLDER OF THE LICENSE WITHOUT A CATERING OPTION MAY**
21 **SELL BEER, WINE, AND LIQUOR FOR ON- OR OFF-PREMISES CONSUMPTION.**

22 **(2) A HOLDER OF THE LICENSE WITH A CATERING OPTION MAY SELL**
23 **BEER, WINE, AND LIQUOR:**

24 **(I) FOR ON- OR OFF-PREMISES CONSUMPTION; AND**

25 **(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR**
26 **CONSUMPTION AT EVENTS THAT THE HOLDER CATERS OFF THE LICENSED**
27 **PREMISES DURING THE HOURS AND DAYS THAT THE BOARD ALLOWS.**

1 **(3) THE LICENSE HOLDER SHALL PROVIDE FOOD IF THE LICENSE**
 2 **HOLDER PROVIDES ALCOHOLIC BEVERAGES AT A CATERED EVENT OFF THE**
 3 **LICENSED PREMISES.**

4 **(E) FEES.**

5 **(1) FOR A CLASS D (ON-SALE) BEER, WINE, AND LIQUOR LICENSE**
 6 **WITHOUT A CATERING PRIVILEGE, THE ANNUAL FEE IS \$1,500, AND THE ONE-TIME**
 7 **ISSUANCE FEE FOR A NEW LICENSE IS \$1,500.**

8 **(2) FOR A CLASS D (ON-SALE) BEER, WINE, AND LIQUOR LICENSE**
 9 **WITH A CATERING PRIVILEGE, THE ANNUAL FEE IS \$2,000, AND THE ISSUANCE FEE**
 10 **FOR A NEW LICENSE IS \$2,000.**

11 **(3) FOR A CLASS D (OFF-SALE) BEER, WINE, AND LIQUOR LICENSE,**
 12 **THE ANNUAL FEE IS \$3,000, AND THE ONE-TIME ISSUANCE FEE FOR A NEW LICENSE**
 13 **IS \$3,000.**

14 **(4) THE BOARD MAY GRANT THE LICENSE HOLDER THE PRIVILEGE**
 15 **TO SELL BEER, WINE, OR LIQUOR FOR OFF-PREMISES CONSUMPTION UNDER**
 16 **SUBSECTION (D) OF THIS SECTION AT NO CHARGE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 6-401(m)(2) and the introductory language of
 19 (4).

20 In the introductory language of subsection (a)(1) of this section, the former
 21 reference to "two types" of Class D licenses is deleted as implicit in the listing
 22 of the two types of license.

23 In subsection (a)(2) of this section, the former reference to the "general" public
 24 is deleted as surplusage.

25 In subsection (d)(1) of this section, the reference to "on- or off-premises
 26 consumption" is substituted for the former reference to "consumption on the
 27 licensed premises or elsewhere" to conform to the terminology used
 28 throughout this article.

29 Also in subsection (d)(1) of this section, the former reference to "keep for sale"
 30 is deleted as included in the reference to "sell".

31 In subsection (d)(2)(i) of this section, the phrase "for on- or off-premises
 32 consumption" is substituted for the former reference to "exercising the
 33 privileges stated in subparagraph 3 of this subparagraph" for clarity.

1 Former Art. 2B, § 6–401(m)(1), which stated that former Art. 2B, § 6–401(m)
2 applied only in Garrett County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Former Art. 2B, § 6–401(m)(3), which authorized the holder of a license prior
5 to July 1, 1987, to apply for a license under this section until July 1, 1995, is
6 deleted as obsolete.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Beer” § 1–101

9 “Board” § 21–101

10 “Off–sale” § 1–101

11 “On–sale” § 1–101

12 “Wine” § 1–101

13 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

14 **21–1001. BED AND BREAKFAST BEER, WINE, AND LIQUOR LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS B–B&B (BED AND BREAKFAST) BEER, WINE, AND LIQUOR**
17 **LICENSE.**

18 **(B) AUTHORIZED HOLDER.**

19 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A BED AND BREAKFAST**
20 **THAT:**

21 **(1) IS REGISTERED BY THE COUNTY TO OPERATE AS A BED AND**
22 **BREAKFAST;**

23 **(2) HAS ROOMS, EXCLUDING THE RESIDENT MANAGEMENT**
24 **QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR SLEEPING**
25 **ACCOMMODATIONS FOR A SPECIFIED TIME; AND**

26 **(3) DOES NOT HAVE DINING FACILITIES THAT ARE OPEN TO THE**
27 **PUBLIC.**

28 **(C) SCOPE OF AUTHORIZATION.**

29 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
30 **WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ONLY TO A GUEST:**

1 **(I) WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY**
2 **THAT THE BED AND BREAKFAST MAINTAINS; AND**

3 **(II) WHO IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED**
4 **AND BREAKFAST.**

5 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR**
6 **TO AN INDIVIDUAL WHO IS REGISTERED ONLY TO OBTAIN ALCOHOLIC BEVERAGES.**

7 **(3) IF THE ESTABLISHMENT ENDS OPERATIONS AS A BED AND**
8 **BREAKFAST, THE LICENSE IS VOID.**

9 **(D) HOURS AND DAYS OF SALE.**

10 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
11 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
12 **UNDER § 21-2004 OF THIS TITLE.**

13 **(E) FEES.**

14 **(1) THE ANNUAL LICENSE FEE IS:**

15 **(I) \$25 FOR A BED AND BREAKFAST WITH 5 OR FEWER**
16 **BEDROOMS;**

17 **(II) \$50 FOR A BED AND BREAKFAST WITH AT LEAST 6 BUT NOT**
18 **MORE THAN 10 BEDROOMS; AND**

19 **(III) \$75 FOR A BED AND BREAKFAST WITH 11 OR MORE**
20 **BEDROOMS.**

21 **(2) THE BOARD SHALL CHARGE AN ISSUING FEE IN AN AMOUNT**
22 **EQUAL TO THE ANNUAL LICENSE FEE.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 6-201(m)(3)(i) through (vi) and (viii).

25 In subsection (a) of this section, the former reference to a "7-day" license is
26 deleted for consistency in license names throughout this article.

27 In subsection (b)(2) of this section, the former reference to a "period of" time is
28 deleted as surplusage.

1 In subsection (b)(3) of this section, the former reference to the “general” public
2 is deleted as surplusage.

3 In subsection (d) of this section, the reference to the authority of the “license
4 holder” to “sell beer, wine, and liquor during the hours and days as set out for
5 a Class B beer, wine, and liquor license under § 21–2004 of this title” is
6 substituted for the former reference to the “days and hours of sale shall be in
7 accordance with § 11–512(b)(1) of this article” for clarity and consistency with
8 similar provisions on hours and days of sale in this article.

9 The first sentence of former Art. 2B, § 6–201(m)(3)(vii), which required an
10 applicant to meet all other qualifications to hold a license within the County,
11 is deleted as unnecessary, as it merely restates common practice.

12 The second sentence of former Art. 2B, § 6–201(m)(3)(vii), which authorized
13 the Board to adopt additional regulations consistent with this paragraph, is
14 deleted as unnecessary because the Board has the power to adopt regulations
15 under § 21–205 of this article.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “Beer” § 1–101

18 “Board” § 21–101

19 “County” § 21–101

20 “Wine” § 1–101

21 **21–1002. RESORT BEER, WINE, AND LIQUOR LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS B–RESORT BEER, WINE, AND LIQUOR LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR A COMPLEX**
26 **THAT HAS AT LEAST TWO FACILITIES THAT ARE:**

27 **(1) LOCATED ON THE SAME CONTIGUOUS PROPERTY;**

28 **(2) SEPARATED BY AT LEAST 150 FEET FROM THE MAIN AREA OF THE**
29 **LICENSED PREMISES; AND**

30 **(3) DETERMINED BY THE BOARD TO BE HOTEL, MOTEL,**
31 **RECREATIONAL, OR RESTAURANT FACILITIES.**

32 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE THE SAME**
2 **PRIVILEGES AS A LICENSE HOLDER OF A REGULAR CLASS B HOTELS AND**
3 **RESTAURANTS BEER, WINE, AND LIQUOR LICENSE.**

4 **(D) HOURS AND DAYS OF SALE.**

5 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
6 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
7 **UNDER § 21–2004 OF THIS TITLE.**

8 **(E) FEES.**

9 **(1) THE ANNUAL LICENSE FEES ARE:**

10 **(I) FOR TWO FACILITIES, \$3,000; AND**

11 **(II) FOR EACH ADDITIONAL FACILITY, \$1,500.**

12 **(2) THE BOARD SHALL CHARGE A ONE–TIME ISSUING FEE FOR A NEW**
13 **LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 6–201(m)(4)(i) through (vi).

16 In subsection (b) of this section, the former defined term “resort” is revised in
17 the substantive material in accordance with the code revision practice of
18 avoiding a defined term that is used only once.

19 In subsection (d) of this section, the reference to the authority of the “license
20 holder” to “sell beer, wine, and liquor during the hours and days as set out for
21 a Class B beer, wine, and liquor license under § 21–2004 of this title” is
22 substituted for the former reference to the “days and hours of sale under a
23 Class B–resort license shall be in accordance with § 11–512 of this article” for
24 clarity and consistency with similar provisions on hours and days of sale in
25 this article.

26 Former Art. 2B, § 6–201(m)(4)(vii), which required an applicant to meet all
27 other qualifications to hold a license within the County, is deleted as
28 unnecessary, because it merely restates common practice.

29 Former Art. 2B, § 6–201(m)(4)(viii), which authorized the Board to adopt
30 regulations consistent with this paragraph, is deleted as unnecessary because
31 the Board has the power to adopt regulations under § 21–205 of this article.

1 Defined terms: “Board” § 21–101

2 “Hotel” § 1–101

3 “Restaurant” § 1–101

4 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

5 **21–1101. APPLICATION OF GENERAL PROVISIONS.**

6 (A) **WITHOUT EXCEPTION OR VARIATION.**

7 **SECTION 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
8 **FROM LICENSED PREMISES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
9 **COUNTY WITHOUT EXCEPTION OR VARIATION.**

10 (B) **EXCEPTION.**

11 **SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
12 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

13 (C) **VARIATIONS.**

14 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
15 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

16 (1) **§ 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
17 **FROM LICENSE HOLDER ON LICENSED PREMISES”), IN ADDITION TO § 21–1102 OF**
18 **THIS SUBTITLE; AND**

19 (2) **§ 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”),**
20 **SUBJECT TO § 21–1104 OF THIS SUBTITLE.**

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to additional privileges of license holders.

23 Defined terms: “Beer” § 1–101

24 “County” § 21–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “Wine” § 1–101

28 **21–1102. BED AND BREAKFAST ESTABLISHMENTS.**

1 **SECTION 4-1102 OF THIS ARTICLE ALSO APPLIES TO AN INDIVIDUAL IN AN**
2 **ESTABLISHMENT FOR WHICH A CLASS B-B&B (BED AND BREAKFAST) LICENSE IS**
3 **ISSUED.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 12-107(b)(10)(i)2.

6 **21-1103. DRAFT BEER PERMIT.**

7 **(A) ESTABLISHED.**

8 **THERE IS A DRAFT BEER PERMIT.**

9 **(B) AUTHORIZED LICENSE HOLDER.**

10 **TO SELL DRAFT BEER, A LICENSE HOLDER OF AN ESTABLISHMENT FOR WHICH**
11 **A LICENSE TO SELL BEER HAS BEEN ISSUED SHALL OBTAIN A DRAFT BEER PERMIT**
12 **FROM THE BOARD.**

13 **(C) FEES.**

14 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
15 **THE PERMIT FEES ARE:**

16 **(I) \$75 FOR THE ISSUING FEE; AND**

17 **(II) \$75 FOR THE ANNUAL FEE.**

18 **(2) A HOLDER OF A CLASS B-RESORT LICENSE SHALL PAY:**

19 **(I) \$150 FOR THE ANNUAL FEE FOR TWO FACILITIES;**

20 **(II) \$75 FOR THE ANNUAL FEE FOR EACH ADDITIONAL FACILITY;**

21 **AND**

22 **(III) AN ISSUING FEE FOR EACH NEW PERMIT IN AN AMOUNT**
23 **EQUAL TO THE ANNUAL FEE.**

24 **(D) PENALTY.**

25 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
26 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
27 **NOT EXCEEDING \$5,000 OR BOTH.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8–212(b) and (d).

3 Defined terms: “Board” § 21–101

4 “Person” § 1–101

5 **21–1104. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

6 **(A) AUTHORIZED PERMIT HOLDER.**

7 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
8 **TO A HOLDER OF A DRAFT BEER PERMIT WHO ALSO HOLDS ANY OTHER LICENSE**
9 **EXCEPT A CLASS A LICENSE OR A CLASS C LICENSE.**

10 **(B) PENALTY.**

11 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
12 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
13 **NOT EXCEEDING \$5,000 OR BOTH.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 8–212(d) and (c)(2).

16 In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

17 Also in subsection (a) of this section, the reference to a draft beer “permit” is
18 substituted for the former reference to a draft beer “license” for consistency
19 with § 21–1103 of this subtitle.

20 Also in subsection (a) of this section, the former reference to an “alcoholic
21 beverages” license is deleted as unnecessary in light of the defined term
22 “license”.

23 In subsection (b) of this section, the former phrase “the provisions of” this
24 section is deleted as surplusage.

25 Former Art. 2B, § 8–212(a), which stated that former Art. 2B, § 8–212 applied
26 only in Garrett County, is deleted as unnecessary in light of the organization
27 of this revised article.

28 Former Art. 2B, § 8–212(c)(1), (3), (4), and (5) are deleted as unnecessary
29 because they merely repeated provisions concerning refillable container
30 permits that appear in § 4–1104 of this article.

Former Art. 2B, § 8–212(c)(6), which authorized the Board to adopt regulations to carry out this subsection, is deleted as unnecessary because the Board has power to adopt regulations under § 21–205 of this title.

Defined terms: “Board” § 21–101

“License” § 1–101

“Person” § 1–101

21–1105. COMMEMORATIVE OR SPECIAL EVENT BOTTLE PRIVILEGE.

(A) ESTABLISHED.

THERE IS A COMMEMORATIVE OR SPECIAL EVENT BOTTLE PRIVILEGE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY GRANT THE PRIVILEGE TO A HOLDER OF A LICENSE THAT HAS A CATERING OPTION AND THAT IS:

(1) A CLASS B BEER AND WINE LICENSE OR CLASS B BEER, WINE, AND LIQUOR LICENSE;

(2) A CLASS BDR BEER AND WINE LICENSE OR CLASS BDR BEER, WINE, AND LIQUOR LICENSE;

(3) A CLASS B RESORT BEER, WINE, AND LIQUOR LICENSE;

(4) A CLASS C 2–DAY, 6–DAY, OR 12–DAY LICENSE;

(5) A CLASS C MULTIPLE EVENT LICENSE;

(6) A CLASS D BEER AND WINE LICENSE; OR

(7) A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE PRIVILEGE AUTHORIZES THE LICENSE HOLDER TO SELL THE ALCOHOLIC BEVERAGES AUTHORIZED BY THE LICENSE IN COMMEMORATIVE OR SPECIAL EVENT BOTTLES FOR OFF–PREMISES CONSUMPTION IF:

(1) THE PRIVILEGE IS EXERCISED AT A CATERED EVENT;

1 **(2) THE BOARD APPROVES THE COMMEMORATIVE OR SPECIAL EVENT**
2 **BOTTLES BEFORE THE EVENT OCCURS; AND**

3 **(3) THE COMMEMORATIVE OR SPECIAL EVENT BOTTLES ARE SOLD**
4 **ONLY ON THE HOURS AND DAYS THAT THE BOARD ALLOWS.**

5 **(D) FEE.**

6 **THERE IS NO CHARGE FOR THE PRIVILEGE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, §§ 5–201(m–2), 5–401(m)(7), 6–201(m)(6) and
9 (5)(iii), 6–401(m)(4), and 7–101(p)(2).

10 Subsection (a) of this section is revised in standard language used for the
11 establishment of a license privilege.

12 In the introductory language of subsection (b) of this section, the reference to
13 the Board granting the privilege to a holder of a license “that has a catering
14 option” is substituted for the former reference to the Board’s granting the
15 privilege to be used “at a catered event” for clarity.

16 In the introductory language of subsection (c) of this section, the reference to
17 “the alcoholic beverages authorized by the license” is added for clarity.

18 Also in the introductory language of subsection (c) of this section, the former
19 reference to the beer, wine, or liquor being “bottled” in commemorative or
20 special event bottles is deleted as unnecessary in light of the reference to
21 “commemorative or special event bottles”.

22 Defined terms: “Alcoholic beverage” § 1–101

23 “Beer” § 1–101

24 “Board” § 21–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “Wine” § 1–101

28 **SUBTITLE 12. CATERER’S LICENSES.**

29 **21–1201. LOCAL CATERER’S LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A LOCAL CATERER’S LICENSE.**

1 **(B) AUTHORIZED HOLDER.**

2 **(1) THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT:**

3 **(I) HAS FACILITIES TO PREPARE AND DELIVER FOOD TO THE**
4 **SITE OF A CATERED EVENT;**

5 **(II) OBTAINS APPROVAL OF THE FACILITIES FROM THE COUNTY**
6 **DEPARTMENT OF HEALTH; AND**

7 **(III) DOES NOT HOLD ANY OTHER LICENSE THAT THE BOARD**
8 **ISSUES.**

9 **(2) A LICENSE HOLDER IS NOT REQUIRED TO HAVE A BANQUET HALL.**

10 **(C) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES A HOLDER TO:**

12 **(1) SELL OR PROVIDE OFF-SALE ALCOHOLIC BEVERAGES DURING A**
13 **CATERED EVENT; AND**

14 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
15 **HOURS AND ON THE DAYS THAT ARE AUTHORIZED FOR A CLASS B BEER, WINE, AND**
16 **LIQUOR LICENSE.**

17 **(D) RESTRICTIONS.**

18 **THE LICENSE HOLDER MAY NOT:**

19 **(1) HOLD A CATERED EVENT THAT THE LICENSE HOLDER SPONSORS;**
20 **OR**

21 **(2) PROVIDE ONLY ALCOHOLIC BEVERAGES AT A CATERED EVENT.**

22 **(E) DUTIES.**

23 **THE LICENSE HOLDER SHALL:**

24 **(1) PURCHASE ALL ALCOHOLIC BEVERAGES FROM A WHOLESALER OR**
25 **RETAIL DEALER LICENSED TO SELL ALCOHOLIC BEVERAGES IN THE COUNTY;**

1 **(2) CONTRACT FOR AND PROVIDE FOOD FOR CONSUMPTION AT THE**
2 **CATERED EVENT;**

3 **(3) DURING THE CATERED EVENT, ENSURE THAT AT LEAST ONE**
4 **INDIVIDUAL ON THE SITE IS CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM**
5 **UNDER § 4-505 OF THIS ARTICLE; AND**

6 **(4) AT THE END OF THE CATERED EVENT, RETURN ALL CONTAINERS**
7 **OF ALCOHOLIC BEVERAGES THAT ARE NOT EMPTY TO THE LICENSE HOLDER'S**
8 **PRINCIPAL PLACE OF BUSINESS.**

9 **(F) FEES.**

10 **(1) THE ISSUING FEE THAT IS CHARGED FOR EACH NEW LICENSE IS**
11 **\$500.**

12 **(2) THE ANNUAL LICENSE FEE IS \$500.**

13 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
14 expressly what was only implied in the former law, that a local caterer's
15 license exists in Garrett County.

16 Subsections (b) through (f) of this section are new language derived without
17 substantive change from former Art. 2B, § 6-703.2(c) through (h).

18 In subsection (b)(1) of this section, the defined word "person" is substituted for
19 the former reference to an "applicant or holder" to conform to the terminology
20 used in similar provisions in this article.

21 Also in subsection (b)(1) of this section, the former reference to issuing a
22 license to a person "who meets the requirements of this section" is deleted as
23 surplusage.

24 Also in subsection (b)(1) of this section, the former phrase "[b]efore a CAT
25 license is issued or renewed" is deleted as surplusage.

26 In subsection (c)(1) of this section, the former reference to "keep for sale" is
27 deleted as included in the reference to "sell".

28 In subsection (c)(2) of this section, the former reference to a Class B license "in
29 Garrett County" is deleted as surplusage.

30 In subsection (d)(1) of this section, the reference to a catered event "that the
31 license holder sponsors" is substituted for the former reference to a
32 "self-sponsored" catered event for clarity.

1 Former Art. 2B, § 6–703.2(a), which defined “holder” to mean a holder of a
 2 caterer’s (CAT) license issued by the Board of License Commissioners of
 3 Garrett County, is deleted as surplusage.

4 Former Art. 2B, § 6–703.2(b), which stated that former Art. 2B, § 6–703.2
 5 applied only in Garrett County, is deleted as unnecessary in light of the
 6 organization of this revised article.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
 8 the General Assembly, that in subsection (e)(1) of this section, the licensing
 9 requirement for a retail dealer from whom alcoholic beverages may be
 10 purchased may violate the equal protection guarantees of the Fourteenth
 11 Amendment to the United States Constitution and Article 24 of the Maryland
 12 Declaration of Rights. Subsection (e)(1) requires that a retail dealer be
 13 licensed to sell alcoholic beverages in Garrett County, thus excluding dealers
 14 who are licensed in other jurisdictions in the State. Maryland courts look
 15 unfavorably on legislation that classify persons by geography, which may be
 16 accomplished by residency or registration requirements, if the primary
 17 purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md.
 18 411 (1994).

19 Defined terms: “Alcoholic beverage” § 1–101

20 “Beer” § 1–101

21 “Board” § 21–101

22 “County” § 21–101

23 “License” § 1–101

24 “Off-sale” § 1–101

25 “Person” § 1–101

26 “Retail dealer” § 1–101

27 “Wholesaler” § 1–101

28 “Wine” § 1–101

29 SUBTITLE 13. TEMPORARY LICENSES.

30 PART I. IN GENERAL.

31 21–1301. APPLICATION OF GENERAL PROVISIONS.

32 (A) WITHOUT EXCEPTION OR VARIATION.

33 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
 34 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
 35 EXCEPTION OR VARIATION:

36 (1) § 4–1202 (“PER DIEM LICENSES”);

- 1 (2) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);
- 2 (3) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- 3 (4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND
- 4 (5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

5 **(B) EXCEPTIONS.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
7 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY AND**
8 **ARE SUPERSEDED BY §§ 21-1309 AND 21-1310 OF THIS SUBTITLE:**

- 9 (1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
10 AND WINE LICENSES”);
- 11 (2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR
12 LICENSE”); AND
- 13 (3) § 4-1205 (“LICENSE FEES”).

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 the general provisions relating to local temporary licenses.

16 Defined term: “County” § 21-101

17 **21-1302. RESERVED.**

18 **21-1303. RESERVED.**

19 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

20 **21-1304. BEER FESTIVAL LICENSE.**

21 **(A) ESTABLISHED.**

22 (1) **THERE IS A BEER FESTIVAL LICENSE.**

23 (2) **THE BOARD MAY ISSUE NOT MORE THAN TWO BEER FESTIVAL**
24 **LICENSES EACH YEAR.**

25 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

2 **(1) A RETAIL LICENSE ISSUED BY THE BOARD;**

3 **(2) A CLASS 5 BREWERY LICENSE;**

4 **(3) A CLASS 6 PUB-BREWERY LICENSE;**

5 **(4) A CLASS 7 MICRO-BREWERY LICENSE; OR**

6 **(5) A CLASS 8 FARM BREWERY LICENSE.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER THAT IS:**

9 **(1) MANUFACTURED AND PROCESSED IN THE STATE; AND**

10 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**
11 **FILED.**

12 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

13 **A LICENSE HOLDER MAY DISPLAY AND SELL BEER:**

14 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

15 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR A BEER**
16 **FESTIVAL.**

17 **(E) TIME AND LOCATION OF FESTIVAL.**

18 **THE BOARD SHALL CHOOSE:**

19 **(1) A FIXED PERIOD OF TIME FOR THE FESTIVAL OF UP TO 2**
20 **CONSECUTIVE DAYS, EXCLUDING SUNDAY; AND**

21 **(2) A LOCATION THAT IS NOT ALREADY LICENSED.**

22 **(F) SUNDAY SALES.**

1 NOTWITHSTANDING SUBSECTION (E)(1) OF THIS SECTION, A HOLDER OF A
2 BEER FESTIVAL LICENSE ISSUED FOR A LOCATION AT WHICH SUNDAY SALES ARE
3 ALLOWED UNDER § 21-2002(E) OF THIS TITLE MAY MAKE SUNDAY SALES:

4 (1) BEGINNING AT 1 P.M.; AND

5 (2) WITHOUT A CONSUMER PLACING AN ORDER FOR A MEAL BEFORE
6 OR WITH AN ORDER FOR AN ALCOHOLIC BEVERAGE.

7 (G) INVOICING AND DELIVERY.

8 BEER DISPLAYED AND SOLD SHALL BE:

9 (1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER OR
10 HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS
11 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE; AND

12 (2) DELIVERED TO THE BEER FESTIVAL FROM THE LICENSED
13 PREMISES OF THE WHOLESALER.

14 (H) DELIVERY AGREEMENT.

15 A HOLDER OF A STATE WHOLESALER'S LICENSE, A CLASS 5 BREWERY
16 LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE,
17 OR A CLASS 8 FARM BREWERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE
18 LICENSE HOLDER TO:

19 (1) DELIVER BEER NOT EARLIER THAN 2 DAYS BEFORE THE
20 EFFECTIVE DATE OF THE LICENSE; AND

21 (2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE
22 EXPIRATION DATE OF THE LICENSE.

23 (I) FEE.

24 THE BOARD SHALL SET THE FEE.

25 (J) REGULATIONS.

26 THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 8-807(c) through (i).

1 Subsection (a)(1) of this section is revised in standard language used
2 throughout this article to establish a license.

3 In subsection (b) of this section, the former phrase “[n]otwithstanding any
4 other provision of this article” is deleted as unnecessary in light of the
5 organization of this revised article.

6 In subsection (b)(1) of this section, the former reference to a retail “alcoholic
7 beverages” license is deleted as surplusage.

8 In subsection (e)(2) of this section, the reference to a location “that is not
9 already licensed” is substituted for the former reference to a location “for
10 which a license has not been issued” for consistency with terminology used
11 throughout this article.

12 Also in subsection (e)(2) of this section, the former reference to a location “in
13 the County” is deleted as surplusage.

14 In the introductory language of subsection (f) of this section, the phrase
15 “Notwithstanding subsection (e)(1) of this section” is added for clarity.

16 In the introductory language of subsection (g) of this section, the reference to
17 “[b]eer” is substituted for the former reference to “[a] product” for clarity.

18 In subsection (g)(1) of this section, the reference to a wholesaler is substituted
19 for the former reference to a “licensed State wholesaler” for brevity.

20 In the introductory language of subsection (h) of this section, the former
21 phrase “[w]hen a beer festival license is issued,” is deleted as surplusage.

22 In subsection (h)(1) of this section, the reference to delivery “not earlier than”
23 2 days before the effective date is added for clarity.

24 Former Art. 2B, § 8–807(a), which defined the term “Board” to mean the
25 Garrett County Board of License Commissioners, is deleted as redundant in
26 light of the defined term “Board” in § 21–101 of this title.

27 Former Art. 2B, § 8–807(b), which stated that former Art. 2B, § 8–807 applied
28 only in Garrett County, is deleted as unnecessary in light of the organization
29 of this revised article.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
31 the General Assembly, that subsection (c) of this section, which authorizes the
32 holder of the license “to display and sell beer that is produced and processed
33 in the State”, may violate the Commerce Clause of the U.S. Constitution, as it
34 apparently excludes beer that is produced and processed outside the State.

1 Defined terms: "Alcoholic beverage" § 1-101

2 "Beer" § 1-101

3 "Board" § 21-101

4 "Consumer" § 1-101

5 "State" § 1-101

6 "Wholesaler" § 1-101

7 **21-1305. WINE FESTIVAL LICENSE.**

8 **(A) ESTABLISHED.**

9 **(1) THERE IS A WINE FESTIVAL LICENSE.**

10 **(2) THE BOARD MAY ISSUE ONE WINE FESTIVAL LICENSE EACH YEAR.**

11 **(B) AUTHORIZED HOLDER.**

12 **THE BOARD MAY ISSUE THE LICENSE TO:**

13 **(1) A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR**
14 **CLASS 4 LIMITED WINERY LICENSE; OR**

15 **(2) A PERSON THAT IS ELIGIBLE TO HOLD ANY TYPE OF CLASS C**
16 **LICENSE THAT THE BOARD ISSUES.**

17 **(C) SCOPE OF AUTHORIZATION.**

18 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

19 **(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

20 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**
21 **FILED.**

22 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

23 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

24 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

25 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE**
26 **FESTIVAL.**

27 **(E) PUBLICATION OF APPLICATION AND HEARING.**

1 **THE BOARD SHALL:**

2 (1) **HOLD A HEARING ON EACH LICENSE APPLICATION; AND**

3 (2) **PUBLISH NOTICE OF A LICENSE APPLICATION HEARING IN A**
4 **NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONE TIME AT LEAST 7 DAYS**
5 **BEFORE THE HEARING.**

6 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

7 (1) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH YEAR**
8 **THE BOARD SHALL CHOOSE 1 OR 2 DAYS FOR THE WINE FESTIVAL.**

9 (2) **THE BOARD SHALL CHOOSE A LOCATION THAT IS NOT ALREADY**
10 **LICENSED.**

11 (3) **A DAY CHOSEN FOR THE WINE FESTIVAL MAY NOT:**

12 (I) **BE A SUNDAY; OR**

13 (II) **FALL ON THE SAME WEEKEND AS THE MARYLAND WINE**
14 **FESTIVAL IN CARROLL COUNTY.**

15 **(G) SUNDAY SALES.**

16 **NOTWITHSTANDING SUBSECTION (F)(3)(I) OF THIS SECTION, A HOLDER OF A**
17 **WINE FESTIVAL LICENSE ISSUED FOR USE IN A LOCATION WHERE SUNDAY SALES**
18 **ARE ALLOWED UNDER § 21-2001(E) OF THIS TITLE MAY MAKE SUNDAY SALES:**

19 (1) **BEGINNING AT 10 A.M.; AND**

20 (2) **WITHOUT A CONSUMER PLACING AN ORDER FOR A MEAL BEFORE**
21 **OR WITH AN ORDER FOR AN ALCOHOLIC BEVERAGE.**

22 **(H) INVOICING AND DELIVERY.**

23 **WINE DISPLAYED AND SOLD SHALL BE:**

24 (1) **INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3**
25 **WINERY, OR CLASS 4 LIMITED WINERY; AND**

1 **(2) DELIVERED TO THE WINE FESTIVAL FROM THE LICENSED**
2 **PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

3 **(I) DELIVERY AGREEMENT.**

4 **A HOLDER OF A STATE WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED**
5 **WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

6 **(1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
7 **EFFECTIVE DATE OF THE LICENSE; AND**

8 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
9 **EXPIRATION DATE OF THE LICENSE.**

10 **(J) FEE.**

11 **THE BOARD SHALL ESTABLISH THE LICENSE FEE.**

12 **(K) REGULATIONS.**

13 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 8-308.3(c) through (j).

16 Subsection (a)(1) of this section is revised in standard language used
17 throughout this article to establish a license.

18 In the introductory language of subsection (b) of this section, the former
19 phrase "[n]otwithstanding any other provision of this article" is deleted as
20 unnecessary in light of the organization of this revised article.

21 In subsection (b)(1) of this section, the reference to a "retail license" is
22 substituted for the former reference to an "existing retail alcoholic beverages
23 license" for brevity.

24 Also in subsection (b)(1) of this section, the former phrase ", within the
25 county," is deleted as surplusage.

26 In subsection (b)(2) of this section, the former reference to a "special" Class C
27 license is deleted as surplusage.

28 In the introductory language of subsection (c) of this section, the reference to
29 the "license authoriz[ing] the holder" to display and sell is substituted for the

1 former reference to the requirement that the “licensee shall” display and sell
2 for clarity and consistency with terminology used throughout this article.

3 In subsection (c) of this section, the former requirement that wine must be
4 “[p]rice filed in accordance with regulations adopted by the Comptroller” is
5 deleted as obsolete. *See* General Revisor’s Note to Division II.

6 In subsection (f)(2) of this section, the reference to a location that is not
7 “already licensed” is substituted for the former reference to a location that is
8 not “licensed under this article” for consistency with terminology used
9 throughout this article.

10 Also in subsection (f)(2) of this section, the former reference to a location “for
11 the wine festival” is deleted as surplusage.

12 Also in subsection (f)(2) of this section, the former reference to a location “in
13 the county” is deleted as surplusage.

14 In subsection (f)(3)(ii) of this section, the reference to the Maryland Wine
15 Festival “in Carroll County” is added for clarity.

16 In the introductory language of subsection (g) of this section, the phrase
17 “[n]otwithstanding subsection (f)(3)(i) of this section” is added for clarity.

18 In the introductory language of subsection (h) of this section, the reference to
19 “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

20 Also in the introductory language of subsection (h) of this section, the former
21 reference to wine displayed and sold “at the wine festival” is deleted as
22 surplusage.

23 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
24 winery, or Class 4 limited winery” is substituted for the former reference to a
25 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
26 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
27 or Class 4 limited winery” is substituted for the former reference to the
28 “wholesaler, winery, or limited winery” and in the introductory language of
29 subsection (i) of this section, the reference to a “holder of a State wholesale,
30 Class 3 winery, or Class 4 limited winery license” is substituted for the
31 reference to “holders of wholesale, winery, or limited winery licenses”.

32 In the introductory language of subsection (i) of this section, the former phrase
33 “[w]henver a wine festival license is issued under this section” is deleted as
34 surplusage.

35 In subsection (i)(1) of this section, the reference to delivery “not earlier than”
36 2 days before the effective date is added for clarity. Similarly, in subsection

1 (i)(2) of the section, the reference to acceptance of returns “not later than” 2
2 days after the expiration date is added.

3 Also in subsection (i)(1) of this section, the former reference to an agreement
4 to deliver “beer and” wine to a holder of a wine festival license is deleted to
5 conform to the scope of a wine festival license.

6 Former Art. 2B, § 8–308.3(a), which defined “Board” as meaning the Garrett
7 County Board of License Commissioners, is deleted as redundant in light of
8 the defined term “Board” in § 21–101 of this title.

9 Former Art. 2B, § 8–308.3(b), which stated that former Art. 2B, § 8–308.3
10 applied only in Garrett County, is deleted as unnecessary in light of the
11 organization of this revised article.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Board” § 21–101

14 “Consumer” § 1–101

15 “County” § 21–101

16 “State” § 1–101

17 “Wholesaler” § 1–101

18 “Wine” § 1–101

19 **21–1306. BEER AND WINE TASTING LICENSE.**

20 (A) ESTABLISHED.

21 THERE IS A BEER AND WINE TASTING LICENSE.

22 (B) AUTHORIZED HOLDER.

23 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE
24 LICENSE OR BEER, WINE, AND LIQUOR LICENSE.

25 (C) SCOPE OF AUTHORIZATION.

26 THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF
27 BEER OR WINE FOR TASTING IF:

28 (1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE BEER OR
29 WINE;

30 (2) THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE; AND

1 **(3) THE TASTING DOES NOT OCCUR DURING THE MARYLAND WINE**
2 **FESTIVAL IN CARROLL COUNTY.**

3 **(D) LIMIT ON SERVINGS.**

4 **THE BOARD SHALL REGULATE:**

5 **(1) THE QUANTITY OF BEER OR WINE SERVED TO EACH INDIVIDUAL;**
6 **AND**

7 **(2) THE NUMBER OF BOTTLES OF BEER OR WINE FROM WHICH THIS**
8 **QUANTITY IS SERVED.**

9 **(E) FEE.**

10 **IN ADDITION TO THE COST OF THE BEER, WINE, AND LIQUOR LICENSE OR THE**
11 **BEER AND WINE LICENSE, THE BOARD SHALL CHARGE:**

12 **(1) AN ANNUAL LICENSE FEE OF \$100; AND**

13 **(2) AN ISSUING FEE OF \$100.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 8-406.3(a).

16 Subsection (a) of this section is revised in standard language used throughout
17 this article to establish a license.

18 In subsection (a) of this section, the former phrase “[i]n Garrett County,” is
19 deleted as unnecessary in light of the organization of this revised article.

20 Also in subsection (a) of this section, the former reference to “alcoholic
21 beverages” is deleted as unnecessary in light of the reference to “beer and
22 wine”.

23 In subsection (b) of this section, the former phrase “[n]otwithstanding any
24 other provision of law” is deleted as unnecessary in light of the organization
25 of this revised article.

26 In the introductory language of subsection (c) of this section, the reference to
27 the license authorizing “the holder to allow” the consumption of wine is added
28 for clarity and consistency with terminology used throughout this article.

29 Also in the introductory language of subsection (c) of this section, the former
30 phrase “or sampling purposes only” is deleted as surplusage.

1 In subsection (c)(2) of this section, the former reference to consideration not
2 being “exacted” is deleted in light of the reference to the consumer not being
3 “charged”.

4 In subsection (c)(3) of this section, the reference to the Maryland Wine Festival
5 “in Carroll County” is added for clarity.

6 In subsection (d)(1) of this section, the reference to each “individual” is
7 substituted for the former, overly broad reference to each “person” for clarity.

8 Former Art. 2B, § 8–406.3(b), which authorized the Board to “adopt rules or
9 regulations providing additional requirements to implement this section”, is
10 deleted as unnecessary because the Board has the power to adopt regulations
11 under § 21–205 of this article.

12 Defined terms: “Beer” § 1–101

13 “Board” § 21–101

14 “Consumer” § 1–101

15 “Wine” § 1–101

16 **21–1307. RESERVED.**

17 **21–1308. RESERVED.**

18 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

19 **21–1309. MULTIPLE DAY LICENSES.**

20 **THE BOARD MAY ISSUE A CLASS C MULTIPLE DAY BEER LICENSE, BEER AND**
21 **WINE LICENSE, AND BEER, WINE, AND LIQUOR LICENSE FOR THE FOLLOWING FEES**
22 **AND LICENSE TYPES:**

23 **(1) \$50 FOR A 2–DAY LICENSE;**

24 **(2) \$150 FOR A 6–DAY LICENSE; AND**

25 **(3) \$300 FOR A 12–DAY LICENSE.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 7–101(p)(1)(i) through (iii).

28 In the introductory language of this section, the reference to the “Board” is
29 added to clarify that the Board issues the licenses in this section.

1 Also in the introductory language of this section, the reference to a “multiple
2 day” license is added to better describe the licenses listed in this section, which
3 are in effect for 2, 6, and 12 days.

4 Defined term: “Board” § 21–101

5 **21–1310. MULTIPLE EVENT LICENSES.**

6 **(A) ESTABLISHED.**

7 **THE BOARD MAY ISSUE A MULTIPLE EVENT LICENSE TO A CLUB THAT**
8 **QUALIFIES FOR A CLASS C MULTIPLE DAY LICENSE.**

9 **(B) LIMITATIONS.**

10 **THE BOARD MAY NOT ISSUE MORE THAN ONE MULTIPLE EVENT LICENSE TO A**
11 **CLUB IN A LICENSE YEAR.**

12 **(C) NOTICE.**

13 **(1) THE BOARD SHALL PUBLISH A NOTICE FOR APPLICATION FOR**
14 **THE LICENSE ONE TIME AT LEAST 7 DAYS BEFORE A LICENSE HEARING.**

15 **(2) A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT**
16 **LEAST 7 DAYS BEFORE AN EVENT FOR WHICH THE LICENSE IS TO BE USED.**

17 **(D) CERTIFIED SERVER REQUIRED ON PREMISES.**

18 **THE CLUB FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED SHALL ENSURE**
19 **THAT AT LEAST ONE SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL**
20 **AWARENESS PROGRAM IS ON THE PREMISES WHEN ALCOHOLIC BEVERAGES ARE**
21 **SERVED.**

22 **(E) FEES.**

23 **THE FEE FOR A CLASS C MULTIPLE DAY LICENSE IS:**

24 **(1) \$125 FOR NOT MORE THAN 5 EVENTS PER YEAR;**

25 **(2) \$250 FOR NOT MORE THAN 12 EVENTS PER YEAR;**

26 **(3) \$375 FOR NOT MORE THAN 18 EVENTS PER YEAR; AND**

27 **(4) \$500 FOR NOT MORE THAN 24 EVENTS PER YEAR.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 7-101(p)(1)(iv) and (3).

3 In subsection (a) of this section, the reference to a Class C "multiple day"
4 license is added for clarity.

5 In subsections (a), (b), and (d) of this section, the references to "club" are
6 substituted for the former references to "organization" for consistency with the
7 rest of this section.

8 In subsection (c)(2) of this section, the reference to an event "for which the
9 license is to be used" is added for clarity.

10 In the introductory language of subsection (e) of this section, the former
11 reference to an "annual" fee is deleted as unnecessary because each of the fees
12 is for a certain number of events "per year".

13 Defined terms: "Board" § 21-101
14 "Club" § 1-101

15 **21-1311. STORAGE OF ALCOHOLIC BEVERAGES BY LICENSE HOLDERS BETWEEN**
16 **EVENTS.**

17 **(A) SCOPE OF SECTION.**

18 **THIS SECTION APPLIES ONLY TO THE HOLDER OF A MULTIPLE EVENT LICENSE**
19 **WHO HAS AN APPROVED LICENSED PREMISES.**

20 **(B) REQUIREMENTS FOR STORAGE.**

21 **ALCOHOLIC BEVERAGES MAY BE STORED BETWEEN INDIVIDUAL LICENSED**
22 **EVENTS ON THE LICENSED PREMISES OR IN A STORAGE AREA THAT THE BOARD**
23 **APPROVES IF THE ALCOHOLIC BEVERAGES:**

24 **(1) ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED**
25 **LOCATION; AND**

26 **(2) ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT**
27 **HOURS FOR LICENSED EVENT PURPOSES.**

28 **(C) RECORDKEEPING.**

1 **(1) A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE**
 2 **RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED**
 3 **PREMISES.**

4 **(2) THE RECORDS SHALL BE:**

5 **(I) MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS;**
 6 **AND**

7 **(II) AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL**
 8 **OF THE COMPTROLLER AND THE BOARD.**

9 **(3) THE RECORDS SHALL INCLUDE A COMPLETED PRE- AND**
 10 **POST-INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.**

11 **(D) INSPECTIONS.**

12 **AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD MAY**
 13 **INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 6-202 OF**
 14 **THIS ARTICLE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 7-101(p)(4).

17 Defined terms: "Alcoholic beverage" § 1-101

18 "Board" § 21-101

19 "Comptroller" § 1-101

20 "License" § 1-101

21 "License holder" § 1-101

22 **21-1312. PURCHASING OPTION FOR HOLDER OF CLASS C PER DIEM BEER, WINE,**
 23 **AND LIQUOR LICENSE.**

24 **A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY**
 25 **PURCHASE BEER AND WINE FROM A WHOLESALER.**

26 REVISOR'S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 7-101(d)(10).

28 Defined terms: "Beer" § 1-101

29 "Wholesaler" § 1-101

30 "Wine" § 1-101

31 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

1 **21-1401. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
4 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
5 WITHOUT EXCEPTION OR VARIATION:

6 (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING
7 BOARD”);

8 (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);

9 (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

10 (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
11 COMPANY”);

12 (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

13 (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

14 (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
15 GENERAL”);

16 (8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
17 PETITION OF SUPPORT”);

18 (9) § 4-113 (“REFUND OF LICENSE FEES”); AND

19 (10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

20 (B) **VARIATIONS.**

21 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
22 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

23 (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§
24 21-1402 THROUGH 21-1405 OF THIS SUBTITLE;

25 (2) § 4-111 (“PAYMENT OF LICENSE FEES”), SUBJECT TO § 21-1406
26 OF THIS SUBTITLE; AND

1 **(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
2 **21-1407 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to applications for local licenses.

5 Defined term: “County” § 21-101

6 **21-1402. PERSONS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

7 **THE REQUIREMENTS FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
8 **4-107 OF THIS ARTICLE, WHICH APPLY TO AN APPLICANT FOR A LICENSE, ALSO**
9 **APPLY TO A SHAREHOLDER, A MEMBER, A PARTNER, AN OWNER, OR ANY OTHER**
10 **PERSON WITH AN OWNERSHIP INTEREST IN AN ENTITY FOR WHICH A LICENSE**
11 **APPLICATION IS MADE.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 10-103(b)(13)(x)2B. This section is revised as a
14 substantive provision instead of part of a definition in light of the organization
15 of this revised article.

16 Former Art. 2B, § 10-103(b)(13)(x)1, which stated that former Art. 2B, §
17 10-103(b)(13)(x) applied only in Garrett County, is deleted as unnecessary in
18 light of the organization of this revised article.

19 Defined term: “License” § 1-101

20 **21-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED**
21 **ENVELOPE.**

22 **THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A**
23 **SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR**
24 **CLERKS.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from the first clause of former Art. 2B, § 10-103(b)(13)(x)4.

27 The reference to “record information” is substituted for the former reference
28 to “records” to conform to the terminology used in CP § 10-201.

29 Defined term: “Board” § 21-101

30 **21-1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
31 **APPLICATION PROCESS.**

1 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
2 **OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
3 **PROCESS.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from the second clause of former Art. 2B, § 10-103(b)(13)(x)4.

6 The reference to "record information" is substituted for the former reference
7 to "records" to conform to the terminology used in CP § 10-201.

8 The reference to "the application process" is substituted for the former
9 reference to "their necessary use" for clarity.

10 Defined term: "Board" § 21-101

11 **21-1405. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK**
12 **RESULTS.**

13 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COSTS OF OBTAINING**
14 **THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
15 **CRIMINAL HISTORY RECORDS CHECK.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-103(b)(13)(x)3D.

18 The reference to the Board's ability to set "and charge" a fee is added to
19 expressly state what was only implied in the former law.

20 The reference to the "applicant's" fingerprints is added for clarity.

21 Defined term: "Board" § 21-101

22 **21-1406. EXEMPTIONS FROM ISSUING FEE.**

23 **THE FOLLOWING LICENSE HOLDERS ARE EXEMPT FROM PAYING AN ISSUING**
24 **FEE FOR A NEW LICENSE:**

25 **(1) A PERSON HOLDING A LICENSE BEFORE JULY 1, 1987;**

26 **(2) A CORPORATION HOLDING A LICENSE THAT HAS A 50% OR LESS**
27 **CHANGE OF ITS CORPORATE OFFICERS;**

28 **(3) A NONPROFIT CORPORATION, FRATERNAL AND CIVIC**
29 **ORGANIZATION, OR GROUP HOLDING A LICENSE, REGARDLESS OF THE PERCENT OF**
30 **CHANGE OF ITS CORPORATE OFFICERS; AND**

1 **(4) A SUBSEQUENT LICENSE HOLDER OF A LICENSE OF A DECEASED**
2 **LICENSE HOLDER IF THE SUBSEQUENT LICENSE HOLDER IS THE SPOUSE OR SIBLING**
3 **OF THE DECEASED LICENSE HOLDER.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 9-212(c).

6 The Alcoholic Beverages Article Review Committee notes, for consideration by
7 the General Assembly, that item (2) of this section [former Art. 2B, §
8 9-212(c)(2)] exempts from an issuing fee a license holder that is a "corporation
9 holding an alcoholic beverages license that has a 50 percent or less change of
10 its corporate officers". The General Assembly may wish to repeal this provision
11 because it is ambiguous and may be obsolete, as it does not include a date by
12 which the change in officers can be determined.

13 Defined terms: "License" § 1-101

14 "License holder" § 1-101

15 "Person" § 1-101

16 **21-1407. DISPOSITION OF LICENSE FEES.**

17 **FOR LICENSED PREMISES LOCATED WITHIN A MUNICIPALITY, THE BOARD**
18 **SHALL PAY 50% OF THE LICENSE FEE OR \$500, WHICHEVER IS LESS, TO THE MAYOR**
19 **AND COUNCIL OF THE MUNICIPALITY IN WHICH THE LICENSED PREMISES IS**
20 **LOCATED.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10-204(m).

23 The reference to a "municipality" is substituted for the former reference to an
24 "incorporated town" to conform to the terminology used throughout this
25 article.

26 Defined terms: "Board" § 21-101

27 "License" § 1-101

28 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

29 **21-1501. APPLICATION OF GENERAL PROVISIONS.**

30 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
2 **OF LOCAL LICENSES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
3 **WITHOUT EXCEPTION OR VARIATION:**

4 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

5 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

6 **(3) § 4–207 (“LICENSES ISSUED TO MINORS”);**

7 **(4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**

8 **(5) § 4–209 (“HEARING”);**

9 **(6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

10 **(7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

11 **(8) § 4–212 (“LICENSE NOT PROPERTY”); AND**

12 **(9) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
13 **APPLICATIONS”).**

14 **(B) VARIATIONS.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
16 **OF LOCAL LICENSES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

17 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
18 **TO §§ 21–1502 THROUGH 21–1504 OF THIS SUBTITLE;**

19 **(2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
20 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 21–1505 OF THIS SUBTITLE**
21 **AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

22 **(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
23 **FOR SAME PREMISES”), SUBJECT TO § 21–1505 OF THIS SUBTITLE; AND**

24 **(4) § 4–213 (“REPLACEMENT LICENSES”), SUBJECT TO § 21–1506 OF**
25 **THIS SUBTITLE.**

26 REVISOR’S NOTE: This section is new language added to incorporate by reference
27 general provisions relating to the issuance of local licenses.

1 Defined terms: "County" § 21-101
2 "License" § 1-101
3 "Local licensing board" § 1-101

4 **21-1502. ESTABLISHED BUSINESS REQUIRED BEFORE ISSUANCE OF LICENSE.**

5 **THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT WHO HAS NOT HAD**
6 **AN ESTABLISHED BUSINESS FOR AT LEAST 1 YEAR BEFORE THE APPLICATION DATE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 9-212(a).

9 Defined terms: "Board" § 21-101
10 "License" § 1-101

11 **21-1503. OFF-SALE PRIVILEGES FOR CLASS B, C, AND D LICENSES.**

12 **THE BOARD MAY ADOPT REGULATIONS THAT AUTHORIZE ANY HOLDER OF A**
13 **CLASS B, CLASS C, OR CLASS D LICENSE TO SELL THE ALCOHOLIC BEVERAGES**
14 **SPECIFIED BY THE LICENSE FOR OFF-PREMISES CONSUMPTION.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 9-212(b).

17 Defined terms: "Alcoholic beverage" § 1-101
18 "Board" § 21-101

19 **21-1504. HOLDERS OF OUT-OF-STATE LICENSES.**

20 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
21 **WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN**
22 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 9-102(b-3)(7), except as it related to the
25 renewal of a license by a person that holds an out-of-state license.

26 The reference to "[t]he Board" is added for clarity.

27 The reference to an "out-of-state" license is substituted for the former
28 reference to a license "in any other state or in Washington, D.C." for brevity.

29 The former reference to a "corporation, or limited liability company" is deleted
30 as included in the reference to a "person".

1 Defined terms: "Alcoholic beverage" § 1-101

2 "Beer" § 1-101

3 "Board" § 21-101

4 "License" § 1-101

5 "Person" § 1-101

6 "State" § 1-101

7 "Wine" § 1-101

8 **21-1505. BOWLING ESTABLISHMENTS.**

9 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
10 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
11 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

12 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
13 **LICENSES; AND**

14 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
15 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 9-102(b-1)(1)(i).

18 In item (1) of this section, the reference to "Class D beer or Class D beer and
19 wine licenses" is substituted for the former reference to licenses issued
20 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

21 In item (2) of this section, the former reference to the premises "operated as"
22 a bowling establishment is deleted as surplusage.

23 Defined terms: "Beer" § 1-101

24 "License" § 1-101

25 "Wine" § 1-101

26 **21-1506. ADDITIONAL BAR OR SERVING COUNTER.**

27 **(A) IN GENERAL.**

28 **THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL**
29 **BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN**
30 **BUILDING OF THE LICENSED PREMISES.**

31 **(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

1 **THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN**
2 **ADDITIONAL BAR OR SERVING COUNTER.**

3 **(C) ADDITIONAL LICENSE NOT REQUIRED.**

4 **AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR**
5 **SERVING COUNTER.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 9–102(b–8).

8 In subsection (a) of this section, the phrase “of the licensed premises” is added
9 for clarity.

10 Also in subsection (a) of this section, the former phrase “[n]otwithstanding any
11 other provisions of this article” is deleted as surplusage.

12 In subsection (c) of this section, the former clause “if the authorization is
13 granted” is deleted as surplusage.

14 Defined terms: “Board” § 18–101

15 “License” § 1–101

16 “License holder” § 1–101

17 **21–1507. REPLACEMENT LICENSE FEE.**

18 **THE FEE FOR A REPLACEMENT LICENSE IS \$10.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–502(d).

21 The reference to a “replacement” license is substituted for the former reference
22 to a “duplicate” license for consistency with § 4–213 of this article.

23 Defined term: “License” § 1–101

24 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

25 **PART I. LICENSING CONDITIONS.**

26 **21–1601. RESERVED.**

27 **21–1602. RESERVED.**

28 **PART II. MULTIPLE LICENSING PLANS.**

1 **21-1603. RESERVED.**

2 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

3 **21-1701. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
6 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
7 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

8 **(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
9 **LICENSE AND INVENTORY”);**

10 **(2) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

11 **(3) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
12 **REQUIRED”); AND**

13 **(4) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

14 **(B) VARIATION.**

15 **SECTION 4-305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS**
16 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 21-1702 OF THIS SUBTITLE.**

17 REVISOR’S NOTE: This section is new language added to incorporate by reference
18 general provisions relating to the transfer of licenses and the substitution of
19 names of officers on licenses.

20 Defined terms: “County” § 21-101
21 “License” § 1-101

22 **21-1702. FEE.**

23 **THE FEE FOR A TRANSFER OF A LICENSE IS \$200, IN ADDITION TO THE COSTS**
24 **OF PUBLICATION AND NOTICE.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10-503(m)(2).

1 The former reference to an “assignment” is deleted as included in the reference
2 to a “transfer”.

3 Former Art. 2B, § 10–503(m)(1), which stated that former Art. 2B, §
4 10–503(m) applied only in Garrett County, is deleted as unnecessary in light
5 of the organization of this revised article.

6 Defined term: “License” § 1–101

7 **SUBTITLE 18. RENEWAL OF LICENSES.**

8 **21–1801. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
11 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
12 **EXCEPTION OR VARIATION:**

13 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

14 **(2) § 4–403 (“RENEWAL APPLICATION”);**

15 **(3) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”);**

16 **(4) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**

17 **(5) § 4–406 (“PROTESTS”);**

18 **(6) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**

19 **(7) § 4–409 (“MULTIPLE LICENSES”); AND**

20 **(8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

21 **(B) EXCEPTION.**

22 **SECTION 4–408 (“ISSUANCE OF RENEWED LICENSES”) OF DIVISION I OF THIS**
23 **ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §**
24 **21–1802 OF THIS SUBTITLE.**

25 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
26 general provisions relating to the renewal of local licenses.

1 Defined terms: "County" § 21-101
2 "License" § 1-101

3 **21-1802. ISSUANCE OF RENEWED LICENSES.**

4 **(A) ISSUANCE.**

5 **THE BOARD MAY ISSUE RENEWED LICENSES ANNUALLY BETWEEN JUNE 15**
6 **AND JUNE 30, INCLUSIVE.**

7 **(B) EFFECTIVE DATE.**

8 **ALL RENEWED LICENSES SHALL BE DATED JULY 1.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, §§ 10-301(d-1) and the first and second sentences
11 of 9-212(d).

12 In subsection (a) of this section, the reference to "renewed" licenses is
13 substituted for the former inaccurate reference to "new" licenses for clarity
14 and because the source law is only addressing the renewal of licenses.

15 Also in subsection (a) of this section, the reference to the issuance of licenses
16 "annually" is substituted for the former reference to the issuance of licenses
17 "each and every year" for clarity and brevity.

18 Also in subsection (a) of this section, the former redundant reference to
19 renewed licenses "for the ensuing year" is deleted as unnecessary.

20 Also in subsection (a) of this section, the former reference to the renewal of
21 licenses "as provided in this section" is deleted as unnecessary in light of the
22 general authorization to renew licenses under § 18-1801 of this subtitle.

23 Also in subsection (a) of this section, the former reference to the renewal of
24 licenses "at any time" between June 15 and July 1 is deleted as unnecessary.

25 In subsection (b) of this section, the reference to "renewed" licenses is added
26 for clarity.

27 Also in subsection (b) of this section, the former obsolete reference requiring
28 the Board to "prorate all class licenses for a period of 14 months" during the
29 first calendar year [after enactment of this provision, which was enacted by
30 Chapter 628 of the Acts of 1975] is deleted as obsolete. Similarly, the former
31 redundant reference establishing a 12-month license after the proration
32 period is deleted as included in the establishment of an annual license in
33 revised subsection (a) of this section.

1 The third sentence of former Art. 2B, § 9–212(d), which required license fees
 2 paid in advance of July 1, 1987, to be credited toward the annual fee, is deleted
 3 as obsolete.

4 The Alcoholic Beverages Article Review Committee notes, for consideration by
 5 the General Assembly, that end dates for the renewal period under former Art.
 6 2B, §§ 9–212(d) and 10–301(d–1) were inconsistent. Under §
 7 9–212(d), the end date was June 30 and under § 10–301(d–1), the end date
 8 was July 1. The revision uses the June 30 date. The Alcoholic Beverages
 9 Article Review Committee calls this inconsistency and the choice of date to the
 10 attention of the General Assembly.

11 Defined terms: “Board” § 21–101
 12 “License” § 1–101

13 **21–1803. HOLDERS OF OUT–OF–STATE LICENSES.**

14 **NOTWITHSTANDING § 21–1504 OF THIS TITLE, THE BOARD MAY RENEW A**
 15 **CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND**
 16 **LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
 17 **OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

18 REVISOR’S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 9–102(b–3)(7), as it related to the renewal of a
 20 license by a person who holds an out–of–state license.

21 The phrase “[n]otwithstanding § 21–1504 of this title,” is added to clarify that
 22 this section is an exception to § 21–1504.

23 The reference to an “out–of–state” license is substituted for the former
 24 reference to a license “in any other state or in Washington, D.C.” for brevity.

25 The reference to the authority of “the Board” to “renew” a license “originally
 26 issued to a holder of an out–of–state” license is substituted for the former
 27 reference to the “except[ion] by way of renewal, to a person, corporation, or
 28 limited liability company holding” an out–of–state license for clarity and to
 29 avoid the implication that a licensee can obtain an out–of–state license after
 30 obtaining the original license and continue to renew the original license.

31 Defined terms: “Alcoholic beverage” § 1–101
 32 “Beer” § 1–101
 33 “Board” § 21–101
 34 “State” § 1–101
 35 “Wine” § 1–101

1 **21-1804. PERSONS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

2 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
3 **4-107 OF THIS ARTICLE APPLIES TO AN APPLICANT FOR A LICENSE RENEWAL.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10-103(b)(13)(x)2, as it related to the
6 requirement for a criminal history records check for license renewals in
7 Garrett County. This section is revised as a substantive provision instead of
8 part of a definition in light of the organization of this revised article.

9 Defined term: "License" § 1-101

10 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

11 **21-1901. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
14 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
15 **WITHOUT EXCEPTION OR VARIATION:**

16 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

17 **(2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
18 **PREMISES");**

19 **(3) § 4-505 ("ALCOHOL AWARENESS PROGRAM");**

20 **(4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE"); AND**

21 **(5) § 4-508 ("DISPLAY OF LICENSE").**

22 **(B) VARIATIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
24 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

25 **(1) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS"), SUBJECT**
26 **TO § 21-1902 OF THIS SUBTITLE; AND**

27 **(2) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"),**
28 **SUBJECT TO § 21-1903 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the conduct of local license holders.

3 Defined terms: "Alcoholic beverage" § 1-101

4 "County" § 21-101

5 "License" § 1-101

6 "License holder" § 1-101

7 **21-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

8 **(A) EMPLOYMENT OF INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

9 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE**
10 **HOLDER MAY NOT EMPLOY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO SELL**
11 **OR DELIVER ALCOHOLIC BEVERAGES.**

12 **(B) EMPLOYMENT OF INDIVIDUALS AT LEAST 18 YEARS OLD.**

13 **A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO:**

14 **(1) SERVE AND SELL ALCOHOLIC BEVERAGES IN A RESTAURANT IN**
15 **CONNECTION WITH THE SERVING OR SELLING OF A MEAL;**

16 **(2) SERVE ALCOHOLIC BEVERAGES FROM A SERVICE BAR TO A**
17 **SEATED CUSTOMER; OR**

18 **(3) OPERATE A LOTTERY TICKET TERMINAL IN A PREMISES FOR**
19 **WHICH A CLASS A LICENSE HAS BEEN ISSUED.**

20 **(C) EMPLOYMENT OF INDIVIDUALS UNDER THE AGE OF 18 YEARS.**

21 **A LICENSE HOLDER MAY NOT EMPLOY AN INDIVIDUAL UNDER THE AGE OF 18**
22 **YEARS TO HANDLE ALCOHOLIC BEVERAGES.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 12-302(b)(8)(ii) through (iv).

25 Throughout this section, the references to an "individual" are substituted for
26 the former references to a "person" because this section applies only to human
27 beings.

28 In subsection (b)(3) of this section, the phrase "a premises for which a Class A
29 license has been issued" is substituted for the former phrase a "Class A
30 establishment" for clarity.

1 Former Art. 2B, § 12-302(b)(8)(i), which stated that former Art. 2B, §
2 12-302(b)(8) applied only in Garrett County, is deleted as unnecessary in light
3 of the organization of this revised article.

4 Defined terms: "Alcoholic beverage" § 1-101

5 "License holder" § 1-101

6 "Restaurant" § 1-101

7 **21-1903. RETAIL DELIVERY.**

8 **(A) IN GENERAL.**

9 **THE BOARD MAY ISSUE A DELIVERY OPTION THAT ENTITLES A LICENSE**
10 **HOLDER OR AN AUTHORIZED EMPLOYEE OF THE LICENSE HOLDER TO MAKE AN**
11 **OFF-SITE RETAIL DELIVERY OF ALCOHOLIC BEVERAGES IF:**

12 **(1) THE DELIVERER IS AT LEAST 21 YEARS OLD AND CERTIFIED BY AN**
13 **APPROVED ALCOHOL AWARENESS PROGRAM; AND**

14 **(2) THE DELIVERER AND PURCHASER ENDORSE A DELIVERY FORM**
15 **THAT THE BOARD APPROVES, CERTIFYING THAT:**

16 **(I) THE INDIVIDUAL WHO RECEIVED THE DELIVERY CLAIMED**
17 **TO BE AT LEAST 21 YEARS OLD, AND THE CLAIM WAS SUPPORTED BY DOCUMENTARY**
18 **EVIDENCE;**

19 **(II) THE INDIVIDUAL WHO RECEIVED THE DELIVERY KNEW**
20 **THAT IT IS A CRIMINAL OFFENSE FOR ALCOHOLIC BEVERAGES TO BE GIVEN TO AN**
21 **INDIVIDUAL UNDER THE AGE OF 21 YEARS; AND**

22 **(III) THE DELIVERER EXAMINED THE PURCHASER'S**
23 **IDENTIFICATION.**

24 **(B) TIME FOR SUBMITTING DELIVERY FORM.**

25 **EACH DELIVERY FORM ENDORSED UNDER SUBSECTION (A)(2) OF THIS**
26 **SECTION SHALL BE SUBMITTED TO THE BOARD ON OR BEFORE THE 10TH DAY OF**
27 **THE MONTH FOLLOWING DELIVERY.**

28 **(C) FEES.**

29 **(1) THE ANNUAL FEE FOR A DELIVERY OPTION IS \$150.**

1 **(2) IN ADDITION TO AN ANNUAL FEE, THE BOARD SHALL CHARGE AN**
 2 **INITIAL ISSUING FEE OF \$150.**

3 **(D) REGULATIONS.**

4 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 12-301(e)(2) through (5).

7 Throughout this section, the references to an "individual" are substituted for
 8 the former references to a "person" because this section applies only to human
 9 beings.

10 In the introductory language of subsection (a) of this section, the defined term
 11 "license holder" is substituted for the former references to an "alcoholic
 12 beverages licensee" to conform to the terminology used throughout this article.

13 In subsection (b) of this section, the reference to the 10th day of the month
 14 "following delivery" is substituted for the former reference to the 10th day "of
 15 the following month" for clarity.

16 In subsection (c) of this section, the reference to "initial" is added for clarity.

17 Former Art. 2B, § 12-301(e)(1), which stated that former Art. 2B, §
 18 12-301(e) applied only in Garrett County, is deleted as unnecessary in light
 19 of the organization of this revised article.

20 Defined terms: "Alcoholic beverage" § 1-101

21 "Board" § 21-101

22 "License holder" § 1-101

23 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

24 **21-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

25 **(A) IN GENERAL.**

26 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
 27 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
 28 **PREMISES LICENSED UNDER THIS TITLE.**

29 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
 30 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
 31 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1 **(B) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
3 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 11-304(a)(1) and, as it related to Garrett
6 County, (2).

7 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
8 under this title” is added for clarity.

9 Also in subsection (a)(1) of this section, the reference to an “individual” is
10 substituted for the former reference to a “person” because the prohibition
11 against consumption applies only to human beings.

12 Also in subsection (a)(1) of this section, the reference to “a premises licensed
13 under this title” is substituted for the former reference to “any premises open
14 to the general public, any place of public entertainment, or any place at which
15 setups or other component parts of mixed alcoholic drinks are sold under any
16 license issued under the provisions of the Business Regulation Article” for
17 brevity.

18 In subsection (a)(2) of this section, the reference to “a premises licensed under
19 this title” is substituted for the former reference to “the premises” for
20 consistency with the terminology used in subsection (a)(1) of this section.

21 In subsection (b) of this section, the reference to a person who “violates this
22 section” is substituted for the former reference to a person who is “found
23 consuming any alcoholic beverage on any premises open to the general public,
24 and any owner, operator or manager of those premises or places who
25 knowingly permits consumption between the hours provided by this section”
26 for brevity.

27 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
28 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
29 section.

30 Also in subsection (b) of this section, the former reference to a fine “not less
31 than \$5” is deleted to conform to the statement of legislative policy in §
32 14-102 of the Criminal Law Article, which sets forth the general rule that,
33 notwithstanding a statutory minimum penalty, a court may impose a lesser
34 penalty of the same character.

35 Defined terms: “Alcoholic beverage” § 1-101

1 "Person" § 1-101

2 **21-2002. BEER LICENSES.**

3 (A) **SCOPE OF SECTION.**

4 **THIS SECTION DOES NOT APPLY TO THE HOURS OF SALE ON DECEMBER 31**
5 **AND JANUARY 1 SET OUT IN § 21-2007 OF THIS SUBTITLE.**

6 (B) **CLASS A BEER LICENSE.**

7 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY**
8 **THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

9 (C) **CLASS B BEER LICENSE.**

10 **RESERVED.**

11 (D) **CLASS C BEER LICENSE.**

12 **RESERVED.**

13 (E) **CLASS D BEER LICENSE.**

14 (1) **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON**
15 **MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

16 (2) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
17 **SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

18 1. **ELECTION DISTRICTS 11 AND 15; AND**

19 2. **ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN**
20 **ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW**
21 **APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

22 (II) **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON**
23 **SUNDAY FOR ON-PREMISES CONSUMPTION IF THE LICENSED PREMISES:**

24 1. **IS IN A PERMANENT BUILDING;**

25 2. **HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING**
26 **SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS;**

1 **3. IS EQUIPPED WITH A FULL-SERVICE COMMERCIAL**
 2 **KITCHEN CAPABLE OF PREPARING AND SERVING FULL-COURSE MEALS FOR AT**
 3 **LEAST 20 INDIVIDUALS AT ONE SEATING; AND**

4 **4. IS APPROVED BY THE BOARD, DEPARTMENT OF**
 5 **PUBLIC UTILITIES, HEALTH DEPARTMENT, AND PLANNING AND LAND**
 6 **DEVELOPMENT OFFICE OF THE COUNTY.**

7 **(III) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M.**

8 **(IV) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR**
 9 **EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

10 **1. \$250, AS AN ANNUAL LICENSE FEE; AND**

11 **2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 11-512(b)(1) and (3) and (c)(1), (2)(iii), (3), and,
 14 as they related to Class D licenses, (4) and (5).

15 In this section and throughout this subtitle, references in former Art. 2B, §
 16 11-512(b)(1) to a license holder being prohibited from "sell[ing] alcoholic
 17 beverages between the hours of 2 a.m. and 6 a.m. on any day of the week" are
 18 deleted as redundant in light of the organization of this revised article.

19 Also in this section, references to a license holder being allowed to sell "beer"
 20 are substituted for the former references to a license holder being allowed to
 21 sell "the alcoholic beverages authorized under their respective license" for
 22 clarity and brevity.

23 Also in this section, the former phrases "[n]otwithstanding any other
 24 provisions of this subtitle" are deleted as unnecessary in light of the
 25 organization of this revised article.

26 In subsection (a) of this section, the references to "December 31" and "January
 27 1" are substituted for the former references to "New Year's Eve" and "New
 28 Year's Day" to conform to the terminology used throughout this article.

29 In subsection (b) of this section, the reference to the former phrase "unless
 30 authorized under subsection (c) ... of this section, at any time on Sunday after
 31 2 a.m." is deleted as surplusage and potentially misleading. This section
 32 applies only to beer licenses. Former subsection (c) applied only to Class B and
 33 C licenses, but Garrett County does not issue Class B beer or Class C beer
 34 licenses.

1 Former Art. 2B, § 11-512(a), which stated that former Art. 2B, § 11-512
2 applied only in Garrett County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 **21-2003. BEER AND WINE LICENSES.**

5 (A) SCOPE OF SECTION.

6 THIS SECTION DOES NOT APPLY TO THE HOURS OF SALE ON DECEMBER 31
7 AND JANUARY 1 SET OUT IN § 21-2007 OF THIS SUBTITLE.

8 (B) CLASS A BEER AND WINE LICENSE.

9 A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE
10 ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

11 (C) CLASS B BEER AND WINE LICENSE.

12 (1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER
13 AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE
14 FOLLOWING DAY.

15 (2) (I) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:

16 1. ELECTION DISTRICTS 11 AND 15; AND

17 2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN
18 ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW
19 APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.

20 (II) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR
21 EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:

22 1. \$250, AS AN ANNUAL LICENSE FEE; AND

23 2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.

24 (D) CLASS C BEER AND WINE LICENSE.

25 RESERVED.

26 (E) CLASS D BEER AND WINE LICENSE.

1 **(1) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL**
2 **BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
3 **FOLLOWING DAY.**

4 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
5 **SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

6 **1. ELECTION DISTRICTS 11 AND 15; AND**

7 **2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN**
8 **ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW**
9 **APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

10 **(II) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY**
11 **SELL BEER AND WINE ON SUNDAY FOR ON-PREMISES CONSUMPTION IF THE**
12 **LICENSED PREMISES:**

13 **1. IS IN A PERMANENT BUILDING;**

14 **2. HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING**
15 **SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS;**

16 **3. IS EQUIPPED WITH A FULL-SERVICE COMMERCIAL**
17 **KITCHEN CAPABLE OF PREPARING AND SERVING FULL-COURSE MEALS FOR AT**
18 **LEAST 20 INDIVIDUALS AT ONE SEATING; AND**

19 **4. IS APPROVED BY THE BOARD, DEPARTMENT OF**
20 **PUBLIC UTILITIES, HEALTH DEPARTMENT, AND PLANNING AND LAND**
21 **DEVELOPMENT OFFICE OF THE COUNTY.**

22 **(III) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR**
23 **EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

24 **1. \$250, AS AN ANNUAL LICENSE FEE; AND**

25 **2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 11-512(b)(1) and (3) and (c)(1), (2)(iii), (3), and,
28 as they related to Class B and D licenses, (4) and (5), and, as it related to Class
29 B licenses, (2)(ii).

1 In subsection (a) of this section, the references to “December 31” and “January
2 1” are substituted for the former references to “New Year’s Eve” and “New
3 Year’s Day” to conform to the terminology used throughout this article.

4 In subsections (b), (c), and (e) of this section, references to a license holder
5 being allowed to sell “beer and wine” are substituted for the former references
6 to a license holder being allowed to sell “the alcoholic beverages authorized
7 under their respective license” for clarity and brevity.

8 In subsection (c)(2)(i)1 of this section, the former reference to election districts
9 11 and 15 “in which the voters approved Sunday sales in the referendum
10 authorized by law in November 1996” is deleted as surplusage.

11 In subsection (c)(2)(iii) of this section, the former references to Sunday sales
12 that “may begin, where permitted” at 1 p.m. and “continue” until 10 p.m. are
13 deleted as surplusage.

14 In subsection (c)(2)(v) of this section, the reference to “the fee to exercise the
15 privileges of the license on Sunday” is substituted for the former reference to
16 “the holder of a ... Class B license ... who wants to provide Sunday sales and
17 who is otherwise eligible to provide Sunday sales under this paragraph” for
18 brevity.

19 Defined terms: “Beer” § 1–101
20 “Wine” § 1–101

21 **21–2004. BEER, WINE, AND LIQUOR LICENSES.**

22 **(A) SCOPE OF SECTION.**

23 **THIS SECTION DOES NOT APPLY TO THE HOURS OF SALE ON DECEMBER 31**
24 **AND JANUARY 1 SET OUT IN § 21–2007 OF THIS SUBTITLE.**

25 **(B) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

26 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
27 **WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
28 **FOLLOWING DAY.**

29 **(C) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

30 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY**
31 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO**
32 **2 A.M. THE FOLLOWING DAY.**

1 **(2) (I) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

2 **1. ELECTION DISTRICTS 11 AND 15; AND**

3 **2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN**
4 **ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW**
5 **APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

6 **(II) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR**
7 **EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

8 **1. \$250 IN ADDITION TO THE USUAL LICENSE FEE; AND**

9 **2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

10 **(D) CLASS BDR (DELUXE RESTAURANT) BEER, WINE, AND LIQUOR**
11 **LICENSE.**

12 **A HOLDER OF A CLASS BDR (DELUXE RESTAURANT) BEER, WINE, AND**
13 **LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH**
14 **SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

15 **(E) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

16 **(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY**
17 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO**
18 **2 A.M. THE FOLLOWING DAY.**

19 **(2) (I) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

20 **1. ELECTION DISTRICTS 11 AND 15; AND**

21 **2. ANY OTHER ELECTION DISTRICT IN WHICH THE**
22 **VOTERS BY REFERENDUM APPROVE SUNDAY SALES.**

23 **(II) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR**
24 **EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

25 **1. \$250 IN ADDITION TO THE USUAL LICENSE FEE; AND**

26 **2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

27 **(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

1 **(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY**
 2 **SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO**
 3 **2 A.M. THE FOLLOWING DAY.**

4 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
 5 **SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

6 **1. ELECTION DISTRICTS 11 AND 15; AND**

7 **2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN**
 8 **ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW**
 9 **APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

10 **(II) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE**
 11 **MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FOR ON-PREMISES CONSUMPTION**
 12 **IF THE LICENSED PREMISES:**

13 **1. IS IN A PERMANENT BUILDING;**

14 **2. HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING**
 15 **SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS;**

16 **3. IS EQUIPPED WITH A FULL-SERVICE COMMERCIAL**
 17 **KITCHEN CAPABLE OF PREPARING AND SERVING FULL-COURSE MEALS FOR AT**
 18 **LEAST 20 INDIVIDUALS AT ONE SEATING; AND**

19 **4. IS APPROVED BY THE BOARD, DEPARTMENT OF**
 20 **PUBLIC UTILITIES, HEALTH DEPARTMENT, AND PLANNING AND LAND**
 21 **DEVELOPMENT OFFICE OF THE COUNTY.**

22 **(III) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR**
 23 **EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

24 **1. \$250, AS AN ANNUAL LICENSE FEE; AND**

25 **2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, §§ 6-201(m)(5)(i) and (ix), and, 11-512(b)(1) and
 28 (3) and (c)(1), (2)(i) and (iii), (3), (4), (5), and, as it related to Class B licenses,
 29 (2)(ii), and, as it related to Class C licenses, 11-403(a)(1)(ii).

1 In subsection (a) of this section, the references to “December 31” and “January
2 1” are substituted for the former references to “New Year’s Eve” and “New
3 Year’s Day” to conform to the terminology used throughout this article.

4 In subsections (b), (c), and (d) of this section, the more specific references to
5 “beer, wine, and liquor” are substituted for the former references to “alcoholic
6 beverages authorized under their respective license” for clarity.

7 Also in subsections (b), (c), and (d) of this section, the former prohibition
8 against selling alcoholic beverages “between the hours of 2 a.m. and 6 a.m. on
9 any day of the week or, unless authorized under subsection (c) of this section,
10 at any time on Sunday after 2 a.m.” is deleted as unnecessary in light of the
11 organization of this revised article.

12 In subsection (d) of this section, the former phrase “except on Sundays” is
13 deleted as surplusage because of the reference that a license holder may sell
14 beer, wine, and liquor only “on Monday through Saturday”.

15 Defined terms: “Beer” § 1–101

16 “Board” § 21–101

17 “County” § 21–101

18 “License” § 1–101

19 “Wine” § 1–101

20 **21–2005. WATER VESSEL LICENSES.**

21 **(A) HOURS ON MONDAY THROUGH SATURDAY.**

22 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOLDER OF A CLASS E**
23 **WATER VESSEL LICENSE OPERATING ON STATE WATERS IN THE COUNTY MAY SELL**
24 **BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
25 **THE FOLLOWING DAY.**

26 **(B) HOURS ON DECEMBER 31 AND JANUARY 1.**

27 **THE BOARD SHALL DETERMINE WHEN THE LICENSE HOLDER SHALL STOP**
28 **SELLING ALCOHOLIC BEVERAGES ON DECEMBER 31 AND THE MORNING OF**
29 **JANUARY 1, REGARDLESS OF THE DAYS OF THE WEEK ON WHICH THESE DATES FALL.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, §§ 11–402(m)(2) and 11–512(b)(2) and (3).

32 In subsection (a) of this section, the reference to a “water vessel” license is
33 substituted for the former obsolete reference to a “steamboat” license to
34 conform to the terminology used throughout this article.

1 Defined terms: "Beer" § 1-101
2 "Board" § 21-101
3 "County" § 21-101
4 "License holder" § 1-101
5 "State" § 1-101
6 "Wine" § 1-101

7 **21-2006. SUNDAY SALES FOR CERTAIN CLASS A, B, C, AND D LICENSES.**

8 **(A) SCOPE OF SECTION.**

9 **THIS SECTION APPLIES IN AN ELECTION DISTRICT OR A PRECINCT OF AN**
10 **ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW**
11 **APPROVE SUNDAY SALES AS SPECIFIED IN THIS SECTION.**

12 **(B) IN GENERAL.**

13 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION**
14 **APPLIES ONLY TO OFF-PREMISES SALES BY:**

15 **(I) A HOLDER OF A CLASS A LICENSE;**

16 **(II) A HOLDER OF A CLASS B LICENSE;**

17 **(III) A HOLDER OF A CLASS C LICENSE; AND**

18 **(IV) A HOLDER OF A CLASS D LICENSE.**

19 **(2) A HOLDER OF A LICENSE LISTED IN PARAGRAPH (1) OF THIS**
20 **SUBSECTION MAY SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**
21 **ON A SUNDAY IF THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FOR**
22 **OFF-PREMISES CONSUMPTION FOR THE UNDERLYING LICENSE.**

23 **(C) HOURS OF SALE.**

24 **SUNDAY SALES AUTHORIZED UNDER THIS SECTION ARE FROM 1 P.M. TO 10**
25 **P.M.**

26 **(D) FEES.**

27 **(1) THIS SUBSECTION DOES NOT APPLY TO A HOLDER OF A CLASS C**
28 **LICENSE.**

1 **(2) THE SUNDAY SALES FEE IS \$250 FOR THE HOLDER OF A CLASS A**
2 **LICENSE, CLASS B LICENSE, OR CLASS D LICENSE.**

3 **(3) WHEN THE CLASS A LICENSE, CLASS B LICENSE, OR CLASS D**
4 **LICENSE IS ISSUED, THE BOARD SHALL CHARGE A \$250 ISSUING FEE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 11-512(d).

7 Defined terms: "Alcoholic beverage" § 1-101

8 "License" § 1-101

9 "License holder" § 1-101

10 **21-2007. HOURS ON DECEMBER 31 AND JANUARY 1.**

11 **THE BOARD SHALL DETERMINE WHEN A LICENSE HOLDER SHALL STOP**
12 **SELLING ALCOHOLIC BEVERAGES ON DECEMBER 31 AND THE MORNING OF**
13 **JANUARY 1, REGARDLESS OF THE DAYS OF THE WEEK ON WHICH THESE DATES FALL.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 11-402(m)(2).

16 The phrase "when a license holder shall stop selling alcoholic beverages on
17 December 31 and the morning of January 1" is substituted for the former
18 reference to "the hour at which establishments serving alcoholic beverages
19 must cease sales on New Year's Eve Day and on New Year's Day morning" for
20 clarity and to conform to the terminology used throughout this article.

21 The former reference to "within their [the Board's] sole discretion" is deleted
22 as surplusage.

23 Former Art. 2B, § 11-402(m)(1), which stated that former Art. 2B, § 11-402(m)
24 applied only in Garrett County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Former Art. 2B, § 11-403(a)(9), which stated that Sunday sales are governed
27 by former Art. 2B, §§ 11-402, 11-403(b)(5), and 11-512, is deleted as
28 unnecessary in light of the organization of this revised article.

29 Former Art. 2B, § 11-403(b)(5)(i), which stated that former Art. 2B, §
30 11-403(b)(5) applied only to Garrett County, is deleted as unnecessary in light
31 of the organization of this revised article.

32 Former Art. 2B, § 11-403(b)(5)(ii), which stated that when New Year's Eve or
33 New Year's Day falls on a Sunday, sales shall be governed by former Art. 2B,

1 § 11-402(m), is deleted as unnecessary in light of this section, which revises
2 former Art. 2B, § 11-402(m).

3 Defined terms: “Alcoholic beverage” § 1-101
4 “Board” § 21-101
5 “License holder” § 1-101

6 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

7 **21-2101. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
10 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
11 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

12 **(1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”); AND**

13 **(2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”).**

14 **(B) VARIATIONS.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
16 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
17 **COUNTY:**

18 **(1) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”),**
19 **SUBJECT TO § 21-2102 OF THIS SUBTITLE;**

20 **(2) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”), SUBJECT TO §**
21 **21-2103 OF THIS SUBTITLE; AND**

22 **(3) § 4-606 (“EFFECTS OF REVOCATION”), SUBJECT TO**
23 **§ 21-2104 OF THIS SUBTITLE.**

24 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
25 general provisions relating to the revocation and suspension of local licenses.

26 Former Art. 2B, § 10-405(a)(10), which stated that former Art. 2B,
27 § 10-405, which related to nudity and sexual displays, applied in Garrett
28 County, is deleted as unnecessary in light of the organization of this revised
29 article.

1 Defined terms: "County" § 21-101
 2 "License" § 1-101
 3 "Local licensing board" § 1-101

4 **21-2102. ADDITIONAL GROUNDS FOR SUSPENSION.**

5 **(A) IN GENERAL.**

6 **IN ADDITION TO THE GROUNDS FOR SUSPENSION IN § 4-604 OF THIS ARTICLE,**
 7 **THE BOARD MAY SUSPEND A LICENSE FOR A TIME NOT EXCEEDING 1 YEAR FOR:**

8 **(1) THE SALE OF ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER**
 9 **THE AGE OF 21 YEARS; OR**

10 **(2) THE SALE ON SUNDAY OF ALCOHOLIC BEVERAGES IN AN**
 11 **ELECTION DISTRICT IN WHICH SUNDAY SALES HAVE NOT BEEN AUTHORIZED BY A**
 12 **VOTER REFERENDUM.**

13 **(B) DECISION OF BOARD.**

14 **THE DECISION OF THE BOARD IS CONCLUSIVE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 10-401(d).

17 In subsection (a) of this section, the former grounds for suspension involving
 18 "possession on the licensed premises by any person of any liquor or wines not
 19 purchased from the Garrett County liquor dispensaries, if the Garrett County
 20 Liquor Control Board maintains county liquor dispensaries" is deleted as
 21 obsolete. Garrett County no longer maintains liquor dispensaries.

22 In the introductory language of subsection (a) of this section, the phrase "[i]n
 23 addition to the grounds for suspension in § 4-604 of this article" is substituted
 24 for the former phrase "in addition to any other provisions of this article" for
 25 clarity.

26 Also in the introductory language of subsection (a) of this section, the phrase
 27 "the Board may suspend" is substituted for the former phrase "may be
 28 suspended for a period of time to be determined by the Board" for brevity.

29 In subsection (a)(1) of this section, the reference to an "individual" is
 30 substituted for the former reference to a "person" because this subsection
 31 refers only to a human being.

1 In subsection (a)(2) of this section, the reference to the sale on Sunday of
 2 alcoholic beverages “in an election district in which Sunday sales have not
 3 been authorized by a voter referendum” is added for accuracy.

4 The Alcoholic Beverages Article Review Committee notes, for consideration by
 5 the General Assembly, that in subsection (b) of this section the meaning of the
 6 decision of the Board being “conclusive” is unclear.

7 Defined terms: “Alcoholic beverage” § 1–101
 8 “Board” § 21–101
 9 “License” § 1–101

10 **21–2103. NUDITY AND SEXUAL DISPLAYS.**

11 **NOTWITHSTANDING THE MANDATORY REVOCATION REQUIREMENT FOR**
 12 **LOCAL LICENSING BOARDS UNDER § 4–605(A) OF THIS ARTICLE, AFTER A FINDING**
 13 **THAT AN ACTIVITY LISTED UNDER § 4–605(B) THROUGH (E) OF THIS ARTICLE HAS**
 14 **OCCURRED, THE BOARD MAY DECIDE WHETHER TO REVOKE A LICENSE.**

15 REVISOR’S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 10–405(j)(2).

17 The phrase “[n]otwithstanding the mandatory revocation requirement for
 18 local licensing boards under § 4–605(a) of this article” is added for clarity.

19 Former Art. 2B, § 10–405(j)(1), as it related to applying former Art. 2B, §
 20 10–405 to Garrett County, is deleted as unnecessary in light of the
 21 organization of this revised article.

22 Defined terms: “Board” § 21–101
 23 “License” § 1–101
 24 “Local licensing board” § 1–101

25 **21–2104. EFFECTS OF REVOCATION.**

26 **IN EXERCISING THE AUTHORITY CONFERRED ON THE BOARD UNDER §**
 27 **4–606 OF THIS ARTICLE, IF THE BOARD REVOKES A LICENSE FOR CONVICTION OF**
 28 **THE LICENSE HOLDER FOR A VIOLATION OF THIS ARTICLE OR THE TAX – GENERAL**
 29 **ARTICLE THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX, THE BOARD MAY NOT**
 30 **ISSUE A LICENSE UNTIL 2 YEARS AFTER THE REVOCATION:**

31 **(1) TO THE SAME LICENSE HOLDER; OR**

32 **(2) FOR THE SAME PREMISES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-404(c).

3 The phrase "[i]n exercising the authority conferred on the Board under §
4 4-606 of this article," is added for clarity.

5 Defined terms: "Alcoholic beverage" § 1-101

6 "Board" § 21-101

7 "License" § 1-101

8 "License holder" § 1-101

9 **GENERAL REVISOR'S NOTE TO SUBTITLE**

10 Former Art. 2B, § 14-101(b), which required an applicant for a license whose license
11 had been suspended or revoked to execute a \$1,000 bond, is deleted as obsolete. The
12 Garrett County Board of License Commissioners has discontinued issuing bonds.

13 **SUBTITLE 22. EXPIRATION OF LICENSES.**

14 **21-2201. APPLICATION OF GENERAL PROVISIONS.**

15 **TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF**
16 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

17 REVISOR'S NOTE: This section is new language added to incorporate by reference
18 the general provisions relating to the expiration of local licenses.

19 Defined terms: "County" § 21-101

20 "License" § 1-101

21 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

22 **21-2301. APPLICATION OF GENERAL PROVISIONS.**

23 **TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS**
24 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

25 REVISOR'S NOTE: This section is new language added to incorporate by reference
26 general provisions relating to the death of a local license holder.

27 Defined terms: "County" § 21-101

28 "License holder" § 1-101

29 **SUBTITLE 24. JUDICIAL REVIEW.**

30 **21-2401. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
2 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the appeal of the decisions of the Board.

5 Defined term: “County” § 21–101

6 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

7 **21–2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
8 **BEVERAGES IS PROHIBITED.**

9 **(A) PROHIBITION AGAINST INDIVIDUAL.**

10 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
11 **ALCOHOLIC BEVERAGES IN:**

12 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

13 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

14 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
15 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
16 **BUSINESS REGULATION ARTICLE.**

17 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

18 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
19 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
20 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
21 **THIS SECTION.**

22 **(C) PENALTY.**

23 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
24 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 11–304(a)(1) and the introductory language of
27 (2).

1 In subsections (a) and (b) of this section, the references to an “establishment”
2 are substituted for the former references to “premises” to avoid the implication
3 that the establishment is licensed.

4 In subsection (a) of this section, the former reference to the “general” public is
5 deleted as surplusage.

6 In subsection (b) of this section, the former reference to an “operator” is deleted
7 as included in the reference to a “manager”.

8 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
9 to conform to the statement of legislative policy in § 14–102 of the Criminal
10 Law Article, which sets forth the general rule that, notwithstanding a
11 statutory minimum penalty, a court may impose a lesser penalty of the same
12 character.

13 Defined terms: “Alcoholic beverage” § 1–101
14 “Person” § 1–101

15 **SUBTITLE 26. ENFORCEMENT.**

16 **21–2601. APPLICATION OF GENERAL PROVISIONS.**

17 **(A) WITHOUT EXCEPTION OR VARIATION.**

18 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
19 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
20 **VARIATION:**

21 **(1) § 6–202 (“INSPECTIONS”);**

22 **(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND**
23 **QUALITY OF ALCOHOLIC BEVERAGES”);**

24 **(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

25 **(4) § 6–205 (“PEACE OFFICERS”);**

26 **(5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
27 **ALCOHOLIC BEVERAGE”);**

28 **(6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
29 **EVIDENCE OF SALE”);**

1 **(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF**
2 **ALCOHOL IN PUBLIC PLACES”);**

3 **(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
4 **CONSUMPTION”); AND**

5 **(9) § 6-211 (“FINES AND FORFEITURES”).**

6 **(B) EXCEPTION.**

7 **SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
8 **LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS**
9 **SUPERSEDED BY § 21-2602 OF THIS SUBTITLE.**

10 REVISOR’S NOTE: This section is new language added to incorporate by reference
11 general provisions relating to enforcement.

12 Defined terms: “Alcoholic beverage” § 1-101

13 “County” § 21-101

14 “State” § 1-101

15 **21-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

16 **THE COUNTY MAY:**

17 **(1) ADOPT AN ORDINANCE OR A RESOLUTION SUPPLEMENTING THE**
18 **PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS**
19 **ARTICLE; AND**

20 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
21 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
22 **HIGHWAY.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 19-103(a)(8).

25 In item (1) of this section, the reference to “the prohibition against disorderly
26 intoxication under § 6-320 of this article” is substituted for the former obsolete
27 reference to “this subheading”.

28 In item (2) of this section, the former reference to the public “in general” is
29 deleted as surplusage.

30 Defined terms: “Alcoholic beverage” § 1-101

31 “County” § 21-101

1 **21-2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

2 (A) IN GENERAL.

3 THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED
4 ESTABLISHMENT.

5 (B) REFUSAL TO COMPLY WITH SUBPOENA.

6 (1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS
7 REFUSES TO PRODUCE A SUBPOENAED RECORD.

8 (2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE
9 WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A
10 CASE PENDING BEFORE THE COURT.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 16-410(c)(1)(vii), (2), and (3).

13 In subsections (a) and (b)(1) of this section, the former references to "papers"
14 are deleted as included in the references to "records" and "record".

15 In subsection (b)(1) of this section, the phrase "may petition" is substituted for
16 the former phrase "shall report the fact to" for clarity.

17 Also in subsection (b)(1) of this section, the former phrase "for the county" is
18 deleted as surplusage.

19 In subsection (b)(2) of this section, the phrase "may proceed" is substituted for
20 the former phrase "shall proceed" for clarity.

21 Also in subsection (b)(2) of this section, the former phrase "in all respects" is
22 deleted as surplusage.

23 Defined term: "Board" § 21-101

24 **SUBTITLE 27. PROHIBITED ACTS.**

25 **21-2701. APPLICATION OF GENERAL PROVISIONS.**

26 (A) WITHOUT EXCEPTION OR VARIATION.

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
2 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
3 **VARIATION:**

4 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

5 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
6 **INDIVIDUAL”);**

7 **(3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF**
8 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

9 **(4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR**
10 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
11 **YEARS”);**

12 **(5) § 6–310 (“PROVIDING FREE FOOD”);**

13 **(6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
14 **DEALER”);**

15 **(7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

16 **(8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE**
17 **CONTAINER”);**

18 **(9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
19 **DETACHABLE METAL TAB”);**

20 **(10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
21 **REGULAR LABEL PRESUMED ILLICIT”);**

22 **(11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

23 **(12) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC**
24 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

25 **(13) § 6–320 (“DISORDERLY INTOXICATION”);**

26 **(14) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN**
27 **PUBLIC”);**

28 **(15) § 6–322 (“POSSESSION OF OPEN CONTAINER”);**

1 (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
2 MACHINE”);

3 (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
4 BEVERAGES”);

5 (18) § 6-327 (“TAX EVASION”);

6 (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

7 (20) § 6-329 (“PERJURY”).

8 **(B) VARIATIONS.**

9 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
10 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

11 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
12 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 21-2702 OF THIS**
13 **SUBTITLE; AND**

14 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
15 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 21-2703 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to prohibited acts.

18 Defined terms: “Alcoholic beverage” § 1-101

19 “County” § 21-101

20 “License holder” § 1-101

21 “Retail dealer” § 1-101

22 **21-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
23 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

24 **(A) SUMMONS; BAIL.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
26 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

27 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
28 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
29 **EMPLOYEE; AND**

1 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
2 **COURT IN THE STATE.**

3 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

4 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
5 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

6 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
7 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
8 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
9 **OF 21 YEARS; AND**

10 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

11 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

12 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
13 **EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE**
14 **DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE**
15 **LICENSE HOLDER FOR THE VIOLATION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

18 In subsection (a)(2) of this section, the former reference to bail "bond" is
19 deleted as surplusage.

20 In subsection (b)(1) of this section, the reference to the "finder of fact" is
21 substituted for the former reference to the "jury or the court sitting as a jury"
22 for brevity.

23 Also in subsection (b)(1) of this section, the former reference to "in fact" is
24 deleted as surplusage.

25 Former Art. 2B, § 12-108(f)(1)(v), which stated that the provisions of former
26 Art. 2B, § 12-108(f)(2) applied in Garrett County, is deleted as unnecessary in
27 light of the organization of this revised article.

28 Defined terms: "Board" § 21-101

29 "License holder" § 1-101

30 "State" § 1-101

1 **21-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
2 **INDIVIDUAL — CRIMINAL PROCEDURE.**

3 **(A) SUMMONS; BAIL.**

4 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
5 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

6 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
7 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
8 **EMPLOYEE; AND**

9 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
10 **COURT IN THE STATE.**

11 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

12 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
13 **EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE**
14 **DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE**
15 **LICENSE HOLDER FOR THE VIOLATION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 12-108(a)(2) and (f)(2).

18 In subsection (a)(2) of this section, the former reference to bail "bond" is
19 deleted as surplusage.

20 Defined terms: "Board" § 21-101

21 "License holder" § 1-101

22 "State" § 1-101

23 **21-2704. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON**
24 **PREMISES.**

25 **A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21**
26 **YEARS TO LOITER ABOUT THE PREMISES FOR WHICH THE LICENSE IS ISSUED.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from the second sentence of former Art. 2B, § 12-212.

29 The reference to an "individual under the age of 21 years" is substituted for
30 the former reference to a "person not designated in § 1-102(a)(6) of this article"
31 for clarity and consistency with other similar provisions of this article.

1 The reference to “premises” is substituted for the former reference to “place of
2 business” for brevity.

3 The former reference to “loaf[ing]” is deleted as included in the reference to
4 “loiter[ing]”.

5 Defined term: “License holder” § 1–101

6 GENERAL REVISOR’S NOTE TO SUBTITLE

7 The first sentence of former Art. 2B, § 12–212, which required license holders to sell
8 beer for cash only and prohibited a suit to be maintained by a retail dealer against
9 any person for beer sold on credit, is deleted as obsolete.

10 SUBTITLE 28. PENALTIES.

11 21–2801. APPLICATION OF GENERAL PROVISION.

12 SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE
13 APPLIES IN THE COUNTY.

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to imposing a penalty for a violation for which no
16 specific penalty is provided.

17 Defined term: “County” § 21–101

18 21–2802. PENALTY IMPOSED BY BOARD.

19 THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$3,000 OR SUSPEND A
20 LICENSE FOR A VIOLATION OF THE ALCOHOLIC BEVERAGES LAWS AFFECTING THE
21 COUNTY.

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 16–507(m).

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Board” § 21–101

26 “County” § 21–101

27 “License” § 1–101

28 TITLE 22. HARFORD COUNTY.

29 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

30 22–101. DEFINITIONS.

1 **(A) IN GENERAL.**

2 **IN THIS TITLE:**

3 **(1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE**
4 **DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR**
5 **VARIATION; AND**

6 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

7 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
8 by reference terms defined for the entire article.

9 Item (2) of this subsection is new language added as the standard introductory
10 language to a definition section.

11 **(B) BOARD.**

12 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR HARFORD**
13 **COUNTY.**

14 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
15 full reference to the “Board of License Commissioners for Harford County”.

16 **(C) COUNTY.**

17 **“COUNTY” MEANS HARFORD COUNTY.**

18 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
19 full reference to “Harford County”.

20 **(D) PREMISES.**

21 **“PREMISES” INCLUDES ALL INTEGRAL PARTS OF THE LICENSED PREMISES,**
22 **INCLUDING ANY BUILDING, PARKING LOT, TERRACE, AND GROUNDS.**

23 REVISOR’S NOTE: This subsection is new language derived without substantive
24 change from former Art. 2B, § 12–213(c).

25 **(E) RESTAURANT.**

26 **THE DEFINITION OF “RESTAURANT” UNDER § 1–101 OF THIS ARTICLE**
27 **APPLIES IN THE COUNTY, SUBJECT TO § 22–103 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This subsection is new language added to state explicitly what
2 was implied in the former law, that the statewide definition of "restaurant"
3 applies in the County.

4 Defined terms: "County" § 22-101
5 "Restaurant" § 1-101

6 **22-102. SCOPE OF TITLE.**

7 **THIS TITLE APPLIES ONLY IN HARFORD COUNTY.**

8 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
9 organization of this revised article.

10 **22-103. REQUIREMENTS FOR RESTAURANTS.**

11 **(A) IN GENERAL.**

12 **TO BE CONSIDERED A RESTAURANT, AN ESTABLISHMENT SHALL MEET THE**
13 **REQUIREMENTS OF THIS SECTION.**

14 **(B) EQUIPMENT.**

15 **THE BOARD AND THE COUNTY DEPARTMENT OF HEALTH SHALL APPROVE**
16 **THE SANITARY FACILITIES, RUNNING HOT AND COLD WATER, EQUIPMENT FOR THE**
17 **PROPER CLEANING OF DISHES AND KITCHENWARE, AND ADEQUATE NUMBER OF**
18 **TOILETS IN THE ESTABLISHMENT.**

19 **(C) SIGNAGE.**

20 **THE ESTABLISHMENT SHALL HAVE ONE OR MORE SIGNS IN FRONT OF THE**
21 **ESTABLISHMENT THAT:**

22 **(1) DESIGNATE "RESTAURANT" OR FOOD AND BEVERAGES SOLD; AND**

23 **(2) DO NOT ADVERTISE ANY OTHER BUSINESS.**

24 **(D) FOOD REQUIREMENT.**

25 **THE ESTABLISHMENT SHALL HAVE SUFFICIENT FOOD ON THE PREMISES AT**
26 **ALL TIMES FOR THE REGULAR SERVING OF MEALS.**

27 **(E) FOOD SALES RATIO EXCEPTION.**

1 **AN ESTABLISHMENT THAT SERVES FOOD AND ALCOHOLIC BEVERAGES AND**
2 **HAS GROSS MONTHLY RECEIPTS FROM THE SALE OF FOOD THAT AVERAGE \$1,500**
3 **OR MORE MAY NOT BE REQUIRED TO SELL FOOD IN EXCESS OF ONE-HALF OF THE**
4 **AVERAGE MONTHLY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 1-102(a)(22)(iii).

7 In subsection (a) of this section, the former obsolete reference to the term
8 restaurant "as used in § 5-201 and § 6-201(n)(9) of this article" is deleted in
9 light of current practice. The Board advises that the additional requirements
10 contained in former Art. 2B, § 1-102(a)(22)(iii) are applied to all restaurants
11 with alcoholic beverages in the County, not only the Class B beer and light
12 wine licenses and Class BFD (fine dining) beer, wine, and liquor licenses that
13 are governed by Subtitle 8 and § 22-905 of this title, respectively.

14 Also in subsection (a) of this section, the former reference to an establishment
15 "for the accommodation of the public, fully equipped with a proper and
16 adequate dining room, tables, chairs and sufficient facilities for preparing and
17 serving regular meals, as may be approved by the Liquor Control Board" is
18 deleted as duplicative of the substantively similar provisions of the term
19 "restaurant" defined in § 1-101 of this article that apply to such
20 establishments in most of the State.

21 Also in subsection (a) of this section, the former reference to a "business"
22 establishment is deleted as surplusage.

23 In subsection (b) of this section, the reference to the "County" Department of
24 Health is added for clarity.

25 Also in subsection (b) of this section, the reference to the Board and the County
26 Department of Health approving an adequate "number of" toilets in an
27 establishment is added for clarity.

28 In subsection (e) of this section, the references to "alcoholic beverages" are
29 substituted for the former references to "beverages" and "beer and wine" for
30 clarity and consistency within this title.

31 Also in subsection (e) of this section, the former reference to "the average gross
32 monthly receipts from the sale of foods cooked or prepared and served on the
33 premises where the license is exercised, and other foods, commodities and
34 items defined by the Liquor Control Board, shall exceed 50 percent of the
35 average monthly receipts from the sale of beer and wine" is deleted as
36 duplicative of the average daily receipts requirement of §
37 1-101(1)(iii) of this article. Although the former percentage requirement of

1 former Article 2B, § 1–102(a)(22)(iii) was stated in terms of average “monthly”
 2 receipts rather than average “daily” receipts, the result is the same. No
 3 substantive change is intended.

4 Also in subsection (e) of this section, the former reference to “food
 5 commodities” is deleted as included in the comprehensive reference to “food”.

6 Defined terms: “Alcoholic beverage” § 1–101
 7 “Board” § 22–101
 8 “County” § 22–101
 9 “Restaurant” §§ 1–101, 22–101

10 **22–104. COPY OF LEGISLATION.**

11 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
 12 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
 13 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
 14 **MARYLAND 21401.**

15 REVISOR’S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 18–103.

17 The reference to this “title” is substituted for the former reference to this
 18 “subtitle” to conform to the organization of this revised article. Under the
 19 former law, each local governing body derived its authority to enact alcoholic
 20 beverages legislation from a common subtitle. Under this revised article, each
 21 local governing body derives its authority from the title dedicated to the
 22 jurisdiction of the local governing body.

23 Defined terms: “Alcoholic beverage” § 1–101
 24 “County” § 22–101

25 **GENERAL REVISOR’S NOTE TO SUBTITLE**

26 Throughout this title, the references to “wine” are substituted for the former
 27 references to “light wine” to reflect that license holders in the County may sell wine
 28 with a maximum alcohol content of 23%, which is above the traditional maximum
 29 level of 15.5% for light wine.

30 Correspondingly, former Art. 2B, § 4–101(n), which defined “light wine” in the
 31 County as a fermented beverage that contains not in excess of 23% of alcohol by
 32 volume, is deleted because the definition is not used in this title.

33 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

34 **22–201. ESTABLISHED.**

1 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR HARFORD COUNTY.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 15–201(a)(1) and, as it related to Harford
4 County, (c)(6).

5 The former reference to the liquor control board being “hereby constituted and
6 established” is deleted as surplusage.

7 The former reference to a board “upon which shall be devolved all the duties
8 and rights given elsewhere in this article” is deleted as surplusage.

9 The name “Board of License Commissioners for Harford County” is used
10 instead of the commonly used name “Harford County Liquor Control Board”
11 for clarity and consistency with the terminology used throughout this article
12 to refer to local licensing boards.

13 Former Art. 2B, § 15–101(n), which provided a cross–reference to provisions
14 applicable to Harford County, is deleted as unnecessary in light of the
15 organization of this revised article.

16 **22–202. MEMBERSHIP.**

17 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

18 **THE COUNTY EXECUTIVE SHALL APPOINT FIVE MEMBERS TO THE BOARD IN**
19 **ACCORDANCE WITH THIS SECTION.**

20 **(B) NOMINATIONS.**

21 **(1) (I) AT LEAST 60 DAYS BEFORE THE EXPIRATION OF A**
22 **MEMBER'S TERM, THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF ONE**
23 **NOMINEE TO THE HARFORD COUNTY DELEGATION TO THE MARYLAND GENERAL**
24 **ASSEMBLY, CONSISTING OF HARFORD COUNTY SENATORS AND DELEGATES, FOR**
25 **THE ADVICE AND CONSENT OF THE DELEGATION.**

26 **(II) THE COUNTY EXECUTIVE SHALL CONSIDER**
27 **GEOGRAPHICAL REPRESENTATION IN SELECTING NOMINEES.**

28 **(2) WITHIN 7 WORKING DAYS AFTER THE DELEGATION RECEIVES**
29 **THE NAME OF THE NOMINEE:**

30 **(I) THE DELEGATION SHALL APPROVE OR REJECT THE**
31 **NOMINEE; OR**

1 (II) IF THE DELEGATION FAILS TO ACT, THE NOMINEE SHALL BE
2 CONSIDERED TO HAVE BEEN APPROVED.

3 (3) IF THE DELEGATION REJECTS THE NOMINEE, THE COUNTY
4 EXECUTIVE SHALL SUBMIT THE NAME OF A NEW NOMINEE TO THE DELEGATION
5 WITHIN 7 WORKING DAYS AFTER THE COUNTY EXECUTIVE RECEIVES NOTICE OF
6 THE REJECTION.

7 (4) THE COUNTY EXECUTIVE SHALL CONTINUE TO SUBMIT NAMES OF
8 NOMINEES IN ACCORDANCE WITH PARAGRAPHS (2) AND (3) OF THIS SUBSECTION TO
9 THE DELEGATION UNTIL A NOMINEE IS APPROVED.

10 (5) THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF THE
11 APPROVED NOMINEE TO THE COUNTY COUNCIL FOR ITS ADVICE AND CONSENT.

12 (C) QUALIFICATIONS.

13 EACH MEMBER OF THE BOARD:

14 (1) SHALL BE A RESIDENT, VOTER, AND TAXPAYER OF THE COUNTY;

15 (2) SHALL BE AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY
16 AND OF RECOGNIZED BUSINESS CAPACITY; AND

17 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THE CODE OR
18 LOCAL LAW, SHALL BE SUBJECT TO TITLE 5, SUBTITLE 5, PART I, AND SUBTITLES 6
19 AND 7 OF THE GENERAL PROVISIONS ARTICLE REGARDING FINANCIAL
20 DISCLOSURE, CONFLICTS OF INTEREST, AND LOBBYING ACTIVITIES.

21 (D) BOND.

22 (1) EACH MEMBER OF THE BOARD SHALL PROVIDE A PENALTY BOND
23 TO THE COUNTY IN AN AMOUNT TO BE SET BY THE COUNTY EXECUTIVE AND
24 COUNTY COUNCIL ON THE CONDITION THAT THE MEMBER FAITHFULLY PERFORMS
25 ALL OF THE DUTIES OF THE OFFICE.

26 (2) THE BOARD SHALL PAY THE COST OF THE BONDS.

27 (E) TENURE.

28 (1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON THE FIRST
29 MONDAY IN APRIL.

1 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
2 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

3 **(F) VACANCIES.**

4 **(1) TO FILL A VACANCY OTHER THAN ONE RESULTING FROM AN**
5 **EXPIRED TERM, THE COUNTY EXECUTIVE, AS SOON AS PRACTICABLE, SHALL**
6 **SUBMIT THE NAME OF ONE NOMINEE TO THE HARFORD COUNTY DELEGATION TO**
7 **THE MARYLAND GENERAL ASSEMBLY, CONSISTING OF HARFORD COUNTY**
8 **SENATORS AND DELEGATES, FOR THE ADVICE AND CONSENT OF THE DELEGATION.**

9 **(2) AFTER THE NAME OF A NOMINEE IS SUBMITTED, THE**
10 **PROCEDURES UNDER SUBSECTION (B)(2) THROUGH (5) OF THIS SECTION APPLY.**

11 **(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
12 **ONLY FOR THE REST OF THE TERM.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 15–201(b)(2), (c)(3), (d)(1), (e)(2)(ii), (j), (k), and
15 the first and second sentences of (f).

16 In subsection (a) of this section, the reference to the appointment of five
17 members of the Board “in accordance with this section” is substituted for the
18 former reference that the appointment process “to fill vacancies resulting from
19 expired terms on the Harford County Liquor Control Board is as provided in
20 this subparagraph” for brevity.

21 In subsection (b)(1)(ii) of this section, the former reference to nominees “for
22 vacancies on the Harford County Liquor Control Board” is deleted as
23 surplusage.

24 In subsection (c) of this section, the former phrase “[n]otwithstanding any
25 other provision of the Code or local law” is deleted as unnecessary.

26 In subsection (c)(2) of this section, the reference to an “individual” is
27 substituted for the former, overly broad reference to a “person” for clarity.

28 In subsection (d)(1) of this section, the reference to a “penalty” bond is added
29 to conform to the terminology used throughout this article.

30 Also in subsection (d)(1) of this section, the former reference to the amount of
31 the bond being set “from time to time” is deleted as surplusage.

32 In subsection (d)(2) of this section, the requirement that the Board pay the
33 “cost of the bonds” is substituted for the former obsolete requirement that the

1 premium for the bonds be paid “from the gross receipts derived from the
2 operation of dispensaries”. The Board no longer operates dispensaries.

3 In subsection (e) of this section, the former reference to the first Monday in
4 April 1941 as the beginning date for a new term of office is deleted as obsolete.
5 In addition, the former requirement that one appointment expire each year is
6 deleted as included in the requirement that the terms of the members of the
7 Board be staggered as required on July 1, 2016. This substitution is not
8 intended to alter the term of any member of the Board of License
9 Commissioners for Harford County.

10 In subsection (e)(1) of this section, the reference to “[t]he term of a member ...
11 begins” is substituted for the former reference to “[i]n computing the time at
12 which appointments to the several boards normally expire, and when new
13 terms of office begin” for brevity.

14 Subsection (f)(3) of this section is standard language substituted for the former
15 reference to vacancies being “filled for the unexpired term in the same manner
16 as the original appointment” for clarity.

17 Defined terms: “Board” § 22–101
18 “County” § 22–101

19 **22–203. CHAIR.**

20 **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 15–201(g).

23 The defined term “Board” is substituted for the former reference to “[t]he
24 board in each county” because this section applies only to the Board of License
25 Commissioners for Harford County.

26 The requirement that the Board “elect a” chair is substituted for the former
27 requirement that the Board “organize by electing its own” chair for brevity.

28 The reference to a “chair” is substituted for the former reference to a
29 “chairman” because SG § 2–1238 requires the use of words that are neutral as
30 to gender to the extent practicable.

31 Defined term: “Board” § 22–101

32 **22–204. MEETINGS; COMPENSATION.**

33 **(A) MEETINGS.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
2 **SHALL MEET AT LEAST 50 TIMES EACH YEAR.**

3 **(2) THE CHAIR MAY CANCEL A MEETING FOR LACK OF AN AGENDA.**

4 **(B) COMPENSATION.**

5 **(1) THE CHAIR OF THE BOARD SHALL RECEIVE ANNUALLY \$7,000**
6 **AND ANY ADDITIONAL COMPENSATION THAT THE COUNTY COUNCIL CONSIDERS**
7 **APPROPRIATE.**

8 **(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE ANNUALLY**
9 **\$6,000 AND ANY ADDITIONAL COMPENSATION THAT THE COUNTY COUNCIL**
10 **CONSIDERS APPROPRIATE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 15–201(h)(2) and (i)(3).

13 In subsections (a)(2) and (b)(1) of this section, the references to the “chair” are
14 substituted for the former references to the “[c]hairman” because SG § 2–1238
15 requires the use of words that are neutral as to gender to the extent
16 practicable.

17 Former Art. 2B, § 15–109(n), which provided that former Art. 2B, § 15–109(a)
18 applied in Harford County, is deleted as unnecessary in light of the
19 organization of this revised article.

20 Defined terms: “Board” § 22–101
21 “County” § 22–101

22 **22–205. BUDGET.**

23 **(A) TO BE SUBMITTED TO COUNTY COUNCIL AND COUNTY EXECUTIVE.**

24 **BEFORE THE BEGINNING OF EACH FISCAL YEAR, THE BOARD SHALL SUBMIT**
25 **AN ANNUAL BUDGET TO THE COUNTY COUNCIL AND COUNTY EXECUTIVE FOR**
26 **REVIEW.**

27 **(B) NOT SUBJECT TO APPROVAL; EXCEPTION.**

28 **EXCEPT AS PROVIDED UNDER § 22–206(B) OF THIS SUBTITLE, THE BUDGET IS**
29 **NOT SUBJECT TO APPROVAL BY THE COUNTY COUNCIL OR COUNTY EXECUTIVE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–204(n)(7)(i) and (ii).

3 Defined terms: “Board” § 22–101
4 “County” § 22–101

5 **22–206. STAFF.**

6 **(A) IN GENERAL.**

7 **THE BOARD MAY EMPLOY A SECRETARY AND CLERICAL AND OTHER**
8 **ASSISTANTS AS ARE NECESSARY.**

9 **(B) COMPENSATION.**

10 **(1) THE BOARD SHALL SET THE COMPENSATION OF ALL EMPLOYEES**
11 **OF THE BOARD, SUBJECT TO THE APPROVAL OF THE COUNTY EXECUTIVE AND**
12 **COUNTY COUNCIL.**

13 **(2) THE BOARD SHALL REQUIRE FIDELITY BONDS OF EMPLOYEES OF**
14 **THE BOARD TO PROTECT THE COUNTY.**

15 **(3) THE COUNTY COUNCIL SHALL REVIEW THE ADEQUACY OF THE**
16 **FIDELITY BONDS THAT THE BOARD REQUIRES OF THE EMPLOYEES.**

17 **(C) RESTRICTIONS.**

18 **NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYEE OF THE BOARD:**

19 **(1) IS SUBJECT TO PROVISIONS REGARDING CONFLICTS OF INTEREST**
20 **AND LOBBYING ACTIVITIES IN TITLE 5, SUBTITLE 5, PART I, AND SUBTITLE 7 OF**
21 **THE GENERAL PROVISIONS ARTICLE; BUT**

22 **(2) MAY NOT BE REQUIRED TO FILE THE FINANCIAL DISCLOSURE**
23 **STATEMENT REQUIRED BY § 5–601 OF THE GENERAL PROVISIONS ARTICLE.**

24 **(D) GENERAL MANAGER.**

25 **(1) THE BOARD SHALL APPOINT A GENERAL MANAGER.**

26 **(2) THE GENERAL MANAGER SERVES UNDER THE CONTROL AND**
27 **SUPERVISION OF THE BOARD AS THE SECRETARY–TREASURER AND CHIEF BUSINESS**
28 **ADMINISTRATIVE OFFICER OF THE BOARD.**

1 **(3) AN INDIVIDUAL IS NOT ELIGIBLE TO BE THE GENERAL MANAGER**
2 **WHILE A MEMBER OF THE BOARD.**

3 **(4) THE GENERAL MANAGER MAY BE DISCHARGED ONLY:**

4 **(I) FOR CAUSE INVOLVING DISHONESTY, INCOMPETENCE, OR**
5 **IMMORAL CONDUCT; AND**

6 **(II) AFTER GIVEN AN OPPORTUNITY BEFORE THE BOARD FOR A**
7 **HEARING.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, §§ 15–205(i)(2), (3), and (4) and 15–112(a)(2),
10 except as it related to inspectors.

11 In subsection (a) of this section, the reference to “assistants” is substituted for
12 the former reference to “assistance” for clarity.

13 In subsection (b)(1) of this section, the former reference to “salaries” is deleted
14 as included in the reference to “compensation”.

15 In subsection (b)(2) of this section, the reference to the requirement that the
16 Board “shall require fidelity bonds of employees of the Board” is added to state
17 explicitly that which formerly was implied.

18 In the introductory language of subsection (c) of this section, the reference to
19 “other law” is substituted for the former reference to “other provision of the
20 Code or local law” for brevity.

21 In subsection (c)(2) of this section, the reference to the “financial disclosure”
22 statement is added for clarity.

23 In subsection (d)(3) of this section, the reference to an “individual” is
24 substituted for the former reference to “Board member” for brevity.

25 Also in subsection (d)(3) of this section, the reference to “be[ing] the general
26 manager” is substituted for the former reference to “fill[ing] said position” for
27 clarity.

28 Also in subsection (d)(3) of this section, the reference to eligibility “while a
29 member of the Board” is substituted for the former reference to eligibility
30 while “retaining his membership on the Liquor Control Board” for brevity.

31 In the introductory language of subsection (d)(4) of this section, the former
32 reference to the general manager “so appointed” is deleted as surplusage.

1 In subsection (d)(4) of this section, the former reference to the manager
2 “hold[ing] office during good behavior” is deleted as surplusage.

3 In subsection (d)(4)(ii) of this section, the reference to “given” an opportunity
4 before the Board for a hearing is substituted for the former reference to
5 “opportunity for hearing” for clarity.

6 Defined terms: “Board” § 22–101
7 “County” § 22–101

8 **22–207. INSPECTORS.**

9 **(A) NUMBER OF INSPECTORS.**

10 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
11 **SHALL EMPLOY ONE FULL-TIME CHIEF INSPECTOR AND AS MANY OTHER**
12 **INSPECTORS AS THE BOARD DETERMINES ARE REQUIRED.**

13 **(2) THE SHERIFF, A DEPUTY SHERIFF, OR A MUNICIPAL PEACE**
14 **OFFICER IN THE COUNTY MAY NOT BE APPOINTED OR SERVE AS THE CHIEF**
15 **INSPECTOR OR AS AN INSPECTOR.**

16 **(B) CHIEF INSPECTOR.**

17 **(1) WHEN APPOINTED, THE CHIEF INSPECTOR SHALL HAVE HAD**
18 **INVESTIGATIVE EXPERIENCE AS:**

19 **(I) A POLICE OFFICER;**

20 **(II) AN INSPECTOR FOR A GOVERNMENTAL UNIT; OR**

21 **(III) AN INVESTIGATOR FOR A PRIVATE AGENCY.**

22 **(2) WITH THE APPROVAL OF THE BOARD, THE CHIEF INSPECTOR MAY**
23 **CONTRACT WITH OR HIRE AN INDEPENDENT ACCOUNTING FIRM TO AUDIT THE**
24 **BOOKS AND ACCOUNTS OF ANY LICENSE HOLDER.**

25 **(3) (I) AFTER APPOINTMENT, THE CHIEF INSPECTOR MAY BE**
26 **DISCHARGED ONLY FOR CAUSE INVOLVING DISHONESTY, INCOMPETENCE, OR**
27 **IMMORAL CONDUCT, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

28 **(II) BEFORE A CHIEF INSPECTOR IS DISCHARGED, THE CHIEF**
29 **INSPECTOR SHALL BE GIVEN A LIST OF THE CHARGES AGAINST THE CHIEF**

1 INSPECTOR AND AN OPPORTUNITY TO REPLY TO THE CHARGES IN A PUBLIC
2 HEARING IN PERSON OR BY COUNSEL.

3 (C) COMPENSATION.

4 THE BOARD MAY ESTABLISH REASONABLE COMPENSATION FOR THE CHIEF
5 INSPECTOR AND ANY OTHER INSPECTOR AND, WHEN WARRANTED BY THEIR
6 RESPECTIVE DUTIES, CHANGE THEIR COMPENSATION.

7 (D) AUTHORITY OF INSPECTORS.

8 INSPECTORS MAY:

9 (1) SERVE A SUMMONS UNDER § 22-2604 OF THIS TITLE; AND

10 (2) ISSUE CIVIL CITATIONS AS PROVIDED IN § 22-2605 OF THIS TITLE.

11 (E) DUTY OF PEACE OFFICERS.

12 THIS SECTION DOES NOT RELIEVE THE PEACE OFFICERS SPECIFIED IN §
13 6-205 OF THIS ARTICLE FROM THE RESPONSIBILITY TO ENFORCE THIS ARTICLE IN
14 THE COUNTY.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, §§ 15-112(n)(2), 15-205(i)(1), 16-410(b)(2)(i)6,
17 and, as they related to inspectors in Harford County, 15-112(a)(2) and
18 16-408.

19 In subsections (a)(1) and (c) of this section, the former phrase "from time to
20 time" is deleted as surplusage.

21 In subsection (a)(1) of this section, the former reference to "inspector" is
22 deleted as included in the reference to "inspectors".

23 Also in subsection (a)(1) of this section, the former reference to employing
24 inspectors as "necessary to provide appropriate control over newly created
25 licensees" is deleted as included in the reference to other inspectors as "are
26 required".

27 In subsection (a)(2) of this section, the former reference to a "constable" is
28 deleted as unnecessary in light of the reference to a "municipal peace officer".

29 In the introductory language of subsection (b)(1) of this section, the former
30 reference to the "person appointed to be" chief inspector is deleted as
31 surplusage.

1 In subsection (b)(3)(i) of this section, the former requirement that the chief
2 inspector “shall serve as such” is deleted as surplusage.

3 In subsection (c) of this section, the former reference to “responsibilities” is
4 deleted as included in the reference to “duties”.

5 Former Art. 2B, § 15–112(n)(1), which stated that former Art. 2B, § 15–112(n)
6 only applied to Harford County, is deleted as unnecessary in light of the
7 organization of this revised article.

8 Defined terms: “Board” § 22–101

9 “County” § 22–101

10 “License holder” § 1–101

11 **22–208. DISPOSITION OF LICENSE FEES.**

12 **(A) IN GENERAL.**

13 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER**
14 **DEDUCTION OF A PROPORTIONATE SHARE OF THE EXPENSES TO ADMINISTER AND**
15 **ENFORCE THIS TITLE, INCLUDING THE SALARIES OF THE MEMBERS AND EMPLOYEES**
16 **OF THE BOARD, THE BOARD SHALL PAY THE NET PROCEEDS OF FEES RECEIVED**
17 **FROM THE ISSUANCE OF LICENSES:**

18 **(1) OUTSIDE OF ABERDEEN, BEL AIR, AND HAVRE DE GRACE, TO THE**
19 **TREASURER TO BE CREDITED TO THE GENERAL FUND OF THE COUNTY; AND**

20 **(2) IN ABERDEEN, BEL AIR, AND HAVRE DE GRACE, TO THE**
21 **TREASURERS OF THE RESPECTIVE MUNICIPALITIES TO PAY THE INTEREST AND**
22 **REDEEM THE PRINCIPAL OF ANY BONDED INDEBTEDNESS OF THE MUNICIPALITY.**

23 **(B) RESERVE ACCOUNT.**

24 **(1) IN THIS SUBSECTION, “RESERVE ACCOUNT” MEANS THE**
25 **RESERVE ACCOUNT OF THE BOARD.**

26 **(2) THERE IS A RESERVE ACCOUNT OF THE BOARD.**

27 **(3) THE PURPOSE OF THE RESERVE ACCOUNT IS TO ENSURE THAT**
28 **ISSUANCE AND RENEWAL OF LICENSES, LICENSING ENFORCEMENT, AND OTHER**
29 **SERVICES THAT THE BOARD PROVIDES WILL CONTINUE TO BE MET IN THE FACE OF**
30 **UNANTICIPATED FINANCIAL EVENTS OR CIRCUMSTANCES.**

1 **(4) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE RESERVE**
2 **ACCOUNT.**

3 **(5) THE RESERVE ACCOUNT IS A SPECIAL, NONLAPSING ACCOUNT.**

4 **(6) THE BOARD SHALL HOLD THE RESERVE ACCOUNT SEPARATELY**
5 **AND ACCOUNT FOR THE RESERVE ACCOUNT.**

6 **(7) THE RESERVE ACCOUNT CONSISTS OF:**

7 **(I) MONEY DISTRIBUTED TO THE BOARD FROM LICENSE FEES;**

8 **(II) FINES IMPOSED FOR A VIOLATION OF THIS ARTICLE IN**
9 **HARFORD COUNTY AS PROVIDED IN § 22-2606 OF THIS TITLE;**

10 **(III) EXCEPT FOR BONDS FORFEITED UNDER § 22-2103 OF THIS**
11 **TITLE, RECOGNIZANCES FORFEITED FOR A VIOLATION OF THIS ARTICLE IN**
12 **HARFORD COUNTY AS PROVIDED IN § 22-2606 OF THIS TITLE;**

13 **(IV) INTEREST OR OTHER INCOME EARNED FROM THE**
14 **INVESTMENT OF ANY PORTION OF THE RESERVE ACCOUNT; AND**

15 **(V) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
16 **FOR THE BENEFIT OF THE RESERVE ACCOUNT.**

17 **(8) EACH YEAR, THE AMOUNT PAYABLE INTO THE RESERVE**
18 **ACCOUNT MAY NOT BE MORE THAN 20% OF THE AGGREGATE NET PROCEEDS**
19 **RECEIVED BY THE BOARD.**

20 **(9) EXPENDITURES FROM THE RESERVE ACCOUNT MAY OCCUR IF**
21 **THE BOARD DETERMINES THAT APPROPRIATIONS FOR THE CURRENT YEAR EXCEED**
22 **EXPECTED REVENUES.**

23 **(10) THE RESERVE ACCOUNT MAY NOT EXCEED \$100,000 AT ANY**
24 **TIME.**

25 **(C) EXPENDITURE OF LICENSE FEES.**

26 **THE EXPENDITURE OF LICENSE FEES COLLECTED BY THE BOARD TO**
27 **ADMINISTER AND ENFORCE COUNTY ALCOHOLIC BEVERAGES LAWS IS A MATTER**
28 **WITHIN THE DISCRETION OF THE BOARD AND IN ACCORDANCE WITH THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–204(n)(1)(i) and (iii), (3) through (6), and
3 (7)(iii).

4 In subsection (a) of this section, the reference to the “issuance” of licenses is
5 substituted for the former references to the “sale” of licenses for clarity.

6 Also in subsection (a) of this section, the former references to “the corporate
7 limits of the municipalities of” Aberdeen, Bel Air, and Havre de Grace are
8 deleted as surplusage.

9 In the introductory language of subsection (a) of this section, the reference to
10 “fees” is substituted for the former reference to “funds” to conform to the
11 terminology used throughout this article.

12 In subsection (a)(2) of this section, the reference to “municipalities” is
13 substituted for the former reference to “towns” to conform to the terminology
14 used throughout this article.

15 Also in subsection (a)(2) of this section, the former phrase “by the Board” is
16 deleted as surplusage.

17 Also in subsection (a)(2) of this section, the former phrase “of the county” is
18 deleted as surplusage.

19 In subsection (c) of this section, the phrase “in accordance with” this subtitle
20 is added for clarity.

21 Also in subsection (c) of this section, the former word “entirely” is deleted as
22 surplusage.

23 Former Art. 2B, § 10–204(n)(1)(ii), which stated that the term “Board” meant
24 the Harford County Liquor Control Board, is deleted as unnecessary in light
25 of the defined term “Board” in § 22–101 of this title.

26 Former Art. 2B, § 10–204(n)(2), which stated that former Art. 2B, § 10–204(n)
27 applied only in Harford County, is deleted as unnecessary in light of the
28 organization of this revised article.

29 Defined terms: “Alcoholic beverage” § 1–101

30 “Board” § 22–101

31 “County” § 22–101

32 “License” § 1–101

33 **22–209. REGULATIONS.**

34 **(A) IN GENERAL.**

1 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

2 **(B) ADVERTISEMENT REQUIRED OF PROPOSED ALTERATIONS TO**
3 **REGULATIONS.**

4 **(1) THE BOARD SHALL HOLD PUBLIC HEARINGS ON ALL PROPOSED**
5 **ALTERATIONS OF ITS REGULATIONS.**

6 **(2) THE HEARINGS SHALL BE ADVERTISED AT LEAST 2 CONSECUTIVE**
7 **WEEKS BEFORE THE SCHEDULED PUBLIC HEARINGS IN AT LEAST TWO NEWSPAPERS**
8 **OF GENERAL CIRCULATION IN THE COUNTY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, §§ 15–205(e)(2) and 16–301(a), as it related to the
11 authority of the Board to adopt regulations.

12 Throughout this section, the former references to “rules” are deleted as
13 unnecessary in light of the references to “regulations”.

14 In subsection (a) of this section, the defined term “Board” is substituted for
15 the former reference to “the board of license commissioners from any county
16 or Baltimore City, respectively” because this section applies only to the Board
17 of License Commissioners for Harford County.

18 Also in subsection (a) of this section, the reference to the Board “adopt[ing]
19 regulations to carry out” this article is substituted for the former reference to
20 the Board “hav[ing] full power and authority to adopt such reasonable rules
21 and regulations as they may deem necessary to enable them effectively to
22 discharge the duties imposed upon them by” this article for brevity.

23 The former phrase “[i]n addition to the powers otherwise provided by this
24 article,” is deleted as surplusage.

25 Defined terms: “Board” § 22–101

26 “County” § 22–101

27 **SUBTITLE 3. LIQUOR CONTROL.**

28 **22–301. LIQUOR CONTROL — NOT APPLICABLE.**

29 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
30 **IN THE COUNTY.**

1 REVISOR'S NOTE: This section is new language added to clarify that there is no
2 liquor control board or department of liquor control in the County.

3 Former Art. 2B, § 15–210, as it related to Harford County, which provided
4 that former Title 5, Subtitle 2 of Article 2B applied in Harford County, is
5 deleted as unnecessary in light of the organization of this revised article.

6 Historically, the Harford County Board of License Commissioners and the
7 Harford County Liquor Control Board, though charged with separate and
8 distinct duties, consisted of the same membership. Whether the members
9 convened as the Board of License Commissioners or the Liquor Control Board
10 depended on the function being performed at the time. The duties of the Board
11 of License Commissioners included regulatory and administrative functions
12 related to licensure, inspections, and enforcement, while the Liquor Control
13 Board was required to implement and maintain the County dispensary
14 system.

15 Chapter 742 of 1979 expressly repealed the Harford County liquor dispensary
16 system as of September 1, 1981, subject to a 1980 referendum in Harford
17 County. Harford County voters approved the 1980 referendum. Harford
18 County has not operated dispensaries since that time.

19 The 1979 legislation, however, did not repeal all provisions of law related to
20 liquor control boards and county dispensaries that were specific to Harford
21 County. Some of these provisions have subsequently been repealed. *See, e.g.*,
22 Chapter 874 of 1982 (repealing designation of Harford County Liquor Control
23 Board as a State agency); Chapter 654 of 1988 (repealing recordkeeping
24 requirements for the dispensary system); and Chapter 390 of 2007 (repealing
25 borrowing and interest rate limitations that applied to the Harford County
26 Liquor Control Board). As stated in the preamble to Chapter 390 of 2007,
27 “[o]ver the years, some of these [alcoholic beverages] provisions have been
28 allowed to remain in the Code, despite having become irrelevant or obsolete
29 ... [including] conditions that no longer exist in the county, such as ... the
30 operation of a liquor dispensary system”. As a result there are no functions for
31 a Harford County liquor control board to perform, and no functioning liquor
32 control board in the County.

33 Defined term: “County” § 22–101

34 SUBTITLE 4. MANUFACTURER'S LICENSES.

35 22–401. APPLICATION OF GENERAL PROVISIONS.

36 (A) WITHOUT EXCEPTION OR VARIATION.

1 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
3 EXCEPTION OR VARIATION:

4 (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

5 (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);

6 (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);

7 (4) § 2–205 (“CLASS 3 WINERY LICENSE”);

8 (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);

9 (6) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);

10 (7) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);

11 (8) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);

12 (9) § 2–211 (“RESIDENCY REQUIREMENT”);

13 (10) § 2–212 (“ADDITIONAL LICENSES”);

14 (11) § 2–213 (“ADDITIONAL FEES”);

15 (12) § 2–214 (“SALE OR DELIVERY RESTRICTED”);

16 (13) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER
17 PROHIBITED”);

18 (14) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
19 AND RETAILERS”);

20 (15) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
21 PROHIBITED PRACTICES”); AND

22 (16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
23 RETAILERS — PROHIBITED”).

24 (B) EXCEPTION.

1 **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**
2 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

3 **(C) VARIATION.**

4 **SECTION 2-207 (“CLASS 5 BREWERY LICENSE”) OF DIVISION I OF THIS**
5 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 22-403 OF THIS SUBTITLE.**

6 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
7 incorporate by reference general provisions relating to the issuance of
8 manufacturer’s licenses.

9 Subsection (b) of this section is new language derived without substantive
10 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
11 implicit in the former law, that a limited distillery license may not be issued
12 in the County.

13 Former Art. 2B, § 2-208(b)(2)(xiii), which provided that a Class 7
14 micro-brewery license shall be issued in the County, is deleted as unnecessary
15 in light of the organization of this revised article.

16 Defined terms: “County” § 22-101
17 “Manufacturer’s license” § 1-101

18 **22-402. HOURS AND DAYS OF SALE OR DELIVERY.**

19 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
20 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
21 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11-101(b)(9).

24 Defined terms: “Alcoholic beverage” § 1-101
25 “Manufacturer’s license” § 1-101

26 **22-403. CLASS DBR LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS DBR LICENSE.**

29 **(B) AUTHORIZED HOLDER.**

30 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 5 BREWERY LICENSE.**

1 **(C) SCOPE OF AUTHORIZATION; REQUIREMENTS.**

2 **(1) THE LICENSE SERVES AS THE ON-PREMISES CONSUMPTION**
3 **PERMIT AND THE LICENSE EQUIVALENT TO A CLASS D LICENSE SPECIFIED UNDER**
4 **§ 2-207(E)(1) OF THIS ARTICLE.**

5 **(2) THE LICENSE HOLDER IS NOT REQUIRED TO SELL FOOD, BUT IS**
6 **REQUIRED TO PROVIDE PREPACKAGED SNACKS.**

7 **(3) THE LICENSE HOLDER:**

8 **(I) MAY SELL BEER BREWED AT THE BREWERY NOT EXCEEDING**
9 **500 BARRELS PER YEAR FOR ON-PREMISES CONSUMPTION; BUT**

10 **(II) MAY NOT SELL ANY BEER FOR OFF-PREMISES**
11 **CONSUMPTION OTHER THAN WHAT IS ALLOWED UNDER THE LICENSE HOLDER'S**
12 **CLASS 5 BREWERY LICENSE.**

13 **(D) MINIMUM CAPITAL INVESTMENT.**

14 **THE VALUE OF THE EQUIPMENT USED ON THE PREMISES MAY BE USED**
15 **TOWARD MEETING ANY MINIMUM CAPITAL INVESTMENT REQUIREMENT IMPOSED**
16 **ON A HOLDER OF THE LICENSE.**

17 **(E) HOURS OF SALE.**

18 **THE HOURS OF SALE ARE AS PROVIDED FOR A CLASS D BEER, WINE, AND**
19 **LIQUOR LICENSE UNDER SUBTITLE 20 OF THIS TITLE.**

20 **(F) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$500.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 3-402(b) through (g).

24 In subsection (c)(1) of this section, the reference to an "on-premises"
25 consumption permit is substituted for the former reference to an "on-site"
26 consumption permit to conform to the terminology used throughout this
27 article.

1 In subsection (e) of this section, the phrase “as provided for a Class D beer,
2 wine, and liquor license under Subtitle 20 of this title” is substituted for the
3 former reference to “[former Art. 2B] § 11–513 of this article” for clarity.

4 Former Art. 2B, § 3–402(a), which stated that former Art. 2B, § 3–402 applied
5 only in Harford County, is deleted as unnecessary in light of the organization
6 of this revised article.

7 Defined terms: “Beer” § 1–101
8 “License” § 1–101

9 SUBTITLE 5. WHOLESALER’S LICENSES.

10 22–501. APPLICATION OF GENERAL PROVISIONS.

11 TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS
12 ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to the issuance of wholesaler’s licenses.

15 Defined terms: “County” § 22–101
16 “Wholesaler’s license” § 1–101

17 22–502. HOURS AND DAYS OF SALE OR DELIVERY.

18 EXCEPT AS PROVIDED IN § 22–503 OF THIS SUBTITLE, A HOLDER OF A
19 WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A
20 HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT
21 SUNDAY.

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11–102(a).

24 Defined terms: “Alcoholic beverage” § 1–101
25 “Wholesaler’s license” § 1–101

26 22–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.

27 (A) DELIVERY ON EFFECTIVE DATE OF LICENSE.

28 A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT
29 WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE
30 TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT
31 RETURNS ON THE SAME DAY.

1 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

2 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
3 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
4 **REQUIRED TO DISPENSE DRAFT BEER.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 11–102(b).

7 In subsection (a) of this section, the reference to a “per diem” license is
8 substituted for the former reference to a “special 1–day” license to conform to
9 the terminology used throughout this article.

10 Also in subsection (a) of this section, the reference to a per diem license issued
11 “under Subtitle 13 of this title” is substituted for the former reference to a
12 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
13 of material relating to per diem licenses in titles for each applicable
14 jurisdiction in this revision.

15 Also in subsection (a) of this section, the reference to delivery of beer on the
16 “effective date of the per diem license” is substituted for the former reference
17 to delivery on the “effective day of the license” for clarity.

18 Also in subsection (a) of this section, the former reference to accepting returns
19 on the same day “of delivery” is deleted as surplusage.

20 In subsection (b) of this section, the language that the “agreement entered into
21 under subsection (a) of this section shall include [the type of equipment to
22 dispense draft beer]” is substituted for the former language that the “parties
23 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

24 Defined terms: “Beer” § 1–101

25 “Wholesaler’s license” § 1–101

26 **SUBTITLE 6. BEER LICENSES.**

27 **22–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

28 **A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 3–101(n).

31 Defined terms: “Beer” § 1–101

32 “County” § 22–101

1 **22-602. CLASS B BEER LICENSE — NOT APPLICABLE.**

2 **A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 3-201(n).

5 Defined terms: "Beer" § 1-101
6 "County" § 22-101

7 **22-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

8 **A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 3-301(n).

11 Defined terms: "Beer" § 1-101
12 "County" § 22-101

13 **22-604. CLASS D BEER LICENSE — NOT APPLICABLE.**

14 **A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 3-401(n).

17 Defined terms: "Beer" § 1-101
18 "County" § 22-101

19 **SUBTITLE 7. WINE LICENSES.**

20 **22-701. CLASS A WINE LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR**
25 **A CLASS 4 LIMITED WINERY LICENSE.**

26 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
2 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY**
3 **THAT CONTAINS NOT MORE THAN 23% OF ALCOHOL BY VOLUME.**

4 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
5 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

6 **(D) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$100.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 4-201(a)(10), (b)(4), (c)(1), (d)(4) and the second
10 sentence of (1), and (e)(1)(v) and (2).

11 Throughout this section, the references to "wine" are substituted for the
12 former references to "light wine" to reflect that license holders in the County
13 may sell wine with an alcohol content of 23%, which is above the traditional
14 maximum level of 15.5% for light wine.

15 In subsection (b) of this section, the reference to a "Class 3 winery license" is
16 substituted for the former reference to a "Class 3 manufacturer's license, who
17 makes wine from agricultural products grown in Maryland" for brevity and to
18 conform to the terminology used throughout this article. Similarly, the
19 reference to a "Class 4 limited winery license" is substituted for the former
20 reference to a "Class 4 manufacturer's license".

21 Also in subsection (b) of this section, the former reference to a license being
22 issued "by the license issuing authority of the county in which the place of
23 business is located" is deleted as surplusage.

24 In subsection (c)(1) of this section, the former phrase "[n]otwithstanding any
25 other provision of law to the contrary," is deleted as surplusage.

26 Also in subsection (c)(1) of this section, the former reference to "port wines" is
27 deleted as unnecessary in light of the definition of "wine". Port wine generally
28 has an alcohol content of 19.5% to 20% by volume and thus is included in the
29 definition of "wine".

30 Also in subsection (c)(1) of this section, the former phrase "keep for sale" is
31 deleted as implicit in the word "sell".

32 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
33 any consumer" is deleted as surplusage.

1 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
2 former reference to “delivered” to conform to the terminology used throughout
3 this article.

4 Defined terms: “County” § 22–101
5 “Wine” § 1–101

6 **SUBTITLE 8. BEER AND WINE LICENSES.**

7 **22–801. CLASS A BEER AND WINE LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS:**

10 **(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND**

11 **(2) A CLASS A BEER AND WINE 7–DAY LICENSE.**

12 **(B) AUTHORIZED HOLDER.**

13 **THE BOARD MAY ISSUE THE LICENSE ONLY TO A PROPRIETOR OF A RETAIL**
14 **STORE SELLING FOOD, DRUGS, OR OTHER SIMILAR COMMODITIES.**

15 **(C) SCOPE OF AUTHORIZATION.**

16 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
17 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

18 **(2) THE LICENSE HOLDER:**

19 **(I) SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR**
20 **CONTAINER; AND**

21 **(II) MAY SELL BEER IN INDIVIDUAL BOTTLES OR CANS AND WINE**
22 **IN SPLIT BOTTLES.**

23 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
24 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
25 **SOLD.**

26 **(D) FEES.**

27 **THE ANNUAL LICENSE FEES ARE:**

1 **(1) \$625 FOR A 6-DAY LICENSE; AND**

2 **(2) \$850 FOR A 7-DAY LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive change
4 from former Art. 2B, § 5-101(a)(1) and (n)(2) and (3)(ii) and (iii).

5 In this section and throughout this subtitle, the references to "wine" are
6 substituted for the former references to "light wine" to reflect that license
7 holders in the County may sell wine with an alcohol content of 23%, which is
8 above the traditional maximum level of 15.5% for light wine.

9 Subsection (a) of this section is revised in standard language used throughout
10 this article to establish a license.

11 In subsection (a) of this section and throughout this subtitle, the former
12 references to the license being "issued by the license issuing authority of the
13 county in which the place of business is located" are deleted as surplusage.

14 In subsections (a)(1) and (d)(1) of this section, the former references to
15 "Monday through Saturday" are deleted as implicit in the references to a
16 "6-day" license.

17 In subsection (b) of this section, the former reference to a "bona fide" retail
18 store is deleted as surplusage.

19 In subsection (c)(1) of this section and throughout this subtitle, the former
20 references to "keep[ing] for sale" are deleted as implicit in the references to
21 "sell[ing]".

22 In subsection (c)(2) of this section, the defined terms "beer" and "wine" are
23 substituted for the former references to "fermented beverages" and "[b]rewed
24 beverages" for clarity.

25 In subsection (c)(2)(i) of this section, the word "sell" is substituted for the
26 former word "deliver" to conform to the terminology used throughout this
27 article.

28 Former Art. 2B, § 5-101(n)(1), which stated that former Art. 2B, § 5-101(n)
29 applied only in Harford County, is deleted as unnecessary in light of the
30 organization of this revised article.

31 Former Art. 2B, § 5-101(n)(3)(i), which defined the term "premises" to include
32 a building, parking lot, terrace, or grounds which form an integral part of the
33 licensed premises, is deleted as unnecessary in light of the defined term
34 "premises" in § 22-101 of this title.

1 Defined terms: "Beer" § 1-101
2 "Board" § 22-101
3 "Premises" § 22-101
4 "7-day license" § 1-101
5 "6-day license" § 1-101
6 "Wine" § 1-101

7 **22-802. CLASS B-1 BEER AND WINE LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS:**

10 **(1) A CLASS B-1 BEER AND WINE 6-DAY LICENSE; AND**

11 **(2) A CLASS B-1 BEER AND WINE 7-DAY LICENSE.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT.**

14 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
15 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A**
16 **RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
17 **ON-PREMISES CONSUMPTION.**

18 **(3) (I) THE HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984,**
19 **MAY SELL BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION.**

20 **(II) THE LICENSE HOLDER MAY SELL WINE IN SPLIT BOTTLES.**

21 **(III) BEER SOLD IN BOTTLES OR CANS EXCEEDING 12 OUNCES IN**
22 **WEIGHT OR SIZE FOR OFF-PREMISES CONSUMPTION MAY BE SOLD IN A QUANTITY**
23 **OF LESS THAN SIX.**

24 **(IV) IF BEER IS SOLD IN A CONTAINERIZED PACKAGE, THE**
25 **PACKAGE SHALL HOLD AT LEAST SIX BOTTLES OR CONTAINERS.**

26 **(C) TEMPORARY LICENSE.**

27 **(1) A CLASS B-1 TEMPORARY (ON-SALE) LICENSE MAY BE ISSUED TO**
28 **AN APPLICANT WHO SEEKS AFTER 6 MONTHS TO OBTAIN A CLASS B BEER, WINE, AND**
29 **LIQUOR LICENSE.**

1 **(2) THE CLASS B-1 LICENSE SHALL BE REVOKED AFTER THE**
2 **6-MONTH PERIOD HAS EXPIRED IF THE LICENSE HOLDER HAS NOT MET ALL**
3 **REQUIREMENTS FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

4 **(D) FOOD SALE REQUIREMENTS.**

5 **THE LICENSE HOLDER SHALL COMPLY WITH THE FOOD SALE REQUIREMENTS**
6 **UNDER § 22-103 OF THIS ARTICLE ONLY FOR THE PURPOSE OF MEETING THE**
7 **REQUIREMENTS OF § 22-902 OF THIS TITLE NECESSARY TO APPLY FOR A LICENSE.**

8 **(E) FEES.**

9 **THE ANNUAL LICENSE FEES ARE:**

10 **(1) \$350 FOR A 6-DAY LICENSE; AND**

11 **(2) \$500 FOR A 7-DAY LICENSE.**

12 REVISOR'S NOTE: This section is new language derived without substantive change
13 from former Art. 2B, §§ 9-213(c)(2)(ii) and 5-201(n)(2) and, as it related to
14 Class B-1 licenses, (4) and the first sentence of (a)(1) and, except as it related
15 to issuing the license to a hotel, the second sentence.

16 Subsection (a) of this section is revised in standard language used throughout
17 this article to establish a license.

18 In subsection (a) of this section, the former references to a "restaurant" license
19 are deleted as surplusage.

20 In subsection (a)(1) of this section, the former reference to "Monday through
21 Saturday" is deleted as implicit in the reference to a "6-day" license.

22 In subsection (b)(1) of this section, the former references to a "bona fide"
23 restaurant are deleted as surplusage.

24 In subsection (b)(2) of this section, the reference to "sell[ing] beer and wine ...
25 for on-premises consumption" is substituted for the former reference to
26 "'off-sales' by Class B-1 ... licensees [being] prohibited" for clarity.

27 Also in subsection (b)(2) of this section, the former reference to a license
28 "issued on or after July 1, 1984" is deleted as surplusage.

29 In subsection (b)(3)(i) of this section, the reference to "sell[ing] beer and wine
30 for on- and off-premises consumption" is substituted for the former reference

1 to “off-sales’ of licensees shall be limited to fermented beverages ... and
2 brewed beverages” for clarity.

3 In subsection (b)(3)(iii) and (iv) of this section, the references to “[b]eer” are
4 substituted for the former references to “brewed beverages” for clarity.

5 In subsection (c)(1) of this section, the reference to “an applicant” is
6 substituted for the former reference to “those persons” for clarity.

7 Also in subsection (c)(1) of this section, the reference to “obtain[ing]” a license
8 is substituted for the former reference to “operat[ing]” a license for clarity.

9 Also in subsection (c)(1) of this section, the former reference to a “bona fide”
10 Class B license is deleted as surplusage.

11 Former Art. 2B, § 5–201(n)(1), which stated that former Art. 2B, § 5–201(n)
12 applied only in Harford County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Former Art. 2B, § 5–201(n)(5), which cross-referenced a Class B beer, wine,
15 and liquor license for hotels and restaurants, is deleted as surplusage.

16 Defined terms: “Beer” § 1–101
17 “Board” § 22–101
18 “Restaurant” § 1–101
19 “7–day license” § 1–101
20 “6–day license” § 1–101
21 “Wine” § 1–101

22 **22–803. CLASS B–2 BEER AND WINE LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS:**

25 **(1) A CLASS B–2 BEER AND WINE 6–DAY LICENSE; AND**

26 **(2) A CLASS B–2 BEER AND WINE 7–DAY LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

28 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT**
29 **THAT:**

30 **(I) WAS OPERATING FOR 1 YEAR BEFORE AN APPLICATION FOR**
31 **THE LICENSE WAS MADE; AND**

1 **(II) IS EQUIPPED AND STOCKED FOR THE CONTINUED REGULAR**
2 **SALE OF FOOD TO CUSTOMERS AND GUESTS, AS DETERMINED BY THE BOARD.**

3 **(2) THE LICENSE HOLDER NEED NOT MEET THE FOOD SALE**
4 **REQUIREMENTS SET FORTH IN § 22-103 OF THIS TITLE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
7 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A**
8 **RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
9 **ON-PREMISES CONSUMPTION.**

10 **(2) (I) THE HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984,**
11 **MAY SELL BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION.**

12 **(II) THE LICENSE HOLDER MAY SELL WINE IN SPLIT BOTTLES.**

13 **(III) BEER SOLD IN BOTTLES OR CANS EXCEEDING 12 OUNCES IN**
14 **WEIGHT OR SIZE FOR OFF-PREMISES CONSUMPTION MAY BE SOLD IN A QUANTITY**
15 **OF LESS THAN SIX.**

16 **(IV) IF BEER IS SOLD IN A CONTAINERIZED PACKAGE, THE**
17 **PACKAGE SHALL HOLD AT LEAST SIX BOTTLES OR CONTAINERS.**

18 **(D) FEES.**

19 **THE ANNUAL LICENSE FEES ARE:**

20 **(1) \$500 FOR A 6-DAY LICENSE; AND**

21 **(2) \$700 FOR A 7-DAY LICENSE.**

22 REVISOR'S NOTE: This section is new language derived without substantive change
23 from former Art. 2B, § 5-201(n)(3) and, as it related to Class B-2 licenses, (4)
24 and the first sentence of (a)(1) and, except as it related to issuing the license
25 to a hotel, the second sentence.

26 Subsection (a) of this section is revised in standard language used throughout
27 this article to establish a license.

28 In subsection (a) of this section, the former references to a "restaurant" license
29 are deleted as surplusage.

1 In subsection (a)(1) of this section, the former reference to “Monday through
2 Saturday” is deleted as implicit in the reference to a “6–day” license.

3 In the introductory language of subsection (b)(1) of this section, the former
4 reference to a “bona fide” restaurant is deleted as surplusage.

5 In subsection (c)(1) of this section, the reference to “sell[ing] beer and wine ...
6 for on–premises consumption” is substituted for the former reference to
7 “‘off–sales’ by Class ... B–2 licensees [being] prohibited” for clarity.

8 Also in subsection (c)(1) of this section, the former reference to a license
9 “issued on or after July 1, 1984” is deleted as surplusage.

10 In subsection (c)(2)(i) of this section, the reference to “sell[ing] beer and wine
11 for on– and off–premises consumption” is substituted for the former reference
12 to “‘off–sales’ of licensees shall be limited to fermented beverages ... and
13 brewed beverages” for clarity.

14 In subsection (c)(2)(iii) and (iv) of this section, the references to “[b]eer” are
15 substituted for the former references to “brewed beverages” for clarity.

16 The Alcoholic Beverages Article Review Committee notes, for consideration by
17 the General Assembly, that in subsection (c)(2)(iii) of this section, the
18 reference to the “weight” or size of bottles or cans of beer may be unnecessary,
19 as “size” is the term normally used.

20 Defined terms: “Beer” § 1–101
21 “Board” § 22–101
22 “Restaurant” § 1–101
23 “7–day license” § 1–101
24 “6–day license” § 1–101
25 “Wine” § 1–101

26 **22–804. CLASS B CAFE BEER AND WINE LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS B CAFE BEER AND WINE LICENSE.**

29 **(B) SCOPE OF AUTHORIZATION.**

30 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CAFE IF:**

31 **(I) THE BOARD DETERMINES THAT THE CAFE HAS ADEQUATE**
32 **TABLES, CHAIRS, FOOD, AND FACILITIES FOR PREPARING AND SERVING MEALS;**

1 **(II) THE AVERAGE GROSS MONTHLY RECEIPTS FROM THE SALE**
2 **OF COOKED OR PREPARED FOOD SERVED AT THE CAFE AND OTHER ITEMS**
3 **APPROVED BY THE BOARD EXCEED 50% OF THE AVERAGE MONTHLY RECEIPTS**
4 **FROM THE SALE OF BEER AND WINE SOLD FOR ON-PREMISES CONSUMPTION; AND**

5 **(III) NOT MORE THAN 10% OF THE TOTAL SQUARE FOOTAGE OF**
6 **THE CAFE IS DEDICATED TO THE PUBLIC DISPLAY OF BEER AND WINE THAT ARE**
7 **OFFERED FOR SALE.**

8 **(2) THE BOARD SHALL SET A MAXIMUM AND A MINIMUM SEATING**
9 **CAPACITY FOR THE CAFE.**

10 **(3) THE LICENSE:**

11 **(I) AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND**
12 **WINE 7 DAYS A WEEK AT A CAFE, AT RETAIL, AT THE PLACE DESCRIBED IN THE**
13 **LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;**

14 **(II) HAS A WINE TASTING PRIVILEGE FOR ON-PREMISES**
15 **CONSUMPTION FOR EVERY DAY OF THE YEAR; AND**

16 **(III) MAY BE USED FOR OFF-PREMISES CATERING.**

17 **(C) LIMITED NUMBER OF LICENSES.**

18 **THE BOARD SHALL SET THE MAXIMUM NUMBER OF CAFE LICENSES THAT IT**
19 **MAY ISSUE UNDER THIS PARAGRAPH.**

20 **(D) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$1,575.**

22 REVISOR'S NOTE: This section is new language derived without substantive change
23 from former Art. 2B, § 5-201(n)(6).

24 In subsection (b) of this section, the references to a "cafe" are substituted for
25 the former references to an "establishment" for clarity.

26 In the introductory language of subsection (b)(1) of this section, the reference
27 to the "Board" is added to state expressly what was only implied in the former
28 law, that the Board is the unit that issues licenses.

1 In subsection (b)(2) of this section, the reference to setting a seating capacity
2 for “the cafe” is substituted for the former reference to setting a seating
3 capacity for “each cafe license it issues” for brevity.

4 In subsection (b)(3) of this section, the phrase “at retail, at the place described
5 in the license” is added to state expressly what was only implicit in the former
6 law.

7 Defined terms: “Beer” § 1–101

8 “Board” § 22–101

9 “Wine” § 1–101

10 **22–805. CLASS C–1 BEER AND WINE LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS:**

13 **(1) A CLASS C–1 BEER AND WINE 6–DAY LICENSE; AND**

14 **(2) A CLASS C–1 BEER AND WINE 7–DAY LICENSE.**

15 **(B) SCOPE OF AUTHORIZATION.**

16 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**
17 **ASSOCIATION OR CORPORATION THAT:**

18 **(I) IS ORGANIZED FOR PATRIOTIC OR WAR VETERANS**
19 **PURPOSES; AND**

20 **(II) HAS HELD REGULAR MEETINGS AT AN ESTABLISHED**
21 **HEADQUARTERS FOR 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS**
22 **MADE.**

23 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
24 **AND WINE TO A MEMBER OF A NONPROFIT ASSOCIATION OR CORPORATION AND**
25 **GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
26 **ON–PREMISES CONSUMPTION.**

27 **(C) FEES.**

28 **THE ANNUAL LICENSE FEES ARE:**

29 **(1) \$150 FOR A 6–DAY LICENSE; AND**

1 **(2) \$225 FOR A 7-DAY LICENSE.**

2 REVISOR'S NOTE: This section is new language derived without substantive change
3 from former Art. 2B, § 5-301(n)(2) and the second sentence of (a)(1).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (a)(1) of this section, the former reference to "Monday through
7 Saturday" is deleted as implicit in the reference to a "6-day" license.

8 In the introductory language of subsection (b)(1) and in subsection (b)(2) of
9 this section, the former references to a "bona fide" nonprofit association or
10 corporation and "bona fide" members are deleted as surplusage.

11 In subsection (b)(2) of this section, the former references to consumption "only"
12 on the premises are deleted as surplusage.

13 Defined terms: "Beer" § 1-101

14 "Board" § 22-101

15 "7-day license" § 1-101

16 "6-day license" § 1-101

17 "Wine" § 1-101

18 **22-806. CLASS C-2 BEER AND WINE LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS:**

21 **(1) A CLASS C-2 BEER AND WINE 6-DAY LICENSE; AND**

22 **(2) A CLASS C-2 BEER AND WINE 7-DAY LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**
25 **ASSOCIATION OR CORPORATION THAT:**

26 **(I) IS ORGANIZED FOR FRATERNAL PURPOSES; AND**

27 **(II) HAS HELD REGULAR MEETINGS AT AN ESTABLISHED**
28 **HEADQUARTERS FOR 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS**
29 **MADE.**

1 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
 2 **AND WINE TO A MEMBER OF A NONPROFIT ASSOCIATION OR CORPORATION AND**
 3 **GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
 4 **ON-PREMISES CONSUMPTION.**

5 **(C) FEES.**

6 **THE ANNUAL LICENSE FEES ARE:**

7 **(1) \$350 FOR A 6-DAY LICENSE; AND**

8 **(2) \$425 FOR A 7-DAY LICENSE.**

9 REVISOR'S NOTE: This section is new language derived without substantive change
 10 from former Art. 2B, § 5-301(n)(3) and the second sentence of (a)(1).

11 Subsection (a) of this section is revised in standard language used throughout
 12 this article to establish a license.

13 In subsection (a)(1) of this section, the former reference to "Monday through
 14 Saturday" is deleted as implicit in the reference to a "6-day" license.

15 In the introductory language of subsection (b)(1) and in subsection (b)(2) of
 16 this section, the former references to a "bona fide" nonprofit association or
 17 corporation and "bona fide" members are deleted as surplusage.

18 Also in subsection (b)(2) of this section, the former references to consumption
 19 "only" on the premises are deleted as surplusage.

20 Defined terms: "Beer" § 1-101

21 "Board" § 22-101

22 "7-day license" § 1-101

23 "6-day license" § 1-101

24 "Wine" § 1-101

25 **22-807. CLASS C-3 BEER AND WINE LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS:**

28 **(1) A CLASS C-3 BEER AND WINE 6-DAY LICENSE; AND**

29 **(2) A CLASS C-3 BEER AND WINE 7-DAY LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**
3 **ASSOCIATION OR CORPORATION THAT:**

4 **(I) IS ORGANIZED FOR ATHLETIC, EDUCATIONAL, OR SOCIAL**
5 **PURPOSES; AND**

6 **(II) HAS HELD REGULAR MEETINGS AT AN ESTABLISHED**
7 **HEADQUARTERS FOR 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS**
8 **MADE.**

9 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
10 **AND WINE TO A MEMBER OF A NONPROFIT ASSOCIATION OR CORPORATION AND**
11 **GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
12 **ON-PREMISES CONSUMPTION.**

13 **(C) FEES.**

14 **THE ANNUAL LICENSE FEES ARE:**

15 **(1) \$450 FOR A 6-DAY LICENSE; AND**

16 **(2) \$525 FOR A 7-DAY LICENSE.**

17 REVISOR'S NOTE: This section is new language derived without substantive change
18 from former Art. 2B, § 5-301(n)(4) and the second sentence of (a)(1).

19 Subsection (a) of this section is revised in standard language used throughout
20 this article to establish a license.

21 In subsection (a)(1) of this section, the former reference to "Monday through
22 Saturday" is deleted as implicit in the reference to a "6-day" license.

23 In the introductory language of subsection (b)(1) and in subsection (b)(2) of
24 this section, the former references to a "bona fide" nonprofit association or
25 corporation and "bona fide" members are deleted as surplusage.

26 In subsection (b)(2) of this section, the former references to consumption "only"
27 on the premises are deleted as surplusage.

28 Former Art. 2B, § 5-301(n)(1), which stated that former Art. 2B, § 5-301(n)
29 applied only in Harford County, is deleted as unnecessary in light of the
30 organization of this revised article.

1 Defined terms: "Beer" § 1-101
 2 "Board" § 22-101
 3 "7-day license" § 1-101
 4 "6-day license" § 1-101
 5 "Wine" § 1-101

6 **22-808. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

7 **A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 5-401(n).

10 Defined terms: "Beer" § 1-101
 11 "County" § 22-101
 12 "Wine" § 1-101

13 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

14 **22-901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

15 **(A) ESTABLISHED.**

16 **THERE IS:**

17 **(1) A CLASS A-1 OFF-SALE BEER, WINE, AND LIQUOR 7-DAY LICENSE;**
 18 **AND**

19 **(2) A CLASS A-2 OFF-SALE BEER, WINE, AND LIQUOR 6-DAY LICENSE.**

20 **(B) SCOPE OF AUTHORIZATION.**

21 **(1) A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE**
 22 **HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN**
 23 **THE LICENSE.**

24 **(2) THE LICENSE HOLDER:**

25 **(I) SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED**
 26 **PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED**
 27 **ON THE LICENSED PREMISES; BUT**

1 **(II) MAY SELL WINE IN SPLIT BOTTLES AND BEER IN INDIVIDUAL**
2 **BOTTLES AND CANS.**

3 **(3) IF THE MAJORITY OF THE RETAIL SALES ON THE LICENSED**
4 **PREMISES ARE FOR ITEMS OTHER THAN BEER, WINE, AND LIQUOR, THE LICENSE**
5 **HOLDER SHALL PROVIDE A SEPARATE OUTSIDE ENTRANCE FOR THE USE OF BEER,**
6 **WINE, AND LIQUOR CUSTOMERS.**

7 **(4) IF THE BUSINESS OF THE LICENSED PREMISES CONSISTS**
8 **PREDOMINANTLY OF SELLING OTHER TYPES OF RETAIL ITEMS, SUCH AS DRUGS OR**
9 **GROCERIES:**

10 **(I) THE BEER, WINE, AND LIQUOR SHALL BE DISPLAYED AND**
11 **PURCHASED IN AN AREA SEPARATE AND DISTINCT FROM THAT FOR THE OTHER**
12 **RETAIL ITEMS; AND**

13 **(II) THE BOARD MAY REQUIRE A PARTITION TO SEPARATE THE**
14 **BEER, WINE, AND LIQUOR FROM THE OTHER TYPES OF RETAIL ITEMS.**

15 **(C) REQUIRED MINIMUM STOCK.**

16 **A LICENSE HOLDER SHALL CONTINUALLY MAINTAIN A MINIMUM STOCK OF**
17 **\$8,000 WHOLESALE VALUE IN BEER, WINE, AND LIQUOR.**

18 **(D) DRUGSTORE PROHIBITION; EXCEPTION.**

19 **A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE**
20 **UNLESS THE APPLICANT:**

21 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
22 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
23 **THE LICENSE;**

24 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
25 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
26 **APPLIED FOR; OR**

27 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
28 **LEAST 3 YEARS.**

29 **(E) FEES.**

30 **THE ANNUAL LICENSE FEES ARE:**

1 **(1) \$1,470 FOR A 7-DAY CLASS A-1 LICENSE; AND**

2 **(2) \$980 FOR A 6-DAY CLASS A-2 LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 5-101(n)(3)(iii) and 6-101(a)(1) and (3) and
5 (n)(2), (4)(iii), (6), and (7).

6 Throughout this section, the references to "beer, wine, and liquor" are
7 substituted for the former references to "alcoholic beverages" for clarity.

8 Subsection (a) of this section is revised in standard language used throughout
9 this title to establish a license.

10 In subsection (b)(1) of this section, the former reference to "keep for sale" is
11 deleted as included in the reference to "sell".

12 In subsection (b)(2)(i) of this section, the word "sell" is substituted for the
13 former word "deliver" for clarity.

14 In subsection (b)(2)(ii) of this section, the reference to the authority of the
15 license holder to "sell wine in split bottles and beer in individual bottles and
16 cans" is substituted for the former statement that each license holder under
17 this section "is subject to Section 5-101(n) of this article" for clarity.

18 The only applicable provision under former Art. 2B, § 5-101(n) is the one that
19 allows license holders to sell "fermented beverages" in split bottles and
20 "brewed beverages" in individual bottles and cans. Throughout this article,
21 references to "fermented beverages" have been revised as "wine" and "brewed
22 beverages" have been revised as "beer".

23 In subsection (b)(4)(ii) of this section, the former statement that the Board
24 may require a partition "if deemed conducive to the intent of this paragraph"
25 is deleted as surplusage.

26 In subsection (c) of this section, the former reference to a license holder
27 "having the off-sale option provided for in this section" is deleted as
28 unnecessary, because all license holders under this section have the option.

29 In subsection (d)(3) of this section, the former reference to "actually" engaged
30 is deleted as surplusage.

31 Former Art. 2B, § 6-101(n)(1), which stated that former Art. 2B, § 6-101(n)
32 applied only in Harford County, is deleted as unnecessary in light of the
33 organization of this revised article.

1 Former Art. 2B, § 6–101(n)(3), which stated that a license issued under the
2 provisions of former Art. 2B, § 6–101(n) shall be issued by the Liquor Control
3 Board, is deleted as an unnecessary restatement of § 4–202 of this article.

4 Former Art. 2B, § 6–101(n)(4)(i) and (ii), which stated that each license issued
5 under this section is subject to the regulations of the Board and the provisions
6 of this section, are deleted as an unnecessary statement of common practice.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Beer” § 1–101

9 “Board” § 22–101

10 “Off–sale” § 1–101

11 “Premises” § 22–101

12 “7–day license” § 1–101

13 “6–day license” § 1–101

14 “Wine” § 1–101

15 **22–902. CLASS B BEER, WINE, AND LIQUOR LICENSES.**

16 **(A) ESTABLISHED.**

17 **THERE IS:**

18 **(1) A CLASS B BEER, WINE, AND LIQUOR 6–DAY LICENSE; AND**

19 **(2) A CLASS B BEER, WINE, AND LIQUOR 7–DAY LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR USE BY:**

22 **(1) A HOTEL THAT:**

23 **(I) ACCOMMODATES THE PUBLIC AND PROVIDES SERVICE**
24 **ORDINARILY FOUND IN HOTELS; AND**

25 **(II) HAS:**

26 **1. AT LEAST 25 ROOMS;**

27 **2. A LOBBY WITH A REGISTRATION AND MAIL DESK; AND**

28 **3. A DINING ROOM THAT SERVES FULL–COURSE MEALS**
29 **AT LEAST TWICE DAILY; OR**

1 **(2) A RESTAURANT THAT:**

2 **(I) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY ON**
3 **EACH DAY IT IS OPEN;**

4 **(II) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS**
5 **AT BARS OR COUNTERS, FOR AT LEAST 60 INDIVIDUALS;**

6 **(III) HAS BEEN IN FULL-TIME OPERATION AS A RESTAURANT**
7 **FOR AT LEAST 6 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR THE**
8 **LICENSE WAS MADE, UNLESS THE RESTAURANT BUSINESS WAS DISRUPTED AS A**
9 **RESULT OF FIRE OR OTHER DISASTER; AND**

10 **(IV) HAS HAD A GREATER DAILY AVERAGE IN RECEIPTS FROM**
11 **FOOD SALES THAN FROM BEER, WINE, AND LIQUOR SALES DURING THE 6 MONTHS**
12 **IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE WAS MADE.**

13 **(c) SCOPE OF AUTHORIZATION.**

14 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
15 **WINE, AND LIQUOR, INCLUDING AT A BAR OR COUNTER IN A HOTEL, AT RETAIL AT**
16 **THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

17 **(2) A HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984, ALSO MAY**
18 **SELL:**

19 **(I) BEER AND WINE FOR OFF-PREMISES CONSUMPTION,**
20 **INCLUDING:**

21 **1. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**
22 **BEER IN INDIVIDUAL BOTTLES AND CANS; AND**

23 **2. WINE IN SPLIT BOTTLES; AND**

24 **(II) LIQUOR, IF THE LICENSE HOLDER WAS GRANTED AN**
25 **OFF-SALE LIQUOR OPTION.**

26 **(3) BEER MAY BE SOLD FOR OFF-PREMISES CONSUMPTION IN:**

27 **(I) BOTTLES OR CANS EXCEEDING 12 OUNCES IN WEIGHT OR**
28 **SIZE, IF THE BEER IS SOLD IN A QUANTITY OF LESS THAN SIX; OR**

1 **(II) A CONTAINERIZED PACKAGE, IF THE PACKAGE HOLDS AT**
2 **LEAST SIX BOTTLES OR CONTAINERS.**

3 **(D) OFF-SALE LIQUOR OPTION.**

4 **(1) A LICENSE HOLDER WITH AN OPTION AUTHORIZING THE SALE OF**
5 **LIQUOR FOR OFF-PREMISES CONSUMPTION MAY EXERCISE THAT OPTION IN AN**
6 **AREA THAT:**

7 **(I) IS DESCRIBED IN THE LICENSE APPLICATION;**

8 **(II) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN**
9 **THE OPERATION OF THE RESTAURANT, NOT INCLUDING ADDITIONS OR EXTENSIONS;**
10 **AND**

11 **(III) UNLESS SALES ARE CONDUCTED ONLY FROM BEHIND A BAR,**
12 **IS SEPARATE AND DISTINCT FROM THE RESTAURANT SEATING AREA.**

13 **(2) IF THE LICENSE APPLICATION INDICATES THAT SALES OF BEER,**
14 **WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION WILL BE MORE EXTENSIVE**
15 **THAN FROM BEHIND A BAR, THE APPLICANT SHALL PROVIDE A SEPARATE OUTSIDE**
16 **ENTRANCE FOR PURCHASERS OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES**
17 **CONSUMPTION.**

18 **(3) TO MEET FOOD SALE REQUIREMENTS, RECEIPTS FOR SALES OF**
19 **LIQUOR FOR OFF-PREMISES CONSUMPTION MAY NOT BE INCLUDED IN THE**
20 **CALCULATION OF SALES.**

21 **(E) ADDITIONAL PRIVILEGE FOR RESTAURANT.**

22 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A**
23 **RESTAURANT HOLDING A CLASS B BEER, WINE, AND LIQUOR LICENSE IS LOCATED**
24 **WITHIN A FREESTANDING ESTABLISHMENT CONTAINING BOWLING LANES**
25 **ASSOCIATED WITH THE RESTAURANT, THE LICENSE HOLDER MAY SELL AND ALLOW**
26 **CUSTOMERS TO CARRY OR CONSUME ALCOHOLIC BEVERAGES WITHIN ANY PLACE IN**
27 **THE BOWLING ALLEY OR RESTAURANT.**

28 **(2) THE ADDITIONAL PRIVILEGE UNDER THIS SUBSECTION IS**
29 **AVAILABLE BETWEEN 6 P.M. AND THE NORMAL CLOSING TIME FOR THE LICENSE.**

30 **(3) THIS SUBSECTION:**

1 **(I) ONLY CONFERS ADDITIONAL PRIVILEGES ON LICENSES FOR**
2 **RESTAURANTS THAT ARE ASSOCIATED WITH BOWLING ALLEYS; BUT**

3 **(II) DOES NOT CREATE A SEPARATE CLASS OF LICENSE FOR**
4 **BOWLING ALLEYS.**

5 **(F) REQUIRED MINIMUM STOCK FOR OFF-SALE LIQUOR OPTION.**

6 **A LICENSE HOLDER WITH AN OFF-SALE OPTION SHALL CONTINUALLY**
7 **MAINTAIN A MINIMUM STOCK OF \$8,000 WHOLESALE VALUE IN BEER, WINE, AND**
8 **LIQUOR.**

9 **(G) FEES.**

10 **(1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE ARE:**

11 **(I) \$2,260 FOR A HOTEL; AND**

12 **(II) \$1,720 FOR A RESTAURANT.**

13 **(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:**

14 **(I) \$2,685 FOR A HOTEL; AND**

15 **(II) \$2,145 FOR A RESTAURANT.**

16 **(3) THE ANNUAL LICENSE FEES FOR AN OPTION TO SELL LIQUOR FOR**
17 **OFF-PREMISES CONSUMPTION ARE:**

18 **(I) \$350 FOR A 6-DAY RESTAURANT; AND**

19 **(II) \$450 FOR A 7-DAY RESTAURANT.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, §§ 5-201(n)(4)(i), 6-101(n)(5) and (7), 6-201(a)(1)
22 and (n)(2) and (4), and 9-213(i).

23 Subsection (a) of this section is standard language used throughout this
24 article to establish a license.

25 In subsection (b)(1) of this section, the former reference to a "bona fide" hotel
26 is deleted as vague.

1 In subsection (b)(1)(ii)3 of this section, the former reference to “seating
2 facilities” is deleted as included in the reference to a “dining room”.

3 In subsection (b)(2) of this section, the former reference to a restaurant “which
4 meets the following requirements and conditions” is deleted as unnecessary.

5 In subsection (b)(2)(ii) of this section, the reference to “individuals” is
6 substituted for the former, broader reference to “persons” because the
7 provision refers only to human beings.

8 Also in subsection (b)(2)(ii) of this section, the former reference to seating
9 “capacity” is deleted as surplusage.

10 In subsection (b)(2)(iii) of this section, the reference to “unless the restaurant
11 business was disrupted” is substituted for the former reference to “However,
12 the 6–month time period requirement does not apply to” for brevity.

13 Also in subsection (b)(2)(iii) of this section, the former reference to before “the
14 time” the application for the license was made is deleted as surplusage.

15 Also in subsection (b)(2)(iii) of this section, the former reference to “or
16 interrupted” is deleted as redundant of “disrupted”.

17 In subsection (b)(2)(iv) of this section, the reference to “6 months” is
18 substituted for the former reference to a “6–month period” for brevity.

19 Also in subsection (b)(2)(iv) of this section, the reference to “beer, wine, and
20 liquor” is substituted for the former, broader reference to “alcoholic beverages”
21 in accordance with the scope of this section.

22 In subsection (c)(1) of this section, the phrase at the place described “in the
23 license” is added for clarity.

24 In subsection (c)(2) of this section, the former phrase “to keep for sale” is
25 deleted as included in the phrase to “sell”.

26 In subsection (c)(3)(i) of this section, the reference to “beer in individual bottles
27 and cans ... wine in split bottles” is substituted for the former phrase
28 “pursuant to § 5–201(n) of this article” for clarity.

29 Subsection (d)(2) of this section states expressly what was only implicit in the
30 former law, that it is the applicant who is required to provide a separate
31 outside entrance. Also in subsection (d)(2) of this section, the reference to
32 “purchasers of alcoholic beverages for off–premises consumption” is
33 substituted for the former reference to “off–sale customers” for clarity.

1 In subsection (e)(1) of this section, the reference to a “Class B beer, wine, and
2 liquor license” is substituted for the former reference to a “license under §
3 6–201 of this article” for clarity.

4 Also in subsection (e)(1) of this section, the former phrase “as an additional
5 privilege of that license” is deleted as surplusage.

6 Also in subsection (e)(1) of this section, the former reference to “the bowling
7 lanes and on the concourse of the bowling lanes” is deleted as included in the
8 reference to “any place in the bowling alley or restaurant”.

9 In subsection (e)(2) of this section, the reference to the normal closing time
10 “for the license” is substituted for the former reference to the normal closing
11 time “for those days specified under § 11–513 of this article if the bowling
12 facility is open to the public; and ... [a]t any time permitted under §§ 6–201
13 and 11–513 of this article if the bowling facility is closed to the public for the
14 purpose of holding a private function” for brevity and to avoid obsolete
15 language.

16 In subsection (g)(3) of this section, the reference to “annual” is added for
17 clarity.

18 Former Art. 2B, § 6–201(n)(1), which stated that former Art. 2B, § 6–201(n)
19 applied only in Harford County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Defined terms: “Beer” § 1–101
22 “Board” § 22–101
23 “Hotel” § 1–101
24 “Off–sale” § 1–101
25 “Restaurant” § 22–101
26 “7–day license” § 1–101
27 “6–day license” § 1–101
28 “Wine” § 1–101

29 **22–903. CLASS B CAFE BEER, WINE, AND LIQUOR LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A CLASS B CAFE BEER, WINE, AND LIQUOR LICENSE.**

32 **(B) SCOPE OF AUTHORIZATION.**

33 **(1) THE LICENSE AUTHORIZES THE HOLDER TO SELL:**

1 **(I) BEER AND WINE FOR ON- AND OFF-PREMISES**
2 **CONSUMPTION; AND**

3 **(II) LIQUOR FOR ON-PREMISES CONSUMPTION.**

4 **(2) THE LICENSE IS A 7-DAY LICENSE WITH AN ON-PREMISES WINE**
5 **TASTING PRIVILEGE FOR EVERY DAY OF THE YEAR.**

6 **(3) THE LICENSE MAY BE USED FOR OFF-PREMISES CATERING.**

7 **(C) MAXIMUM NUMBER OF LICENSES AND SEATING CAPACITY.**

8 **THE BOARD SHALL SET:**

9 **(1) THE MAXIMUM NUMBER OF CAFE LICENSES THAT IT MAY ISSUE**
10 **UNDER THIS SECTION; AND**

11 **(2) THE MAXIMUM AND MINIMUM SEATING CAPACITY FOR EACH CAFE**
12 **LICENSE IT ISSUES.**

13 **(D) CONDITIONS FOR USE.**

14 **THE LICENSE MAY BE USED ONLY IF:**

15 **(1) THE BOARD DETERMINES THAT THE ESTABLISHMENT HAS**
16 **ADEQUATE TABLES, CHAIRS, FOOD, AND FACILITIES FOR PREPARING AND SERVING**
17 **MEALS;**

18 **(2) THE AVERAGE GROSS MONTHLY RECEIPTS FROM THE SALE OF**
19 **COOKED OR PREPARED FOOD SERVED AT THE ESTABLISHMENT AND OTHER ITEMS**
20 **APPROVED BY THE BOARD EXCEED 50% OF THE AVERAGE MONTHLY RECEIPTS**
21 **FROM THE SALE OF BEER, WINE, AND LIQUOR SOLD FOR ON-PREMISES**
22 **CONSUMPTION; AND**

23 **(3) NOT MORE THAN 10% OF THE TOTAL SQUARE FOOTAGE OF THE**
24 **ESTABLISHMENT IS DEDICATED TO THE PUBLIC DISPLAY OF BEER AND WINE THAT**
25 **IS OFFERED FOR SALE.**

26 **(E) HOURS AND DAYS OF SALE.**

27 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
28 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
29 **UNDER § 22-2004(B) OF THIS TITLE.**

1 **(F) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$3,000.**

3 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
4 language derived without substantive change from former Art. 2B, §
5 6-201(n)(10).

6 Subsection (e) of this section is new language added for clarity.

7 In subsection (a) of this section, the language "[t]here is" a Class B cafe beer,
8 wine, and liquor license is substituted for the former language "[t]he Liquor
9 Control Board may issue a special" Class B cafe beer, wine, and liquor license
10 to conform to the terminology used throughout this article.

11 Defined terms: "Beer" § 1-101

12 "Board" § 22-101

13 "7-day license" § 1-101

14 "Wine" § 1-101

15 **22-904. CLASS B-3 RESTAURANT/HOTEL LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS:**

18 **(1) A CLASS B-3 RESTAURANT/HOTEL 6-DAY LICENSE; AND**

19 **(2) A CLASS B-3 RESTAURANT/HOTEL 7-DAY LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE A CLASS B-3 LICENSE TO A PERSON WHO:**

22 **(1) HAS BEEN OPERATING A RESTAURANT OR HOTEL UNDER A CLASS**
23 **B BEER, WINE, AND LIQUOR LICENSE FOR 1 YEAR BEFORE THE APPLICATION FOR**
24 **THE CLASS B-3 LICENSE;**

25 **(2) ACCOUNTS FOR AT LEAST 25% OF THE BUSINESS AT THE**
26 **RESTAURANT OR HOTEL FROM THE SALE OF FOOD; AND**

27 **(3) IN THE JUDGMENT OF THE BOARD, HAS EQUIPPED AND STOCKED**
28 **THE RESTAURANT OR HOTEL FOR THE CONTINUED REGULAR SALE OF FOOD TO**
29 **CUSTOMERS AND GUESTS.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **(1) THE BOARD MAY ISSUE A LICENSE UNDER THIS SUBSECTION FOR**
3 **USE IN A RESTAURANT OR HOTEL AT RETAIL AT THE PLACE DESCRIBED IN THE**
4 **LICENSE.**

5 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
6 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR**
7 **AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, INCLUDING AT A**
8 **RESTAURANT AND A BAR OR COUNTER IN A HOTEL, FOR ON-PREMISES**
9 **CONSUMPTION.**

10 **(3) A HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984, MAY SELL:**

11 **(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES**
12 **CONSUMPTION;**

13 **(II) BEER AND WINE FOR OFF-PREMISES CONSUMPTION,**
14 **INCLUDING:**

15 **1. SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION,**
16 **BEER IN INDIVIDUAL BOTTLES AND CANS; AND**

17 **2. WINE IN SPLIT BOTTLES; AND**

18 **(III) LIQUOR, IF THE LICENSE HOLDER HAS BEEN GRANTED A**
19 **LIQUOR OPTION.**

20 **(4) BEER MAY BE SOLD FOR OFF-PREMISES CONSUMPTION IN:**

21 **(I) BOTTLES OR CANS EXCEEDING 12 OUNCES IN WEIGHT OR**
22 **SIZE, IF THE BEER IS SOLD IN A QUANTITY OF LESS THAN SIX; OR**

23 **(II) A CONTAINERIZED PACKAGE, IF THE PACKAGE HOLDS AT**
24 **LEAST SIX BOTTLES OR CONTAINERS.**

25 **(D) OFF-SALE LIQUOR OPTION.**

26 **(1) A LICENSE HOLDER WITH AN OPTION AUTHORIZING THE SALE OF**
27 **LIQUOR FOR OFF-PREMISES CONSUMPTION MAY EXERCISE THAT OPTION IN AN**
28 **AREA THAT:**

1 **(I) IS DESCRIBED IN THE LICENSE APPLICATION;**

2 **(II) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN**
3 **THE OPERATION OF THE RESTAURANT, NOT INCLUDING ADDITIONS OR EXTENSIONS;**
4 **AND**

5 **(III) UNLESS SALES ARE CONDUCTED ONLY FROM BEHIND A BAR,**
6 **IS SEPARATE AND DISTINCT FROM THE RESTAURANT SEATING AREA.**

7 **(2) IF THE LICENSE APPLICATION INDICATES THAT SALES OF BEER,**
8 **WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION WILL BE MORE EXTENSIVE**
9 **THAN FROM BEHIND A BAR, THE APPLICANT SHALL PROVIDE A SEPARATE OUTSIDE**
10 **ENTRANCE FOR PURCHASERS OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES**
11 **CONSUMPTION.**

12 **(3) TO MEET FOOD SALE REQUIREMENTS, RECEIPTS FOR SALES OF**
13 **LIQUOR FOR OFF-PREMISES CONSUMPTION MAY NOT BE INCLUDED IN THE**
14 **CALCULATION OF SALES.**

15 **(E) REQUIRED MINIMUM STOCK FOR LIQUOR OPTION.**

16 **A LICENSE HOLDER WITH AN OFF-SALE LIQUOR OPTION SHALL CONTINUALLY**
17 **MAINTAIN A MINIMUM STOCK OF \$8,000 WHOLESALE VALUE IN BEER, WINE, AND**
18 **LIQUOR.**

19 **(F) HOURS AND DAYS OF SALE.**

20 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
21 **HOURS AND DAYS AS SET OUT UNDER § 22-2004(C) OF THIS TITLE.**

22 **(G) FEES.**

23 **(1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE ARE:**

24 **(I) \$2,620 FOR A HOTEL; AND**

25 **(II) \$2,050 FOR A RESTAURANT.**

26 **(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:**

27 **(I) \$3,045 FOR A HOTEL; AND**

28 **(II) \$2,435 FOR A RESTAURANT.**

1 **(3) THE ANNUAL LICENSE FEES FOR AN OPTION TO SELL LIQUOR FOR**
2 **OFF-PREMISES CONSUMPTION ARE:**

3 **(I) \$350 FOR A 6-DAY RESTAURANT; AND**

4 **(II) \$450 FOR A 7-DAY RESTAURANT.**

5 REVISOR'S NOTE: Subsections (a) through (e) and (g) of this section are new
6 language derived without substantive change from former Art. 2B, §§
7 5-201(n)(4)(i), 6-101(n)(5) and (7), and 6-201(a)(1) and (n)(2)(ii) and (iv),
8 (3)(i), and (4).

9 Subsection (f) of this section is new language added for clarity.

10 Subsection (a) of this section is standard language used throughout this
11 article to establish a license.

12 In subsection (b) of this section, the former reference to "Liquor Control
13 Board" is deleted as unnecessary in light of the defined term "Board".

14 In subsection (b)(1) of this section, the reference to "restaurant or hotel" is
15 substituted for the former, broader reference to "business establishment" in
16 accordance with the scope of this section.

17 In subsection (b)(2) of this section, the reference to "accounts for at least 25%
18 of the business at the restaurant or hotel" is substituted for the former
19 reference to "does at least 25 percent of his business" for clarity.

20 In subsection (d)(1)(ii) of this section, the former reference to a restaurant as
21 a "business" is deleted as surplusage.

22 Subsection (d)(2) of this section states expressly what was only implicit in the
23 former law, that it is the applicant who is required to provide a separate
24 outside entrance.

25 In subsection (d)(2) of this section, the reference to "purchasers of alcoholic
26 beverages for off-premises consumption" is substituted for the former
27 reference to "off-sale customers" for clarity.

28 In subsection (g)(3) of this section, the reference to "annual" is added for
29 clarity.

30 Former Art. 2B, § 6-201(n)(3)(ii)1, which authorized license holders to
31 purchase liquor or spirituous beverages from licensed suppliers, is deleted as
32 obsolete.

1 Former Art. 2B, § 6–201(n)(3)(ii)2, which stated that former Art. 2B, §
 2 6–201(n) does not limit the powers of the Board to control the number of
 3 license holders under former Art. 2B, §§ 9–201 and 16–301, is deleted as
 4 surplusage.

5 Former Art. 2B, § 6–201(n)(3)(ii)3, which stated that former Art. 2B, §
 6 6–201(n) does not contravene former Art. 2B, § 6–201, §§ 10–103 (regarding
 7 criminal background checks), 10–104 (regarding residency requirements for
 8 license holders), and 11–513 (regarding hours of sale), is deleted as
 9 surplusage.

10 Defined terms: “Beer” § 1–101
 11 “Board” § 22–101
 12 “Hotel” § 1–101
 13 “Person” § 1–101
 14 “Restaurant” § 22–101
 15 “7–day license” § 1–101
 16 “6–day license” § 1–101
 17 “Wine” § 1–101

18 **22–905. CLASS BFD (FINE DINING) BEER, WINE, AND LIQUOR LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS:**

21 **(1) A CLASS BFD (FINE DINING) BEER, WINE, AND LIQUOR 6–DAY**
 22 **LICENSE; AND**

23 **(2) A CLASS BFD (FINE DINING) BEER, WINE, AND LIQUOR 7–DAY**
 24 **LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
 27 **WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

28 **(2) A LICENSE HOLDER SHALL:**

29 **(I) SERVE ONLY FULL–COURSE DINNERS AT LEAST 5 DAYS A**
 30 **WEEK;**

31 **(II) OPEN THE RESTAURANT FOR BUSINESS NOT LATER THAN 5**
 32 **P.M.; AND**

1 (III) COMPLY WITH THE REQUIREMENTS OF § 22-103 OF THIS
2 TITLE.

3 (C) HOURS AND DAYS OF SALE.

4 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
5 HOURS AND DAYS AS SET OUT UNDER § 22-2004(D) OF THIS TITLE.

6 (D) REGULATIONS.

7 THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

8 (E) FEES.

9 THE ANNUAL LICENSE FEES ARE:

10 (1) \$2,500 FOR A 6-DAY LICENSE; AND

11 (2) \$2,900 FOR A 7-DAY LICENSE.

12 REVISOR'S NOTE: Subsections (a), (b), (d), and (e) of this section are new language
13 derived without substantive change from former Art. 2B, § 6-201(n)(9).

14 Subsection (c) of this section is new language added for clarity.

15 Subsection (a) of this section is standard language used throughout this
16 article to establish a license.

17 In subsection (a) of this section, the former reference to "special" is deleted as
18 unnecessary.

19 In subsection (d) of this section, the reference to "regulations" is substituted
20 for the former reference to "rules" to conform to the terminology used
21 throughout this article.

22 Defined terms: "Beer" § 1-101

23 "Board" § 22-101

24 "Restaurant" § 22-101

25 "7-day license" § 1-101

26 "6-day license" § 1-101

27 "Wine" § 1-101

28 **22-906. CLASS BNR ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A CLASS BNR (NEWLY OPENED RESTAURANT) BEER, WINE, AND
3 LIQUOR LICENSE.

4 (B) AUTHORIZED HOLDERS TO BE DECIDED BY BOARD.

5 THE BOARD MAY DECIDE:

6 (1) THE NUMBER OF LICENSES TO BE ISSUED; AND

7 (2) TO WHOM THE LICENSES SHALL BE ISSUED.

8 (C) SCOPE OF AUTHORIZATION.

9 THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NEWLY OPENED
10 RESTAURANT THAT:

11 (1) HAS A MINIMUM CAPITAL INVESTMENT OF \$250,000 FOR NEW
12 DINING ROOM FACILITIES AND NEWLY INSTALLED KITCHEN EQUIPMENT, NOT
13 INCLUDING THE COST OF LAND, BUILDINGS, OR A LEASE;

14 (2) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY;

15 (3) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT
16 BARS OR COUNTERS, FOR AT LEAST 60 INDIVIDUALS; AND

17 (4) MEETS OTHER STANDARDS SET OUT IN THE REGULATIONS OF THE
18 BOARD.

19 (D) HOURS AND DAYS OF SALE.

20 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
21 LIQUOR FOR ON-PREMISES CONSUMPTION FROM MONDAY THROUGH SUNDAY
22 FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

23 (E) FEES.

24 (1) THE ANNUAL LICENSE FEE IS \$3,000.

25 (2) ADDITIONAL FEES FOR CLASS B LICENSES WITH OFF-SALE
26 LIQUOR PRIVILEGES ARE:

1 **(I) \$350, FOR A 6-DAY LICENSE; AND**

2 **(II) \$450, FOR A 7-DAY LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 6-201(n)(4)(i) and (5).

5 Subsection (a) of this section is standard language used throughout this
6 article to establish a license.

7 In subsection (a) of this section, the former reference to "special" is deleted as
8 unnecessary.

9 In the introductory language of subsection (b) of this section, the language
10 "[t]he Board may decide" is substituted for the former language "[t]he Liquor
11 Control Board has complete discretion as to" for brevity.

12 In subsection (c)(2) and (3) of this section, the express requirements that the
13 restaurant "serv[e] full-course meals at least twice daily [and] has regular
14 seating at tables, not including seats at bars or counters, for at least 60
15 individuals" are substituted for the former requirement that the restaurant
16 "comply with paragraph (2)(v)1 and 2 of this subsection" for clarity.

17 In subsection (c)(3) of this section, the former reference to seating "capacity"
18 is deleted as surplusage.

19 Also in subsection (c)(3) of this section, the reference to "individuals" is
20 substituted for the former, broader reference to "persons" because the
21 provision refers only to human beings.

22 In subsection (c)(4) of this section, the requirement that the restaurant "mee[t]
23 other standards set out in the regulations of the Board" is substituted for the
24 former reference to "restaurants that [a]re as further defined by the
25 regulations of the Liquor Board" for clarity.

26 In subsection (d) of this section, the reference to "beer, wine, and liquor" is
27 substituted for the former, broader reference to "alcoholic beverages" in
28 accordance with the scope of this section.

29 Also in subsection (d) of this section, the former reference to the restriction
30 that the BNR license "provides no off-sale privileges" is deleted as implicit in
31 the provision that the license authorizes the license holder to sell beer, wine,
32 and liquor for on-premises consumption.

33 Defined terms: "Beer" § 1-101

34 "Board" § 22-101

35 "Restaurant" § 22-101

- 1 "7-day license" § 1-101
2 "6-day license" § 1-101
3 "Wine" § 1-101

4 **22-907. CLASS C-1 LICENSES — WAR VETERANS' ORGANIZATION.**

5 **(A) ESTABLISHED.**

6 **THERE IS:**

7 **(1) A 6-DAY CLASS C-1 (ORGANIZATION OR CLUB) BEER, WINE, AND**
8 **LIQUOR LICENSE; AND**

9 **(2) A 7-DAY CLASS C-1 (ORGANIZATION OR CLUB) BEER, WINE, AND**
10 **LIQUOR LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **THE BOARD MAY ISSUE THE 6-DAY LICENSE OR THE 7-DAY LICENSE FOR USE**
13 **BY A WAR VETERANS' ORGANIZATION THAT:**

14 **(1) IS A NATIONALLY CHARTERED NONPROFIT ORGANIZATION OR**
15 **CLUB;**

16 **(2) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS IMMEDIATELY**
17 **PRECEDING FILING OF THE APPLICATION FOR THE LICENSE;**

18 **(3) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED**
19 **FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN**
20 **ENGAGED;**

21 **(4) OPERATES ONLY FOR THE USE OF MEMBERS OF THE WAR**
22 **VETERANS' ORGANIZATION AND GUESTS ACCOMPANIED BY MEMBERS; AND**

23 **(5) MEETS IN A CLUBHOUSE THAT IS PRINCIPALLY USED FOR CLUB**
24 **PURPOSES.**

25 **(C) SCOPE OF AUTHORIZATION.**

26 **(1) THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL**
27 **OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SATURDAY AT A**
28 **CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION**
29 **BY MEMBERS AND GUESTS.**

1 **(2) THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL**
2 **OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SUNDAY AT A CLUB**
3 **AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY**
4 **MEMBERS AND GUESTS.**

5 **(D) HOURS AND DAYS OF SALE.**

6 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
7 **HOURS AND DAYS AS SET OUT UNDER § 22-2004(F) OF THIS TITLE.**

8 **(E) FEES.**

9 **(1) THE ANNUAL FEES FOR THE 6-DAY LICENSE, DEPENDING ON THE**
10 **SIZE OF THE MEMBERSHIP OF THE WAR VETERANS' ORGANIZATION, ARE:**

11 **(I) \$350, FOR A MEMBERSHIP OF 50 TO 99;**

12 **(II) \$600, FOR A MEMBERSHIP OF 100 TO 250;**

13 **(III) \$850, FOR A MEMBERSHIP OF 251 TO 450; AND**

14 **(IV) \$1,000, FOR A MEMBERSHIP OF AT LEAST 451.**

15 **(2) THE ANNUAL FEES FOR THE 7-DAY LICENSE, DEPENDING ON THE**
16 **SIZE OF THE MEMBERSHIP OF THE WAR VETERANS' ORGANIZATION, ARE:**

17 **(I) \$450, FOR A MEMBERSHIP OF 50 TO 99;**

18 **(II) \$700, FOR A MEMBERSHIP OF 100 TO 250;**

19 **(III) \$950, FOR A MEMBERSHIP OF 251 TO 450; AND**

20 **(IV) \$1,100, FOR A MEMBERSHIP OF AT LEAST 451.**

21 REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language
22 derived without substantive change from former Art. 2B, § 6-301(n)(3), (4),
23 and, as it related to a Class C-1 license, (2) and, as it related to establishing
24 a Class C license, the first sentence of (a)(1).

25 Subsection (d) of this section is new language added for clarity.

26 Throughout this section, the former references to an "on-sale" license are
27 deleted as unnecessary in light of subsection (b)(2) of this section.

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 Subsection (b) of this section is revised as a substantive provision rather than
4 as a definition section to conform to the style used throughout this article.

5 In subsection (b) of this section, the former requirement that the organization
6 be “neither directly nor indirectly operated as a public business” is deleted as
7 unnecessary because the organization is nonprofit.

8 In the introductory language of subsection (b) of this section, the former
9 reference to issuing the license “only” to a war veterans’ organization is
10 deleted as surplusage. Similarly, in subsection (c)(1) and (2) of this section,
11 the former reference to consumption “only” on the licensed premises is deleted.

12 In subsection (b)(1) of this section, the former reference to a “bona fide”
13 organization is deleted as surplusage.

14 In subsection (c)(1) and (2) of this section, the phrase “at a club at the place
15 described in the license” is added for clarity.

16 Also in subsection (c)(1) and (2) of this section, the references to “beer, wine,
17 and liquor” are substituted for the former reference to “alcoholic beverages”
18 for clarity.

19 In the introductory language of subsection (e)(1) and (2) of this section, the
20 references to “the war veterans’ organization” are substituted for the former
21 references to “a club or organization that qualifies for a Class C–1 license
22 under this paragraph” for clarity and brevity.

23 In subsection (e)(1) and (2) of this section, the former references to “bona fide”
24 members are deleted as surplusage.

25 Former Art. 2B, § 6–301(n)(1), which stated that former Art. 2B, § 6–301(n)
26 applied only in Harford County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Defined terms: “Beer” § 1–101

29 “Board” § 22–101

30 “7–day license” § 1–101

31 “6–day license” § 1–101

32 “Wine” § 1–101

33 **22–908. CLASS C–2 LICENSES — FRATERNAL ORGANIZATION.**

34 **(A) ESTABLISHED.**

1 **THERE IS:**

2 **(1) A 6-DAY CLASS C-2 (ORGANIZATION OR CLUB) BEER, WINE, AND**
3 **LIQUOR LICENSE; AND**

4 **(2) A 7-DAY CLASS C-2 (ORGANIZATION OR CLUB) BEER, WINE, AND**
5 **LIQUOR LICENSE.**

6 **(B) AUTHORIZED HOLDER.**

7 **THE BOARD MAY ISSUE THE 6-DAY LICENSE OR THE 7-DAY LICENSE FOR USE**
8 **BY A FRATERNAL ORGANIZATION THAT:**

9 **(1) IS A LODGE OR CHAPTER OF A NATIONALLY CHARTERED**
10 **FRATERNAL ORGANIZATION;**

11 **(2) IS COMPOSED OF INDUCTED MEMBERS;**

12 **(3) OPERATES A CLUBHOUSE OR BUILDING:**

13 **(I) FOR THE USE OF ITS MEMBERS; AND**

14 **(II) THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD**
15 **ON THE PREMISES TO MEMBERS AND GUESTS; AND**

16 **(4) HAS AT LEAST 100 MEMBERS PAYING THE DUES THAT WERE**
17 **REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY**
18 **PRECEDING THE YEAR FOR WHICH THE LICENSE WAS APPLIED FOR OR ISSUED, AS**
19 **DETERMINED BY THE BOARD.**

20 **(C) SCOPE OF AUTHORIZATION.**

21 **(1) THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL**
22 **OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SATURDAY AT A**
23 **CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION**
24 **BY MEMBERS AND GUESTS.**

25 **(2) THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL**
26 **OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SUNDAY AT A CLUB**
27 **AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY**
28 **MEMBERS AND GUESTS.**

29 **(D) HOURS AND DAYS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
2 **HOURS AND DAYS AS SET OUT UNDER § 22-2005(F) OF THIS TITLE.**

3 **(E) FEES.**

4 **(1) THE ANNUAL FEES FOR THE 6-DAY LICENSE, DEPENDING ON THE**
5 **SIZE OF THE MEMBERSHIP OF THE FRATERNAL ORGANIZATION, ARE:**

6 **(I) \$800, FOR A MEMBERSHIP OF 100 TO 250;**

7 **(II) \$1,050, FOR A MEMBERSHIP OF 251 TO 450; AND**

8 **(III) \$1,200, FOR A MEMBERSHIP OF AT LEAST 451.**

9 **(2) THE ANNUAL FEES FOR THE 7-DAY LICENSE, DEPENDING ON THE**
10 **SIZE OF THE MEMBERSHIP OF THE FRATERNAL ORGANIZATION, ARE:**

11 **(I) \$900, FOR A MEMBERSHIP OF 100 TO 250;**

12 **(II) \$1,150, FOR A MEMBERSHIP OF 251 TO 450; AND**

13 **(III) \$1,300, FOR A MEMBERSHIP OF AT LEAST 451.**

14 REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language
15 derived without substantive change from former Art. 2B, § 6-301(n)(3), (5),
16 and, as it related to a Class C-2 license, (2) and, as it related to establishing
17 a Class C license, the first sentence of (a)(1).

18 Subsection (d) of this section is new language added for clarity.

19 Throughout this section, the former references to an "on-sale" license are
20 deleted as unnecessary in light of subsection (c) of this section.

21 Subsection (a) of this section is revised in standard language used throughout
22 this article to establish a license.

23 Subsection (b) of this section is revised as a substantive provision rather than
24 as a definition section to conform to the style used throughout this article.

25 In subsection (b) of this section, the former phrase "[i]s neither directly nor
26 indirectly operated as a public business;" is deleted as implicit in the term
27 "fraternal organization".

1 In the introductory language of subsection (b) of this section, the former
2 reference to issuing the license “only” to a fraternal organization is deleted as
3 surplusage. Similarly, in subsection (c)(1) and (2) of this section, the former
4 reference to consumption “only” on the licensed premises is deleted.

5 In subsection (b)(1) of this section, the former reference to a “bona fide”
6 organization is deleted as surplusage.

7 In subsection (b)(2) of this section, the reference to “inducted” members is
8 substituted for the former reference to members “duly elected and initiated in
9 accordance with the rites and customs of the organization” for brevity.

10 In subsections (b)(4) and (e)(1) and (2) of this section, the former references to
11 “bona fide” members are deleted as surplusage.

12 In subsection (b)(4) of this section, the phrase “as determined by the Board” is
13 added for clarity.

14 In subsection (c)(1) and (2) of this section, the phrase “at a club at the place
15 described in the license” is added for clarity.

16 Also in subsection (c)(1) and (2) of this section, the references to “beer, wine,
17 and liquor” are substituted for the former reference to “alcoholic beverages”
18 for clarity.

19 In the introductory language of subsection (e)(1) and (2) of this section, the
20 references to “the fraternal organization” are substituted for the former
21 references to “a club or organization that qualifies for a Class C–2 license
22 under this paragraph” for clarity and brevity.

23 Defined terms: “Beer” § 1–101

24 “Board” § 22–101

25 “7–day license” § 1–101

26 “6–day license” § 1–101

27 “Wine” § 1–101

28 **22–909. CLASS C–3 LICENSES — COUNTRY CLUB, TOPIARY GARDEN, OR YACHT OR**
29 **BOAT CLUB.**

30 **(A) ESTABLISHED.**

31 **THERE IS:**

32 **(1) A 6–DAY CLASS C–3 (COUNTRY CLUB, TOPIARY GARDEN, OR**
33 **YACHT OR BOAT CLUB) BEER, WINE, AND LIQUOR LICENSE; AND**

1 **(2) A 7-DAY CLASS C-3 (COUNTRY CLUB, TOPIARY GARDEN, OR**
2 **YACHT OR BOAT CLUB) BEER, WINE, AND LIQUOR LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE 6-DAY LICENSE OR THE 7-DAY LICENSE FOR USE**
5 **BY:**

6 **(1) A COUNTRY CLUB THAT:**

7 **(I) MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT;**

8 **(II) HAS AT LEAST 75 MEMBERS PAYING DUES OF AT LEAST \$50**
9 **PER YEAR PER MEMBER; AND**

10 **(III) MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE**
11 **OF AT LEAST NINE HOLES OR A SWIMMING POOL THAT IS AT LEAST 20 BY 40 FEET;**

12 **(2) A TOPIARY GARDEN THAT:**

13 **(I) OPERATES A PUBLIC MUSEUM AND GARDEN FOR THE**
14 **MEMBERS OF THE TOPIARY GARDEN AND THE PUBLIC AS GUESTS OF THE MEMBERS;**

15 **(II) IS OPEN TO THE PUBLIC FOR AT LEAST 6 DAYS A WEEK FOR**
16 **AT LEAST 6 HOURS A DAY DURING AT LEAST 5 MONTHS EACH YEAR; AND**

17 **(III) HAS FOOD PREPARATION FACILITIES ON THE PREMISES**
18 **FOR THE CONVENIENCE OF GUESTS; OR**

19 **(3) A YACHT OR BOAT CLUB THAT:**

20 **(I) MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT;**

21 **(II) OWNS REAL PROPERTY IN THE COUNTY; AND**

22 **(III) HAS AT LEAST 150 DUES-PAYING MEMBERS, OF WHOM AT**
23 **LEAST 50 OWN A YACHT, BOAT, OR OTHER VESSEL.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **(1) THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL**
26 **OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SATURDAY AT A**

1 CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION
2 BY MEMBERS AND GUESTS.

3 (2) THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL
4 OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SUNDAY AT A CLUB
5 AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY
6 MEMBERS AND GUESTS.

7 (D) HOURS AND DAYS OF SALE.

8 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
9 HOURS AND DAYS AS SET OUT UNDER § 22-2004(F) OF THIS TITLE.

10 (E) FEES.

11 (1) THE ANNUAL FEE FOR THE 6-DAY LICENSE IS \$1,300.

12 (2) THE ANNUAL FEE FOR THE 7-DAY LICENSE IS \$1,400.

13 REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language
14 derived without substantive change from former Art. 2B, § 6-301(n)(3), (6),
15 and, as it related to a Class C-3 license, (2) and, as it related to establishing
16 a Class C license, the first sentence of (a)(1).

17 Subsection (d) of this section is new language added for clarity.

18 Throughout this section, the former references to an "on-sale" license are
19 deleted as unnecessary in light of subsection (c) of this section.

20 Subsection (a) of this section is revised in standard language used throughout
21 this article to establish a license.

22 Subsection (b) of this section is revised as a substantive provision rather than
23 as a definition section to conform to the style used throughout this article.

24 In the introductory language of subsection (b) of this section, the former
25 reference to issuing the license "only" to a certain organization is deleted as
26 surplusage. Similarly, in subsection (c)(1) and (2) of this section, the former
27 reference to consumption "only" on the licensed premises is deleted.

28 In subsection (b)(1)(ii) and (3)(iii) of this section, the former references to "bona
29 fide" members are deleted as surplusage.

1 In subsection (b)(1)(iii) of this section, the former reference to maintaining “at
2 the time of the application for the license and continu[ing] to maintain” is
3 deleted as included in the word “maintains”.

4 Also in subsection (b)(1)(iii) of this section, the former phrase “instead of the
5 golf course” is deleted as surplusage.

6 In subsection (b)(2)(i) and (ii) of this section, the former references to the
7 “general” public are deleted as surplusage.

8 In subsection (b)(2)(iii) of this section, the former reference to “visiting” guests
9 is deleted as surplusage.

10 In subsection (c)(1) and (2) of this section, the phrase “at a club at the place
11 described in the license” is added for clarity.

12 Also in subsection (c)(1) and (2) of this section, the references to “beer, wine,
13 and liquor” are substituted for the former reference to “alcoholic beverages”
14 for clarity.

15 In subsection (e) of this section, the references to “annual” are added for
16 clarity.

17 Defined terms: “Beer” § 1–101
18 “Board” § 22–101
19 “County” § 22–101
20 “7–day license” § 1–101
21 “6–day license” § 1–101
22 “Wine” § 1–101

23 **22–910. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

24 **(A) ESTABLISHED.**

25 **THERE IS:**

26 **(1) A CLASS D BEER, WINE, AND LIQUOR (ON–SALE) 7–DAY LICENSE;**
27 **AND**

28 **(2) A CLASS D BEER, WINE, AND LIQUOR (ON– AND OFF–SALE) 7–DAY**
29 **LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

31 **(1) THE BOARD MAY ISSUE A CLASS D LICENSE TO A CURRENT CLASS**
32 **B LICENSE HOLDER THAT APPLIES FOR THE LICENSE.**

1 **(2) THE APPLICANT SHALL SURRENDER TO THE BOARD THE**
2 **APPLICANT'S CLASS B LICENSE ON THE ISSUANCE OF THE CLASS D LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
5 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR:**

6 **(1) ON-PREMISES CONSUMPTION, IF AN ON-SALE LICENSE; OR**

7 **(2) ON- AND OFF-PREMISES CONSUMPTION, IF AN ON-SALE AND**
8 **OFF-SALE LICENSE.**

9 **(D) NUMBER OF LICENSES TO BE ISSUED.**

10 **THE BOARD MAY DETERMINE THE NUMBER OF LICENSES TO BE ISSUED.**

11 **(E) DRUGSTORE PROHIBITION.**

12 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

13 **(F) REGULATIONS.**

14 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

15 **(G) FEES.**

16 **THE ANNUAL LICENSE FEES ARE:**

17 **(1) \$3,000 FOR AN ON-SALE LICENSE; AND**

18 **(2) \$4,000 FOR AN ON- AND OFF-SALE LICENSE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 6-401(a)(1) and (n)(2) through (5) and (7).

21 Subsection (a) of this section is revised in standard language used throughout
22 this title to establish a license.

23 In subsections (a) and (c) of this section, the references to "beer, wine, and
24 liquor" are substituted for the former references to "all alcoholic beverages" to
25 conform to the terminology used throughout this article.

1 In subsections (b) and (d) of this section, the former references to Class D
2 licenses “authorized by this subsection” or issued under the “authority of this
3 subsection” are deleted as surplusage.

4 In subsection (f) of this section, the former phrase “[i]n accordance with
5 [former] § 16–301(a) of this article” is deleted as unnecessary because the
6 former provision was merely a general authorization for the adoption of
7 regulations.

8 Former Art. 2B, § 6–401(n)(1), which stated that former Art. 2B, § 6–401(n)
9 applied only in Harford County, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Former Art. 2B, § 6–401(n)(6), which required the Liquor Control Board to
12 ensure that any Class D license meet the requirements of former Art. 2B, §
13 9–213, is deleted as unnecessary in light of the reorganization of this title.

14 Defined terms: “Beer” § 1–101

15 “Board” § 22–101

16 “Off–sale” § 1–101

17 “On–sale” § 1–101

18 “7–day license” § 1–101

19 “Wine” § 1–101

20 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

21 **22–1001. BED AND BREAKFAST BEER, WINE, AND LIQUOR LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS B–BB (BED AND BREAKFAST) BEER, WINE, AND LIQUOR**
24 **LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS**
27 **APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE A BED**
28 **AND BREAKFAST THAT:**

29 **(1) PROVIDES SERVICES ORDINARILY PROVIDED BY A BED AND**
30 **BREAKFAST;**

31 **(2) HAS AT LEAST ONE ROOM BUT NOT MORE THAN 10 ROOMS, EACH**
32 **WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT**

1 **QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED**
2 **TIME; AND**

3 **(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE**
4 **APPROPRIATE LOCAL GOVERNMENTAL UNIT.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
7 **LIQUOR TO A GUEST IF:**

8 **(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE**
9 **REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND**

10 **(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED**
11 **AND BREAKFAST.**

12 **(D) CATERING PRIVILEGE.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
14 **LIQUOR FOR ON-PREMISES CONSUMPTION TO A GUEST OF A CATERED EVENT AT THE**
15 **BED AND BREAKFAST IF:**

16 **(1) THE LICENSE HOLDER IS UNDER CONTRACT TO CATER THE**
17 **EVENT;**

18 **(2) THE LICENSE HOLDER CATERES THE EVENT; AND**

19 **(3) FOOD IS SERVED AT THE CATERED EVENT.**

20 **(E) HOURS AND DAYS OF SALE.**

21 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES**
22 **CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER,**
23 **WINE, AND LIQUOR LICENSE UNDER § 22-2004 OF THIS TITLE.**

24 **(F) PROHIBITED SALES.**

25 **THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR**
26 **TO AN INDIVIDUAL WHO:**

27 **(1) IS NOT A GUEST OF THE BED AND BREAKFAST; OR**

1 **(2) IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST ONLY TO**
2 **OBTAIN BEER, WINE, AND LIQUOR.**

3 **(G) PROHIBITED ACTIVITY; END OF OPERATIONS.**

4 **(1) A BED AND BREAKFAST MAY NOT BE OPERATED ONLY TO SELL OR**
5 **PROVIDE BEER, WINE, AND LIQUOR.**

6 **(2) IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND**
7 **BREAKFAST:**

8 **(I) THE LICENSE IS VOID; AND**

9 **(II) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE**
10 **BOARD.**

11 **(H) REGULATIONS.**

12 **THE BOARD SHALL ADOPT REGULATIONS TO:**

13 **(1) CARRY OUT THIS SECTION; AND**

14 **(2) ENSURE THAT THE PRIMARY PURPOSE OF THE LICENSE IS TO**
15 **ALLOW THE LICENSE HOLDER TO OPERATE A BED AND BREAKFAST.**

16 **(I) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$1,000.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 6-201(n)(8).

20 Throughout this section, the former reference to a bed and breakfast
21 "establishment" is deleted as surplusage.

22 In subsection (a) of this section, the former reference to a "7-day" license is
23 deleted for consistency in license names throughout this article.

24 In subsection (b) of this section, the references to the local "governmental unit"
25 are substituted for the former references to the local "government authority"
26 for consistency with other provisions of this revised article.

27 In the introductory language of subsection (b) of this section, the former
28 reference to "reissuance" is deleted as implicit.

1 Also in the introductory language of subsection (b) of this section, the reference
2 to “a license holder” is substituted for the former reference to “the applicant’s
3 or the Class B–BB license holder’s establishment, as appropriate” for brevity.

4 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
5 substituted for the former, broader reference to “alcoholic beverages” in
6 accordance with the scope of this section.

7 In the introductory language of subsection (d) of this section, the former
8 reference to “keep for sale” is deleted as included in the reference to “sell”.

9 In subsection (e) of this section, the reference to the hours and days of sale
10 that are set out “under § 22–2004 of this title” is added for clarity.

11 Also in subsection (e) of this section, the former reference to a license “issued
12 in the county” is deleted as unnecessary because this title concerns only
13 licenses issued in Harford County.

14 In the introductory language of subsection (f) of this section, the reference to
15 “an individual” is substituted for the former, broader reference to “a person”
16 because the provision refers only to human beings.

17 In subsection (h)(2) of this section, the reference to “operate a bed and
18 breakfast” is substituted for the former reference to “operate an establishment
19 as a bed and breakfast establishment” for brevity.

20 The Alcoholic Beverages Article Review Committee notes, for consideration by
21 the General Assembly, that the reference to a “guest of the bed and breakfast”
22 in subsection (f)(1) of this section is unclear. The General Assembly may wish
23 to clarify whether it includes a guest at a catered event.

24 Defined terms: “Beer” § 1–101

25 “Board” § 22–101

26 “Wine” § 1–101

27 **22–1002. CONTINUING CARE FACILITY FOR THE AGED LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS CCFA (CONTINUING CARE FACILITY FOR THE AGED) BEER,**
30 **WINE, AND LIQUOR LICENSE.**

31 **(B) AUTHORIZED HOLDER.**

32 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A CONTINUING CARE**
33 **FACILITY FOR THE AGED THAT:**

1 **(1) PROVIDES CONTINUING CARE AS DEFINED UNDER § 10-401 OF**
2 **THE HUMAN SERVICES ARTICLE;**

3 **(2) IS LICENSED AS A RELATED INSTITUTION UNDER TITLE 19,**
4 **SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;**

5 **(3) IS CERTIFIED BY THE DEPARTMENT OF AGING; AND**

6 **(4) IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF**
7 **THE INTERNAL REVENUE CODE.**

8 **(C) SCOPE OF AUTHORIZATION.**

9 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
10 **LIQUOR ON THE LICENSED PREMISES FOR ON-PREMISES CONSUMPTION.**

11 **(D) HOURS AND DAYS OF SALE.**

12 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES**
13 **CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER,**
14 **WINE, AND LIQUOR LICENSE UNDER § 22-2004 OF THIS TITLE.**

15 **(E) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$5,000.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 8-213.2(b) through (d) and (f).

19 In subsection (b) of this section, the former explicit requirement that a
20 continuing care facility be "located in Harford County" to be eligible for the
21 Class CCFA license is deleted as implicit in the licensing authority of the
22 Harford County Board of License Commissioners, which authority is limited
23 to Harford County.

24 Former Art. 2B, § 8-213.2(a), which stated that former Art. 2B, § 8-213.2
25 applied only in Harford County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: "Beer" § 1-101

28 "Board" § 22-101

29 "Wine" § 1-101

30 **22-1003. GOLF COURSE LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.

3 (B) AUTHORIZED HOLDER.

4 THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OR OPERATOR OF A GOLF
5 COURSE THAT:

6 (1) IS OPEN TO THE PUBLIC;

7 (2) IS OPERATED FOR PROFIT; AND

8 (3) HAS A MINIMUM OF 18 HOLES.

9 (C) SCOPE OF AUTHORIZATION.

10 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
11 WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS,
12 INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.

13 (2) A PATRON NEED NOT BE SEATED TO BE SERVED.

14 (D) HOURS AND DAYS OF SALE.

15 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
16 HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE
17 UNDER § 22-2004 OF THIS TITLE.

18 (E) FEE.

19 THE ANNUAL LICENSE FEE IS \$3,500.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8-503(b) through (g).

22 In subsection (d) of this section, the reference to the authority of the "license
23 holder" to "sell beer, wine, and liquor during the hours and days as set out for
24 a Class C beer, wine, and liquor license under § 22-2004 of this title" is
25 substituted for the former reference to the "hours and days for sale are as
26 specified in § 11-513(b)(1) of this article" for clarity and consistency with
27 similar provisions on hours and days of sale in this article.

1 Former Art. 2B, § 8–503(a), which stated that the provisions of former Art.
2 2B, § 8–503 applied only in Harford County, is deleted as unnecessary in light
3 of the organization of this revised article.

4 Former Art. 2B, § 8–503(h), which stated that the distance a licensee must
5 remain from a church or school specified in former Art. 2B, § 9–213 does not
6 apply to Class GC (golf course) licensees, is deleted as unnecessary. The Class
7 GC exception is stated in § 22–1602 of this title.

8 Defined terms: “Beer” § 1–101

9 “Board” § 22–101

10 “Wine” § 1–101

11 **22–1004. CLASS H–CC BEER, WINE, AND LIQUOR LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS H–CC (CORPORATE CLUB/CONFERENCE CENTER) BEER,**
14 **WINE, AND LIQUOR LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **(1) THE BOARD MAY ISSUE THE LICENSE FOR AN ESTABLISHMENT**
17 **WITH:**

18 **(I) A BANQUET ROOM, CONFERENCE ROOM, OR MEETING ROOM**
19 **THAT IS SUITABLE FOR PUBLIC GATHERINGS AND EQUIPPED WITH FOOD**
20 **PREPARATION FACILITIES; AND**

21 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
22 **CORPORATE DINING ROOM THAT IS RESERVED FOR MEMBERS OF A PRIVATE CLUB**
23 **AND THEIR GUESTS.**

24 **(2) A CORPORATE DINING ROOM DESCRIBED IN PARAGRAPH (1)(II)**
25 **OF THIS SUBSECTION:**

26 **(I) SHALL BE EQUIPPED FOR THE SALE OF FOOD; AND**

27 **(II) MAY BE USED BY A PRIVATE CLUB OF AT LEAST 25 MEMBERS**
28 **WHO PAY AN ANNUAL MEMBERSHIP FEE.**

29 **(C) SCOPE OF AUTHORIZATION.**

30 **(1) THE LICENSE HOLDER MAY:**

1 **(I) SELL BEER, WINE, AND LIQUOR DURING AN EVENT**
 2 **CONTRACTED WITH ANOTHER PERSON IN:**

3 **1. A ROOM DESCRIBED IN SUBSECTION (B)(1) OF THIS**
 4 **SECTION; OR**

5 **2. ANOTHER AREA IN THE LICENSED PREMISES THAT**
 6 **THE BOARD APPROVES;**

7 **(II) HOLD MULTIPLE EVENTS IN THE LICENSED PREMISES**
 8 **SIMULTANEOUSLY; AND**

9 **(III) CONTRACT TO PROVIDE BEER, WINE, AND LIQUOR AT AN**
 10 **EVENT HELD OFF THE LICENSED PREMISES IF THE EVENT IS IN THE COUNTY AND**
 11 **THE LICENSE HOLDER CONTRACTS TO PROVIDE FOOD FOR CONSUMPTION AT THE**
 12 **EVENT.**

13 **(2) THE LICENSE HOLDER MAY NOT HOLD MORE THAN FOUR**
 14 **SELF-SPONSORED EVENTS PER YEAR IN THE BANQUET, CONFERENCE, OR MEETING**
 15 **ROOM.**

16 **(D) SIX-LICENSE LIMIT.**

17 **NOT MORE THAN SIX CLASS H-CC LICENSES MAY BE IN EFFECT AT A TIME.**

18 **(E) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$3,000.**

20 REVISOR'S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 6-201(n)(6).

22 In subsection (c)(1)(i) of this section, the former phrase "keep for sale" is
 23 deleted as implicit in the reference to "sell".

24 Defined terms: "Beer" § 1-101

25 "Board" § 22-101

26 "County" § 22-101

27 "Wine" § 1-101

28 **22-1005. INN BEER, WINE, AND LIQUOR LICENSE.**

29 **(A) "GUEST" DEFINED.**

1 **IN THIS SECTION, “GUEST” MEANS AN INDIVIDUAL WHOSE NAME AND**
2 **ADDRESS APPEAR ON THE REGISTRY THAT THE INN MAINTAINS.**

3 **(B) ESTABLISHED.**

4 **THERE IS A CLASS B (INN) BEER, WINE, AND LIQUOR LICENSE.**

5 **(C) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS**
7 **APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE AN INN**
8 **THAT:**

9 **(1) HAS AT LEAST 11 ROOMS OR SUITES, EACH WITH SLEEPING**
10 **ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE**
11 **PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME;**

12 **(2) HAS A SEATED DINING CAPACITY OF A SUFFICIENT SIZE TO**
13 **ACCOMMODATE OVERNIGHT GUESTS AND DINNER PATRONS WHO PARTICIPATE IN**
14 **REGULAR MEALS AND SPECIAL DINNER EVENTS ON THE PREMISES OF THE**
15 **ESTABLISHMENT AS AUTHORIZED UNDER SUBSECTION (D) OF THIS SECTION; AND**

16 **(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE**
17 **LOCAL GOVERNMENTAL UNIT.**

18 **(D) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

20 **(1) SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION**
21 **BY A GUEST IN CONJUNCTION WITH A MEAL;**

22 **(2) WITH THE PRIOR APPROVAL OF THE BOARD, SERVE BEER, WINE,**
23 **AND LIQUOR TO GUESTS AND DINNER PATRONS ON A PATIO, A DECK, A TERRACE,**
24 **THE GROUNDS, OR ANY OTHER OUTDOOR AREA THAT IS AN INTEGRAL PART OF THE**
25 **PREMISES;**

26 **(3) ALLOW A GUEST TO HAVE BEER, WINE, AND LIQUOR DELIVERED**
27 **TO THE GUEST IN A SEALED PACKAGE BY THE INN, IF THE GUEST IS IN A BUILDING**
28 **THAT IS:**

29 **(1) CONSIDERED PART OF THE INN OPERATION; AND**

1 (II) LOCATED IN THE SAME MAIL UNIT NUMBER AS THE INN OR
2 IS NOT MORE THAN ONE-EIGHTH OF A MILE FROM THE INN;

3 (4) HOLD A SPECIAL DINNER EVENT ON THE PREMISES OF THE
4 ESTABLISHMENT; AND

5 (5) ALLOW AN INDIVIDUAL WHO IS NOT A GUEST TO PATRONIZE THE
6 ESTABLISHMENT FOR A REGULAR OR SPECIAL DINNER MEAL.

7 (E) CATERING PRIVILEGE.

8 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
9 LIQUOR FOR ON-PREMISES CONSUMPTION DURING CATERED EVENTS AT THE INN
10 IF:

11 (1) THE LICENSE HOLDER IS UNDER CONTRACT TO CATER THE
12 EVENT;

13 (2) THE LICENSE HOLDER CATERES THE EVENT; AND

14 (3) FOOD IS SERVED AT THE CATERED EVENT.

15 (F) OFF-SALE PRIVILEGE.

16 A HOLDER OF A CLASS B (INN) LICENSE THAT WAS ISSUED AFTER MARCH 6,
17 2006, MAY SELL BEER AND WINE FROM THE DINING ROOM TO GUESTS FOR
18 OFF-PREMISES CONSUMPTION IF THE HOLDER PREVIOUSLY HELD A CLASS B
19 (RESTAURANT) LICENSE ALLOWING SALES OF BEER AND WINE FOR OFF-PREMISES
20 CONSUMPTION.

21 (G) HOURS AND DAYS OF SALE.

22 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR TO GUESTS FOR
23 ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A
24 CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 22-2004 OF THIS TITLE.

25 (H) PROHIBITED SALES.

26 THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR
27 TO AN INDIVIDUAL WHO:

1 **(1) IS NOT A GUEST OR A PATRON OF THE DINING FACILITY OF THE**
2 **INN; OR**

3 **(2) IS REGISTERED AS A GUEST AT THE INN ONLY TO OBTAIN BEER,**
4 **WINE, AND LIQUOR.**

5 **(I) PROHIBITED ACTIVITY; END OF OPERATIONS.**

6 **(1) AN INN MAY NOT BE OPERATED ONLY TO SELL OR PROVIDE BEER,**
7 **WINE, AND LIQUOR.**

8 **(2) IF AN INN ENDS OPERATIONS AS AN INN:**

9 **(I) THE LICENSE IS VOID; AND**

10 **(II) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE**
11 **BOARD.**

12 **(3) BEER, WINE, AND LIQUOR IN OPEN CONTAINERS MAY NOT BE**
13 **TRANSFERRED, CARRIED, TAKEN, OR DELIVERED TO, FROM, OR BETWEEN THE INN**
14 **AND OTHER BUILDINGS THAT ARE CONSIDERED PART OF THE INN.**

15 **(J) REGULATIONS.**

16 **THE BOARD SHALL ADOPT REGULATIONS TO:**

17 **(1) CARRY OUT THIS SECTION; AND**

18 **(2) ENSURE THAT THE PRIMARY PURPOSE OF THE LICENSE IS TO**
19 **ALLOW THE LICENSE HOLDER TO OPERATE AN INN.**

20 **(K) FEES.**

21 **THE ANNUAL LICENSE FEE IS:**

22 **(1) \$2,500 FOR AN INN THAT HAS AT LEAST 11 BUT NOT MORE THAN**
23 **24 ROOMS OR SUITES; AND**

24 **(2) \$3,295 FOR AN INN THAT HAS AT LEAST 25 ROOMS OR SUITES.**

25 **REVISOR'S NOTE: This section is new language derived without substantive**
26 **change from former Art. 2B, § 6-201(n)(7).**

1 Throughout this section, the former references to an inn “establishment” are
2 deleted as surplusage.

3 In subsection (b) of this section, the former reference to a “7–day” license is
4 deleted for consistency in license names throughout this article.

5 In subsection (c) of this section, the references to a local “governmental unit”
6 are substituted for the former references to a local “governing authority” for
7 consistency with other provisions of this title.

8 In the introductory language of subsection (c) of this section, the reference to
9 a “license holder” is substituted for the former reference to “the establishment
10 of the applicant or the special Class B (inn) license holder” for brevity.

11 Also in the introductory language of subsection (c) of this section, the former
12 reference to “reissuance” is deleted as implicit.

13 In subsection (c)(1) of this section, the former reference to a specified “period
14 of” time is deleted as surplusage.

15 In subsection (d)(1), (2), and (3) of this section, the references to “beer, wine,
16 and liquor” are substituted for the former, broader references to “alcoholic
17 beverages” to conform to the terminology used in this section.

18 In subsection (d)(2) of this section, the former reference to the premises “of the
19 inn establishment” is deleted as surplusage.

20 In the introductory language of subsection (e) of this section, the former
21 reference to “keep for sale” is deleted as included in the reference to “sell”.

22 In subsection (g) of this section, the former reference to a license “established
23 ... for Harford County under this article” is deleted as surplusage.

24 Also in subsection (g) of this section, the reference to the hours and days of
25 sale that are set out “under § 22–2004 of this title” is added for clarity.

26 Defined terms: “Beer” § 1–101

27 “Board” § 22–101

28 “Wine” § 1–101

29 **22–1006. STADIUM LICENSE.**

30 **(A) DEFINITIONS.**

31 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
32 **INDICATED.**

1 **(2) “CONCESSION MANAGER” MEANS A PERSON THAT PROVIDES AND**
2 **SUPERVISES UNDER CONTRACT THE COMPREHENSIVE MANAGEMENT OF ALL FOOD**
3 **AND BEVERAGE CONCESSION SALES ON THE LICENSED PREMISES.**

4 **(3) “LICENSED PREMISES” INCLUDES THE STADIUM FACILITY AND**
5 **STADIUM PARKING LOTS.**

6 **(B) ESTABLISHED.**

7 **THERE IS A STADIUM BEER, WINE, AND LIQUOR LICENSE.**

8 **(C) AUTHORIZED HOLDER.**

9 **THE BOARD MAY ISSUE THE LICENSE FOR A STADIUM OWNED BY THE CITY OF**
10 **ABERDEEN TO THE OWNER, LESSEE, OR CONCESSION MANAGER OF A**
11 **PROFESSIONAL BASEBALL STADIUM.**

12 **(D) SCOPE OF AUTHORIZATION.**

13 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
14 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR**
15 **ON-PREMISES CONSUMPTION.**

16 **(2) THE LICENSE HOLDER MAY SELL, SERVE, OR ALLOW THE**
17 **CONSUMPTION OF BEER, WINE, AND LIQUOR ON THE STADIUM PARKING LOTS ONLY**
18 **WITH THE PRIOR WRITTEN APPROVAL OF THE BOARD.**

19 **(E) HOURS AND DAYS OF SALE.**

20 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
21 **HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM**
22 **8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

23 **(2) DURING A BASEBALL GAME, A HOLDER OF A STADIUM LICENSE**
24 **MAY NOT SELL BEER, WINE, OR LIQUOR:**

25 **(I) AFTER THE BEGINNING OF THE EIGHTH INNING; OR**

26 **(II) DURING A DOUBLEHEADER GAME, AFTER THE BEGINNING**
27 **OF THE SIXTH INNING OF THE SECOND GAME.**

28 **(F) REQUIREMENTS AND RESTRICTIONS.**

1 **(1) AN INDIVIDUAL WHO SERVES BEER, WINE, AND LIQUOR ON THE**
2 **LICENSED PREMISES SHALL HOLD A CERTIFICATE FROM AN ALCOHOL AWARENESS**
3 **PROGRAM THAT THE BOARD APPROVES.**

4 **(2) AN INDIVIDUAL MAY SERVE LIQUOR DURING A BASEBALL GAME**
5 **ONLY ON THE CLUB LEVEL OR IN A DINING AREA WHERE PATRONS ARE SEATED.**

6 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
7 **PARAGRAPH, AN INDIVIDUAL MAY SERVE BEER, WINE, AND LIQUOR DURING A**
8 **BASEBALL GAME ONLY IN A PLASTIC, STYROFOAM, OR PAPER CONTAINER.**

9 **(II) AN INDIVIDUAL MAY SERVE BEER, WINE, AND LIQUOR IN A**
10 **GLASS CONTAINER ON THE CLUB LEVEL OR IN A DINING AREA WHERE PATRONS ARE**
11 **SEATED.**

12 **(4) (I) THIS PARAGRAPH DOES NOT APPLY TO BEER AND WINE**
13 **SERVED ON THE CLUB LEVEL OR IN A DINING AREA WHERE PATRONS ARE SEATED.**

14 **(II) AN INDIVIDUAL MAY DISPENSE BEER AND WINE DURING A**
15 **BASEBALL GAME ONLY FROM A STATIONARY STRUCTURE THAT IS IN THE STADIUM**
16 **AND EQUIPPED WITH A MOTOR VEHICLE DRIVER'S LICENSE SCANNER.**

17 **(5) A LICENSE HOLDER MAY NOT ALLOW A ROVING VENDOR TO**
18 **DISPENSE BEER, WINE, AND LIQUOR.**

19 **(6) A LICENSE HOLDER MAY NOT ALLOW A PERSON TO CARRY BEER,**
20 **WINE, AND LIQUOR ONTO OR OFF OF THE LICENSED PREMISES.**

21 **(G) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$10,000.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, §§ 8–213.1(b) through (g) and 11–513(b).

25 Throughout this section, the former references to a “stadium alcoholic
26 beverages” license are deleted for clarity, brevity, and as unnecessary.

27 In subsection (a)(1) of this section, the standard introductory language “[i]n
28 this section the following words have the meanings indicated” is substituted
29 for the former language “[f]or the purpose of this section” to conform to the
30 terminology used throughout this article.

1 In subsection (a)(2) of this section, the defined term “person” is substituted for
2 the former reference to “a single individual or single entity” for brevity.

3 Also in subsection (a)(2) of this section, the reference to a person “under
4 contract” to perform specified duties is substituted for the former reference to
5 a person “contractually obligated” to perform specified duties for clarity.

6 In subsection (b) of this section, the reference to a stadium “beer, wine, and
7 liquor” license is added for clarity and because the added phrase accurately
8 describes the type of license authorized under this revised section.

9 In subsections (d)(2) and (f)(3) and (6) of this section, the references to “beer,
10 wine, and liquor” are substituted for the former references to “alcoholic
11 beverages” to conform to the terminology used throughout this section.

12 In subsection (f)(1) of this section, the former reference to a “valid” certificate
13 is deleted as implicit in the reference to “certificate”.

14 In subsection (f)(6) of this section, the former phrase “[e]xcept for a wholesaler
15 of beer, wine, or liquor who is conducting business with the licensee under this
16 section” is deleted as unnecessary.

17 Former Art. 2B, § 8–213.1(a), which stated that former Art. 2B, § 8–213.1
18 applied only in Harford County, is deleted as unnecessary in light of the
19 organization of this revised article.

20 Defined terms: “Beer” § 1–101

21 “Board” § 22–101

22 “Person” § 1–101

23 “Wine” § 1–101

24 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

25 **22–1101. APPLICATION OF GENERAL PROVISIONS.**

26 **(A) WITHOUT EXCEPTION OR VARIATION.**

27 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
28 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
29 **EXCEPTION OR VARIATION:**

30 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
31 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

32 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
33 **FROM LICENSED PREMISES”).**

1 (B) VARIATIONS.

2 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE
3 PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

4 (1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”),
5 SUBJECT TO § 22–1102 OF THIS SUBTITLE; AND

6 (2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”), SUBJECT
7 TO § 22–1103 OF THIS SUBTITLE.

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 general provisions relating to additional privileges of license holders.

10 Defined terms: “Beer” § 1–101

11 “County” § 22–101

12 “License” § 1–101

13 “License holder” § 1–101

14 “Wine” § 1–101

15 **22–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

16 (A) AUTHORIZED HOLDER.

17 THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER
18 TO A HOLDER OF:

19 (1) A CLASS A–1 LICENSE;

20 (2) A CLASS A–2 LICENSE;

21 (3) A CLASS B LICENSE THAT HAS OFF–SALE PRIVILEGES; OR

22 (4) A CLASS D LICENSE.

23 (B) FEE.

24 THE ANNUAL PERMIT FEE IS \$50.

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 8–213.3(c) and (d).

27 In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

1 Former Art. 2B, § 8–103(a)(1)(iv), which stated that former Art. 2B, §
 2 8–103, consisting of refillable container provisions, applied to Harford County,
 3 and former Art. 2B, § 8–213.3(a), which stated that former Art. 2B, § 8–213.3
 4 applied only in Harford County, are deleted as unnecessary in light of the
 5 organization of this revised article.

6 Former Art. 2B, § 8–213.3(b), which stated that there is a refillable container
 7 permit in Harford County, is deleted as unnecessary in light of § 4–1104 of
 8 this article.

9 Defined terms: “Beer” § 1–101

10 “Board” § 22–101

11 “License” § 1–101

12 “Off–sale” § 1–101

13 **22–1103. REFILLABLE CONTAINER PERMIT — WINE.**

14 **(A) AUTHORIZED PERMIT HOLDER.**

15 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A**
 16 **HOLDER OF:**

17 **(1) A CLASS A–1 LICENSE;**

18 **(2) A CLASS A–2 LICENSE;**

19 **(3) A CLASS B LICENSE THAT HAS OFF–SALE PRIVILEGES; OR**

20 **(4) A CLASS D LICENSE.**

21 **(B) FEE.**

22 **THE ANNUAL PERMIT FEE IS \$50.**

23 REVISOR’S NOTE: This section is new language derived without substantive
 24 change from former Art. 2B, § 8–213.3(c) and (d).

25 In subsection (a) of this section, the phrase “for wine” is added for clarity.

26 Former Art. 2B, § 8–103(a)(2)(i), which stated that former Art. 2B, §
 27 8–103, consisting of refillable container provisions, applied to Harford County,
 28 is deleted as unnecessary in light of the organization of this article.

29 Defined terms: “Board” § 22–101

1 "License" § 1-101
2 "Off-sale" § 1-101
3 "Wine" § 1-101

4 **SUBTITLE 12. CATERER'S LICENSES.**

5 **22-1201. CLASS H CATERER'S LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS H CATERER'S BEER, WINE, AND LIQUOR LICENSE.**

8 **(B) AUTHORIZED HOLDER.**

9 **THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT OWNS, LEASES, OR**
10 **OPERATES AN ESTABLISHMENT THAT HAS:**

11 **(1) ONE OR MORE BANQUET ROOMS SUITABLE FOR PUBLIC EVENTS;**
12 **AND**

13 **(2) FOOD PREPARATION FACILITIES ON THE PREMISES.**

14 **(C) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES A HOLDER TO:**

16 **(1) SELL OR PROVIDE ALL ALCOHOLIC BEVERAGES AT RETAIL FOR**
17 **CONSUMPTION ON THE PREMISES OF THE CATERING ESTABLISHMENT DURING AN**
18 **EVENT; AND**

19 **(2) (I) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE**
20 **EVENT TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES; OR**

21 **(II) ENTER INTO AN EXCLUSIVE LEASE WITH A VOLUNTEER FIRE**
22 **COMPANY FOR A BANQUET FACILITY THAT THE VOLUNTEER FIRE COMPANY OWNS.**

23 **(D) POWERS.**

24 **THE LICENSE HOLDER MAY:**

25 **(1) CONTRACT WITH THE SPONSOR OR VOLUNTEER FIRE COMPANY**
26 **UNDER SUBSECTION (C)(2) OF THIS SECTION TO ALLOW PATRONS TO BRING THEIR**
27 **OWN ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE LICENSE HOLDER FOR**
28 **CONSUMPTION AT A CATERED EVENT;**

1 **(2) CONTRACT TO PROVIDE ALCOHOLIC BEVERAGES AT A CATERED**
 2 **EVENT HELD OFF THE PREMISES OF THE LICENSE HOLDER IF:**

3 **(I) THE LICENSE HOLDER ALSO CONTRACTS TO PROVIDE FOOD**
 4 **FOR CONSUMPTION AT THE EVENT; AND**

5 **(II) THE EVENT IS HELD IN THE COUNTY; AND**

6 **(3) ONCE DURING A CALENDAR YEAR ON A DATE THAT THE HOLDER**
 7 **SELECTS, PROVIDE FOOD AND SELL OR PROVIDE ALCOHOLIC BEVERAGES FOR ON-**
 8 **PREMISES CONSUMPTION AT AN EVENT THAT THE LICENSE HOLDER SPONSORS.**

9 **(E) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$1,500.**

11 **(F) EFFECT OF SECTION.**

12 **A HOLDER OF A CLASS B HOTEL OR RESTAURANT BEER, WINE, AND LIQUOR**
 13 **LICENSE THAT PROVIDES CATERING SERVICES ON OR OFF THE PREMISES FOR**
 14 **WHICH THE LICENSE IS ISSUED:**

15 **(1) IS NOT REQUIRED TO OBTAIN A CLASS H LICENSE; BUT**

16 **(2) IS SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION.**

17 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 18 expressly what was only implied in the former law, that a Class H caterer's
 19 license exists in Harford County.

20 Subsections (b) through (f) of this section are new language derived without
 21 substantive change from former Art. 2B, § 6-704(b) through (d) and (a)(2) and
 22 (3).

23 Subsection (b) of this section is revised as a statement specifying the eligibility
 24 requirements of a Class H license, rather than as part of the definition of a
 25 “caterer”, for clarity and to conform to the format used in licensing provisions
 26 throughout this article.

27 In the introductory language of subsection (b) of this section, the reference to
 28 the Board “issu[ing]” the license is substituted for the former reference to the
 29 license being “issued upon the approval of” the Board for brevity.

1 In the introductory language of subsection (c) of this section, the reference to
2 the license “holder” is substituted for the former reference to the “owner or
3 operator of a catering establishment” for brevity and clarity. Similarly, in the
4 introductory language of subsection (d) of this section, the reference to the
5 “license holder” is substituted for the former references to a “caterer licensed
6 under this section”.

7 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
8 as surplusage.

9 Also in subsection (c)(1) of this section, the reference to “provide” is added to
10 state explicitly what was only implicit in the former law, that a license holder
11 may provide at no cost alcoholic beverages as well as sell them.

12 In subsection (d)(1) of this section, the reference to a “sponsor or volunteer fire
13 company under subsection (c)(2) of this section” is substituted for the former
14 reference to “patrons” to correct an inadvertent error.

15 In subsection (d)(3) of this section, the reference to an event “that the license
16 holder sponsors” is substituted for the former reference to a
17 “self-sponsored” event for clarity.

18 In subsection (e) of this section, the former reference that the license fee “shall
19 be paid to the Board before the license is issued and which shall be distributed
20 as provided” is deleted as surplusage.

21 Former Art. 2B, § 6-704(a)(1), which stated that former Art. 2B, § 6-704
22 applied only in Harford County, is deleted as unnecessary in light of the
23 organization of this revised article.

24 Defined terms: “Alcoholic beverage” § 1-101

25 “Beer” § 1-101

26 “Board” § 22-101

27 “County” § 22-101

28 “Hotel” § 1-101

29 “Person” § 1-101

30 “Restaurant” § 1-101

31 “Wine” § 1-101

32 **SUBTITLE 13. TEMPORARY LICENSES.**

33 **PART I. IN GENERAL.**

34 **22-1301. APPLICATION OF GENERAL PROVISIONS.**

35 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
3 EXCEPTION OR VARIATION:

4 (1) § 4-1202 (“PER DIEM LICENSES”);

5 (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
6 AND WINE LICENSES”);

7 (3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR
8 LICENSE”);

9 (4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

10 (5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

11 (6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

12 (7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

13 (B) EXCEPTION.

14 SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT
15 APPLY IN THE COUNTY AND IS SUPERSEDED BY § 22-1309 OF THIS SUBTITLE.

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 the general provisions relating to local temporary licenses.

18 Defined term: “County” § 22-101

19 22-1302. RESERVED.

20 22-1303. RESERVED.

21 PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

22 22-1304. WINE FESTIVAL LICENSE.

23 (A) ESTABLISHED.

24 THERE IS A WINE FESTIVAL (WF) LICENSE.

25 (B) AUTHORIZED HOLDER.

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
2 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS**
5 **PRODUCED AND PROCESSED IN THE STATE.**

6 **(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

7 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

8 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

9 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE**
10 **FESTIVAL.**

11 **(E) LOCATION OF FESTIVAL.**

12 **THE BOARD SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

13 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

14 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
15 **OR NATURE.**

16 **(G) FEE.**

17 **THE LICENSE FEE IS \$20.**

18 **(H) REGULATIONS.**

19 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8-309.

22 Throughout this section, the former references to a "special" license are
23 deleted as surplusage.

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

1 In subsection (b) of this section, the former phrase “[n]otwithstanding any
2 other provision to the contrary,” is deleted as unnecessary in light of the
3 organization of this revised article.

4 Also in subsection (b) of this section, the reference to a “retail license” is
5 substituted for the former reference to an “existing State retail alcoholic
6 beverages license ... issued pursuant to this article” for brevity.

7 In subsection (c) of this section, the reference to the “license authoriz[ing] the
8 holder” to display and sell is substituted for the former reference to the
9 requirement that the “licensee shall” display and sell for clarity and
10 consistency with terminology used throughout this article.

11 In the introductory language of subsection (d) of this section, the reference to
12 the requirement that a “license holder shall” display and sell is substituted for
13 the former reference to a “license entitl[ing] the holder to” display and sell for
14 clarity and consistency with terminology used throughout this article.

15 In subsection (e) of this section, the reference to a location “that is not already
16 licensed” is substituted for the former reference to a location “which does not
17 hold an alcoholic beverages license” for consistency with terminology used
18 throughout this article.

19 Also in subsection (e) of this section, the former reference to a location “for this
20 festival” is deleted as surplusage.

21 Also in subsection (e) of this section, the former reference to a location “in
22 Harford County” is deleted as surplusage.

23 In subsection (f) of this section, the reference to a license holder who “may
24 hold” another license is substituted for the former statement that “[t]he
25 provisions of this section may not prohibit the licensee from holding” another
26 license for clarity.

27 The Alcoholic Beverages Article Review Committee notes, for consideration by
28 the General Assembly, that subsection (c) of this section, which authorizes the
29 holder of the license “to display and sell wine that is produced and processed
30 in the State”, may violate the Commerce Clause of the U.S. Constitution, as it
31 apparently excludes wine that is produced and processed outside the State.

32 Defined terms: “Board” § 22–101

33 “License” § 1–101

34 “License holder” § 1–101

35 “State” § 1–101

36 “Wine” § 1–101

37 **22–1305. BEER AND WINE TASTING LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A BEER AND WINE TASTING (BWT) LICENSE.

3 (B) AUTHORIZED HOLDER.

4 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND
5 WINE (BW) LICENSE.

6 (C) SCOPE OF AUTHORIZATION.

7 (1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE
8 ON-PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING.

9 (2) THE LICENSE MAY BE ISSUED FOR A MAXIMUM OF:

10 (I) ANY 26 DAYS IN A LICENSING PERIOD;

11 (II) ANY 52 DAYS IN A LICENSING PERIOD; OR

12 (III) AN ENTIRE LICENSING PERIOD.

13 (3) IF A LICENSE HOLDER IS ISSUED A LICENSE FOR ANY 26 DAYS IN A
14 LICENSING PERIOD OR ANY 52 DAYS IN A LICENSING PERIOD, THE LICENSE HOLDER
15 MUST NOTIFY THE BOARD AT LEAST 7 DAYS BEFORE EXERCISING THE PRIVILEGES
16 OF THE LICENSE.

17 (D) LIMIT ON SERVINGS.

18 AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A
19 QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING OF BEER OR WINE.

20 (E) FEE.

21 THE LICENSE FEE IS:

22 (1) \$100 FOR A 26-DAY LICENSE;

23 (2) \$150 FOR A 52-DAY LICENSE; AND

24 (3) \$225 FOR A 1-YEAR LICENSE.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8–407(d), (e), (a)(2), (b)(2), and (f)(1).

3 Throughout this section, former references to “sampling” are deleted as
4 redundant of the references to “tasting”.

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (a) of this section, the former phrase “[i]n Harford County,” is
8 deleted as unnecessary in light of the organization of this revised article.

9 In subsection (c)(1) of this section, the reference to the license authorizing “the
10 holder to allow” the consumption of beer and wine is added for clarity and
11 consistency with terminology used throughout this article.

12 In subsection (c)(2)(iii) of this section, the reference to “an entire licensing
13 period” is substituted for the former reference to “365 days in a license period”
14 for clarity.

15 In subsection (c)(3) of this section, the reference to the “privileges of the
16 license” is substituted for the former reference to the “provisions of the tasting
17 or sampling license, of the licensee’s intent to have a tasting or sampling” for
18 brevity.

19 In subsection (d) of this section, the reference to an “individual” is substituted
20 for the former, overly broad reference to a “person” for clarity.

21 Also in subsection (d) of this section, the reference to each “offering” is
22 substituted for the former reference to each “given brand” for clarity.

23 In subsection (e)(1) of this section, the reference to a “26–day license” is
24 substituted for the former reference to a “license that is effective for any 26
25 days in a licensing period” for brevity. Similarly, in subsection (e)(2) of this
26 section, the reference to a “52–day license” is substituted for the former
27 reference to a “license that is effective for any 52 days in a licensing period”
28 and in subsection (e)(3) of this section, the reference to a “1–year license” is
29 substituted for the former reference to a “license that is effective for 365 days
30 in a licensing period”.

31 Former Art. 2B, § 8–407(g), which authorized the Board to adopt rules or
32 regulations providing additional requirements to implement this section, is
33 deleted as unnecessary because the Board has power to adopt regulations
34 under § 22–209 of this subtitle.

35 Defined terms: “Beer” § 1–101
36 “Board” § 22–101

1 “Wine” § 1-101

2 **22-1306. CORDIAL, BEER, WINE, AND LIQUOR TASTING LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A CORDIAL, BEER, WINE, AND LIQUOR TASTING LICENSE.**

5 **(B) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A1 BEER,**
7 **WINE, AND LIQUOR (BWL) LICENSE.**

8 **(C) SCOPE OF AUTHORIZATION.**

9 **(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE**
10 **ON-PREMISES CONSUMPTION OF CORDIALS, BEER, WINE, AND LIQUOR FOR**
11 **TASTING.**

12 **(2) THE LICENSE MAY BE ISSUED FOR A MAXIMUM OF:**

13 **(I) ANY 26 DAYS IN A LICENSING PERIOD;**

14 **(II) ANY 52 DAYS IN A LICENSING PERIOD; OR**

15 **(III) AN ENTIRE LICENSING PERIOD.**

16 **(3) IF A LICENSE HOLDER IS ISSUED A LICENSE FOR ANY 26 DAYS IN A**
17 **LICENSING PERIOD OR ANY 52 DAYS IN A LICENSING PERIOD, THE LICENSE HOLDER**
18 **MUST NOTIFY THE BOARD AT LEAST 7 DAYS BEFORE EXERCISING THE PRIVILEGES**
19 **OF THE LICENSE.**

20 **(D) LIMIT ON SERVINGS.**

21 **AN INDIVIDUAL MAY CONSUME CORDIALS, BEER, WINE, OR LIQUOR COVERED**
22 **BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

23 **(1) 0.5 OUNCE FROM EACH OFFERING OF A CORDIAL;**

24 **(2) 1 OUNCE FROM EACH OFFERING OF BEER OR WINE; AND**

25 **(3) 0.5 OUNCE FROM EACH OFFERING OF LIQUOR.**

26 **(E) FEE.**

1 **THE LICENSE FEE IS:**

2 **(1) \$125 FOR A 26-DAY LICENSE;**

3 **(2) \$200 FOR A 52-DAY LICENSE; AND**

4 **(3) \$400 FOR A 1-YEAR LICENSE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8-407(c), (e), (f), (a)(1), and (b)(1).

7 Throughout this section, the former references to "sampling" are deleted as
8 redundant of the references to "tasting".

9 Subsection (a) of this section is revised in standard language used throughout
10 this article to establish a license.

11 In subsection (a) of this section, the former phrase "[i]n Harford County," is
12 deleted as unnecessary in light of the organization of this revised article.

13 Also in subsection (a) of this section, the former phrase "subject to the
14 provisions of subsections (c) and (d) of this section" is deleted as unnecessary
15 in light of the organization of this section.

16 In subsection (c)(1) of this section, the reference to the license authorizing "the
17 holder to allow" the consumption of cordials, beer, wine, and liquor is added
18 for clarity and consistency with terminology used throughout this article.

19 In subsection (c)(2)(iii) of this section, the reference to "an entire licensing
20 period" is substituted for the former reference to "365 days in a licensing
21 period" for clarity.

22 In subsection (c)(3) of this section, the reference to the "privileges of the
23 license" is substituted for the former reference to the "provisions of the tasting
24 or sampling license, of the licensee's intent to have a tasting or sampling" for
25 brevity.

26 In the introductory language of subsection (d) of this section, the reference to
27 an "individual" is substituted for the former, overly broad reference to a
28 "person" for clarity.

29 In subsection (d) of this section, the references to each "offering" are
30 substituted for the former references to each "given brand" or each "brand" for
31 clarity.

1 In subsection (d)(3) of this section, the reference to “liquor” is substituted for
2 the former broader phrase “any other alcoholic beverage” for clarity.

3 In subsection (e)(1) of this section, the reference to a “26–day license” is
4 substituted for the former reference to a “license that is effective for any 26
5 days in a licensing period” for brevity. Similarly, in subsection (e)(2) of this
6 section, the reference to a “52–day license” is substituted for the former
7 reference to a “license that is effective for any 52 days in a licensing period”
8 and in subsection (e)(3) of this section, the reference to a “1–year license” is
9 substituted for the former reference to a “license that is effective for 365 days
10 in a licensing period”.

11 Defined terms: “Beer” § 1–101

12 “Board” § 22–101

13 “License” § 1–101

14 “License holder” § 1–101

15 “Wine” § 1–101

16 **22–1307. RESERVED.**

17 **22–1308. RESERVED.**

18 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

19 **22–1309. FEES.**

20 **(A) CLASS C PER DIEM BEER OR CLASS C PER DIEM BEER AND WINE**
21 **LICENSES.**

22 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM**
23 **BEER AND WINE LICENSE IS \$15 PER DAY.**

24 **(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

25 **THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$30**
26 **PER DAY.**

27 **REVISOR’S NOTE:** This section is new language derived without substantive
28 change from former Art. 2B, § 7–101(b)(8) and (d)(11).

29 **22–1310. MULTIPLE EVENT ENTERTAINMENT LICENSE FOR CLUBS.**

30 **(A) ESTABLISHED.**

1 **(1) THE BOARD MAY ISSUE A CLASS C-3 MULTIPLE EVENT**
2 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

3 **(2) THE LICENSE ENTITLES A CLUB TO SELL OR PROVIDE BEER, WINE,**
4 **AND LIQUOR FOR ON-PREMISES CONSUMPTION BY:**

5 **(I) NONMEMBERS OF THE CLUB WHO HAVE LEASED AN AREA OF**
6 **THE LICENSED PREMISES FOR ENTERTAINMENT, A CONFERENCE, OR A SOCIAL**
7 **EVENT; AND**

8 **(II) GUESTS WHO ATTEND THE EVENT.**

9 **(3) THIS SECTION DOES NOT PROHIBIT A CLUB FROM OBTAINING A**
10 **CLASS C PER DIEM LICENSE.**

11 **(B) FORM OF APPLICATION.**

12 **THE APPLICATION SHALL BE ON THE FORM THAT THE BOARD REQUIRES AND**
13 **THE APPLICANT SHALL SIGN IT.**

14 **(C) LIMITATIONS AND REQUIREMENT.**

15 **(1) THE BOARD MAY NOT ISSUE MORE THAN ONE LICENSE TO A CLUB**
16 **IN A LICENSE YEAR.**

17 **(2) THE TOTAL NUMBER OF DAYS AUTHORIZED FOR EVENTS HELD**
18 **UNDER A LICENSE MAY NOT EXCEED 60 IN A LICENSE YEAR.**

19 **(3) A LICENSE HOLDER SHALL NOTIFY THE BOARD OF AN EVENT IN**
20 **WRITING ON A FORM THAT THE BOARD PROVIDES AT LEAST 7 DAYS BEFORE EACH**
21 **EVENT.**

22 **(D) FEES.**

23 **THE ANNUAL LICENSE FEES ARE:**

24 **(1) \$250 FOR NOT MORE THAN 10 EVENTS PER YEAR;**

25 **(2) \$400 FOR NOT MORE THAN 20 EVENTS PER YEAR;**

26 **(3) \$550 FOR NOT MORE THAN 30 EVENTS PER YEAR;**

27 **(4) \$700 FOR NOT MORE THAN 40 EVENTS PER YEAR; AND**

1 **(5) \$850 FOR NOT MORE THAN 60 EVENTS PER YEAR.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 7-101(v)(3)(i) through (iii) and (v) through (ix).

4 In subsection (a) of this section, the former reference to the definition for the
5 term "club" is deleted as unnecessary in light of the article-wide definition
6 provided in § 1-101 of this revised article.

7 In subsections (a)(2) and (c)(1) of this section, the former references to a
8 "miscellaneous organization" are deleted as included in the defined term
9 "club".

10 In subsection (a)(2)(ii) of this section, the former reference to a "bona fide"
11 event is deleted as surplusage.

12 Former Art. 2B, § 7-101(v)(3)(iv), which required that the license fee be paid
13 to the Board before the license is issued, is deleted because it simply restates
14 the routine practice of the Board.

15 Defined terms: "Board" § 22-101

16 "Club" § 1-101

17 "License" § 1-101

18 "On-sale" § 1-101

19 **22-1311. MULTIPLE EVENT LICENSE FOR FIRE DEPARTMENT.**

20 **(A) ESTABLISHED.**

21 **THE BOARD MAY ISSUE TO A FIRE DEPARTMENT A MULTIPLE EVENT BEER AND**
22 **WINE LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) THE LICENSE MAY BE USED AT AN ENTERTAINMENT EVENT HELD**
25 **BY THE FIRE DEPARTMENT.**

26 **(2) THIS SECTION DOES NOT PROHIBIT A FIRE DEPARTMENT FROM**
27 **OBTAINING A CLASS C PER DIEM LICENSE.**

28 **(C) LICENSE FORM.**

29 **(1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD**
30 **REQUIRES.**

1 **(2) THE APPLICANT SHALL SIGN THE LICENSE.**

2 **(D) LIMITATIONS.**

3 **(1) THE BOARD MAY NOT:**

4 **(I) ISSUE FOR A FIRE DEPARTMENT A MULTIPLE EVENT BEER**
5 **AND WINE LICENSE MORE THAN ONE TIME IN ANY YEAR; OR**

6 **(II) AUTHORIZE A MULTIPLE EVENT BEER AND WINE LICENSE**
7 **FOR MORE THAN 40 DAYS IN A CALENDAR YEAR.**

8 **(2) A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT**
9 **LEAST 7 DAYS BEFORE EACH EVENT FOR WHICH THE LICENSE IS TO BE USED.**

10 **(E) FEES.**

11 **THE ANNUAL LICENSE FEES ARE:**

12 **(1) \$150 FOR NOT MORE THAN 10 EVENTS PER YEAR;**

13 **(2) \$300 FOR NOT MORE THAN 20 EVENTS PER YEAR;**

14 **(3) \$450 FOR NOT MORE THAN 30 EVENTS PER YEAR; AND**

15 **(4) \$600 FOR NOT MORE THAN 40 EVENTS PER YEAR.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 7-101(v)(2)(i), (iii) through (vii), and the second
18 sentence of (ii).

19 In subsection (a) of this section, the former reference to "County" is deleted as
20 unnecessary because the Board may issue a license to only those fire
21 departments in Harford County.

22 In subsection (b) of this section, the former reference to the license "which
23 entitles the holder to exercise any of the privileges conferred by that class of
24 license" is deleted as unnecessary.

25 In subsection (d) of this section, the reference to an event "for which the license
26 is to be used" is added for clarity.

1 Former Art. 2B, § 7-101(v)(1), which stated that former Art. 2B, §
2 7-101(v) applied only in Harford County, is deleted as unnecessary in light of
3 the organization of this revised article.

4 Former Art. 2B, § 7-101(v)(2)(ii), which required that the license fee be paid
5 to the Board before the license is issued, is deleted because it simply restates
6 the routine practice of the Board.

7 Defined terms: "Board" § 22-101

8 "County" § 22-101

9 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

10 **22-1401. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
13 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
14 **WITHOUT EXCEPTION OR VARIATION:**

15 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
16 **BOARD");**

17 **(2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**

18 **(3) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

19 **(4) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**

20 **(5) § 4-109 ("REQUIRED INFORMATION ON APPLICATION — IN**
21 **GENERAL");**

22 **(6) § 4-111 ("PAYMENT OF LICENSE FEES");**

23 **(7) § 4-112 ("DISPOSITION OF LICENSE FEES"); AND**

24 **(8) § 4-114 ("FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR").**

25 **(B) EXCEPTIONS.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
27 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

1 **(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
2 **WHICH IS SUPERSEDED BY § 22-1405 OF THIS SUBTITLE;**

3 **(2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
4 **COMPANY”), WHICH IS SUPERSEDED BY § 22-1405 OF THIS SUBTITLE; AND**

5 **(3) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
6 **PETITION OF SUPPORT”).**

7 **(C) VARIATIONS.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
9 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

10 **(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”):**

11 **(I) IN ADDITION TO § 22-1403 OF THIS SUBTITLE; AND**

12 **(II) SUBJECT TO § 22-1404 OF THIS SUBTITLE; AND**

13 **(2) § 4-113 (“REFUND OF LICENSE FEES”), SUBJECT TO § 22-1406 OF**
14 **THIS SUBTITLE.**

15 REVISOR’S NOTE: Subsections (a), (c), and (b)(1) and (2) of this section are new
16 language added to incorporate by reference general provisions relating to
17 applications for local licenses.

18 Subsection (b)(3) of this section is new language derived without substantive
19 change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Harford
20 County.

21 Former Art. 2B, § 10-205(f), which stated that in Harford County, the fee for
22 licenses issued for less than 1 year is a certain fraction of the annual fee,
23 depending on when in the license year the license was issued, is deleted as
24 unnecessary because it merely tracks the language of § 4-114 of this article.

25 Defined term: “County” § 22-101

26 **22-1402. LICENSE FOR INDIVIDUAL.**

27 **(A) RESIDENCY REQUIREMENT.**

1 **(1) TO BE ISSUED A LICENSE FOR THE APPLICANT’S INDIVIDUAL USE,**
2 **THE APPLICANT SHALL BE A RESIDENT OF THE COUNTY FOR AT LEAST 1 YEAR**
3 **BEFORE FILING THE APPLICATION.**

4 **(2) THE LICENSE HOLDER IS REQUIRED TO REMAIN A RESIDENT OF**
5 **THE COUNTY FOR AS LONG AS THE LICENSE IS IN EFFECT.**

6 **(B) VOTER REGISTRATION NOT REQUIRED.**

7 **AN APPLICANT UNDER THIS SECTION IS NOT REQUIRED TO BE A REGISTERED**
8 **VOTER.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, §§ 9–101(a)(3) and 10–104(n).

11 In subsection (a)(1) of this section, the phrase “for the applicant’s individual
12 use” is added for clarity.

13 Also in subsection (a)(1) of this section, the former reference to a “bona fide”
14 resident is deleted as surplusage.

15 The Alcoholic Beverages Article Review Committee notes, for consideration by
16 the General Assembly, that the requirement in subsection (a) of this section
17 that the applicant be a resident of the County for 1 year before filing the
18 application may violate the equal protection guarantees of the Fourteenth
19 Amendment to the United States Constitution and Article 24 of the Maryland
20 Declaration of Rights. Maryland courts look unfavorably on legislation that
21 classifies persons by geography, which may be accomplished by residency or
22 registration requirements, if the primary purpose of the legislation is
23 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

24 Defined terms: “County” § 22–101

25 “License” § 1–101

26 **22–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

27 **(A) REQUIRED.**

28 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
29 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

30 **(B) RECORDS FROM OTHER POLICE.**

31 **THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON**
32 **LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE, INCLUDING**

1 **THE COUNTY SHERIFF'S DEPARTMENT AND ALL MUNICIPAL POLICE DEPARTMENTS**
2 **IN THE COUNTY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10-103(a)(1) and (3) and (b)(13)(ii)2 and
5 (viii)1A.

6 The references to "criminal history record information" are substituted for the
7 former references to "criminal records" to conform to the terminology used in
8 CP § 10-201.

9 Defined terms: "Board" § 22-101
10 "Central Repository" § 1-101
11 "County" § 22-101
12 "License" § 1-101

13 **22-1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
14 **APPLICATION PROCESS.**

15 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
16 **OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
17 **PROCESS.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-103(b)(13)(i)2 and (ii)1B.

20 The reference to "criminal history record information" is substituted for the
21 former reference to "records" to conform to the terminology used in CP §
22 10-201.

23 The reference to "the application process" is substituted for the former
24 reference to "its necessary use" for clarity.

25 Defined term: "Board" § 22-101

26 **22-1405. APPLICATION ON BEHALF OF CORPORATION, UNINCORPORATED ENTITY,**
27 **OR LIMITED LIABILITY COMPANY.**

28 **(A) IN GENERAL.**

29 **(1) A LICENSE FOR THE USE OF A CORPORATION, AN**
30 **UNINCORPORATED ENTITY, OR A LIMITED LIABILITY COMPANY SHALL BE APPLIED**
31 **FOR BY AND ISSUED TO, AS INDIVIDUALS:**

1 **(I) THREE OFFICERS HOLDING A FINANCIAL INTEREST IN THE**
2 **CORPORATION; OR**

3 **(II) THREE AUTHORIZED PERSONS HOLDING A FINANCIAL**
4 **INTEREST IN THE LIMITED LIABILITY COMPANY.**

5 **(2) ONE OF THE THREE INDIVIDUAL APPLICANTS WHO APPLY FOR A**
6 **LICENSE SHALL BE A RESIDENT OF THE COUNTY.**

7 **(3) THE LICENSE SHALL BE IN EFFECT SO LONG AS THE RESIDENT**
8 **APPLICANT REMAINS A RESIDENT OF THE COUNTY.**

9 **(4) FOR A LICENSE ISSUED AFTER JULY 1, 1984, THE RESIDENT**
10 **APPLICANT SHALL:**

11 **(I) 1. EXCEPT FOR AN APPLICANT FOR A CLASS B BEER,**
12 **WINE, AND LIQUOR LICENSE, OWN AT LEAST 25% OF THE TOTAL CORPORATION,**
13 **UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY; OR**

14 **2. IF AN APPLICANT FOR A CLASS B BEER, WINE, AND**
15 **LIQUOR LICENSE, OWN AT LEAST 10% OF THE TOTAL CORPORATION,**
16 **UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY;**

17 **(II) SERVE AS MANAGER OR SUPERVISOR; AND**

18 **(III) BE PHYSICALLY PRESENT ON THE PREMISES FOR A**
19 **SUBSTANTIAL AMOUNT OF TIME ON A DAILY BASIS.**

20 **(5) AN APPLICATION FOR A LICENSE SHALL:**

21 **(I) STATE THE NAME AND ADDRESS OF:**

22 **1. THE CORPORATION OR UNINCORPORATED ENTITY**
23 **AND EACH OFFICER WHO HOLDS A FINANCIAL INTEREST IN THE CORPORATION OR**
24 **UNINCORPORATED ENTITY; OR**

25 **2. THE LIMITED LIABILITY COMPANY AND EACH**
26 **AUTHORIZED PERSON WHO HOLDS A FINANCIAL INTEREST IN THE LIMITED**
27 **LIABILITY COMPANY; AND**

28 **(II) BE SIGNED BY:**

1 1. THE PRESIDENT OR VICE PRESIDENT OF A
2 CORPORATION OR AN UNINCORPORATED ENTITY AND THE THREE OFFICERS TO
3 WHOM THE LICENSE IS ISSUED; OR

4 2. THE THREE AUTHORIZED PERSONS OF A LIMITED
5 LIABILITY COMPANY TO WHOM THE LICENSE IS ISSUED.

6 (6) IF THERE ARE FEWER THAN THREE OFFICERS OR DIRECTORS OF
7 A CORPORATION OR AN UNINCORPORATED ENTITY OR FEWER THAN THREE
8 AUTHORIZED PERSONS OF A LIMITED LIABILITY COMPANY, EACH OFFICER,
9 DIRECTOR, OR AUTHORIZED PERSON HOLDING A FINANCIAL INTEREST IN THE
10 CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY SHALL
11 APPLY FOR THE LICENSE.

12 (7) IF A CLOSE CORPORATION DOES NOT HAVE OFFICERS OR
13 DIRECTORS, ONE OR MORE RESIDENT STOCKHOLDERS WHO OWN MORE THAN 50%
14 OF THE STOCK TOGETHER MAY APPLY FOR THE LICENSE.

15 (B) EXEMPTIONS FOR CLASS B OR CLASS BNR APPLICANTS.

16 (1) IN THIS SECTION, "OWNER":

17 (I) MEANS A PERSON WHO HAS A REAL, PROVABLE FINANCIAL
18 INTEREST IN THE BUSINESS; AND

19 (II) INCLUDES A STOCKHOLDER OR MANAGERIAL EMPLOYEE OF
20 THE ACTUAL OWNER.

21 (2) STOCK OWNERSHIP REQUIREMENTS ESTABLISHED UNDER
22 SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO AN APPLICANT FOR A CLASS B
23 HOTEL OR RESTAURANT BEER, WINE, AND LIQUOR LICENSE OR A CLASS BNR BEER,
24 WINE, AND LIQUOR LICENSE IN WHICH:

25 (I) A MAJORITY OF THE STOCK IS OWNED OR CONTROLLED
26 EITHER DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS AND IS
27 AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE
28 COMMISSION;

29 (II) AT LEAST ONE LICENSE HOLDER IS A RESIDENT APPLICANT
30 OF THE BUSINESS CONDUCTED ON THE LICENSED PREMISES WHO IS RESPONSIBLE
31 FOR THE DAY-TO-DAY OPERATION OF THE BUSINESS; AND

1 (III) EACH LICENSE HOLDER IS A NAMED OFFICER OF THE
2 CORPORATION.

3 (3) THE RESIDENCY REQUIREMENTS ESTABLISHED UNDER
4 SUBSECTION (B) OF THIS SECTION REMAIN IN EFFECT FOR A CLASS B HOTEL OR
5 RESTAURANT BEER, WINE, AND LIQUOR LICENSE OR A CLASS BNR BEER, WINE, AND
6 LIQUOR LICENSE FOR AS LONG AS THE LICENSE IS IN EFFECT.

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 9–101(k)(1) through (3), (5) through (7), and, as
9 it related to the issuance of a license, (4).

10 Throughout this section, the references to “financial” are substituted for the
11 former references to “pecuniary” for clarity.

12 In subsection (a)(1) of this section, the reference to a “corporation, an
13 unincorporated entity” is substituted for the former reference to a
14 “corporation, whether incorporated or unincorporated” for clarity.

15 Also in subsection (a)(1) of this section, the former phrase “as the case may be”
16 is deleted as surplusage.

17 In subsection (a)(2) of this section, the former phrase “[i]n addition to the
18 provisions of paragraph (1) of this subsection” is deleted as surplusage.

19 Also in subsection (a)(2) of this section, the former reference to a “bona fide”
20 resident is deleted as surplusage.

21 In subsection (a)(7) of this section, the reference to stockholders “who own
22 more than 50% of the stock together” is substituted for the former reference
23 to “majority” stockholders for clarity.

24 Also in subsection (a)(7) of this section, the former phrase “as provided for in
25 this subsection” is deleted as surplusage.

26 In subsection (b)(2)(i) of this section, the former reference to a majority “of the
27 shares” of stock is deleted as surplusage.

28 In subsection (b)(2)(ii) of this section, the former reference to “[a]t least” one
29 license holder who is a resident operator is deleted for clarity. Similarly, the
30 reference to “who is responsible” is substituted for the former reference to “and
31 that same individual is responsible”.

32 Defined terms: “County” § 22–101

33 “License” § 1–101

34 “Person” § 1–101

1 **22-1406. REFUND.**

2 **A LICENSE HOLDER IS ENTITLED TO A REFUND OF THE UNEARNED PORTION**
3 **OF THE LICENSE FEE IF THE LICENSE HOLDER VOLUNTARILY SURRENDERS THE**
4 **LICENSE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10-205(e).

7 Defined terms: "License" § 1-101
8 "License holder" § 1-101

9 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

10 **22-1501. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
13 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
14 **WITHOUT EXCEPTION OR VARIATION:**

15 **(1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

16 **(2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

17 **(3) § 4-207 ("LICENSES ISSUED TO MINORS");**

18 **(4) § 4-209 ("HEARING");**

19 **(5) § 4-213 ("REPLACEMENT LICENSES"); AND**

20 **(6) § 4-214 ("WAITING PERIODS AFTER DENIAL OF LICENSE**
21 **APPLICATIONS").**

22 **(B) VARIATIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
24 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

25 **(1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS"), SUBJECT**
26 **TO § 22-1502 OF THIS SUBTITLE;**

1 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
2 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 22-1503 AND 22-1504 OF**
3 **THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS**
4 **TITLE;**

5 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
6 **FOR SAME PREMISES”), SUBJECT TO §§ 22-1503 AND 22-1504 OF THIS SUBTITLE**
7 **AND SUBTITLE 13, PART III OF THIS TITLE;**

8 **(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
9 **SUBJECT TO § 22-1505 OF THIS SUBTITLE;**

10 **(5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”),**
11 **SUBJECT TO §§ 22-1506 AND 22-1507 OF THIS SUBTITLE;**

12 **(6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”),**
13 **SUBJECT TO § 22-1508 OF THIS SUBTITLE; AND**

14 **(7) § 4-212 (“LICENSE NOT PROPERTY”), IN ADDITION TO §**
15 **22-1509 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to the issuance of local licenses.

18 Defined terms: “County” § 22-101

19 “License” § 1-101

20 “Local licensing board” § 1-101

21 **22-1502. GOODS ALLOWED TO BE SOLD ON LICENSED PREMISES.**

22 **(A) DETERMINATION OF GOODS BY BOARD.**

23 **IN ADDITION TO FOOD COOKED OR PREPARED ON THE LICENSED PREMISES, A**
24 **LICENSE HOLDER MAY SELL OTHER GOODS THAT THE BOARD SPECIFIES,**
25 **INCLUDING NONALCOHOLIC DRINKS AND FOOD PREPARED OFF THE LICENSED**
26 **PREMISES.**

27 **(B) BOARD TO PRINT LIST OF GOODS.**

28 **THE BOARD SHALL PRINT A LIST OF THE SALEABLE GOODS UNDER**
29 **SUBSECTION (A) OF THIS SECTION AND PROVIDE A COPY TO EACH LICENSE HOLDER**
30 **WHEN THE LICENSE IS ISSUED.**

31 **(C) BOARD TO MAIL COPY OF REVISED LIST TO LICENSE HOLDERS.**

1 **IF THE BOARD MAKES A CHANGE TO THE LIST, THE BOARD SHALL**
2 **IMMEDIATELY MAIL A COPY OF THE REVISED LIST TO EACH LICENSE HOLDER.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from the third and fourth sentences of former Art. 2B, § 10–203.

5 In subsection (a) of this section, the reference to food “prepared off the licensed
6 premises” is added to state expressly what was only implied in the former law,
7 that a license holder may sell as specified by the Board drinks and food
8 prepared off the licensed premises.

9 Also in subsection (a) of this section, the reference to the “licensed premises”
10 is substituted for the former reference to the “premises where the license is
11 exercised” for brevity.

12 Also in subsection (a) of this section, the reference to food, drinks, food
13 prepared off the licensed premises, and other goods “that the Board specifies”
14 is substituted for the former reference to food, drinks, and other commodities
15 and items “permitted to be charged against the sale of beer and wine by the
16 licensee as hereinafter prescribed” for clarity. The former reference concerned
17 the requirement of most licensed restaurants in the County, stated elsewhere
18 in this subtitle, to sell food in excess of 50% of the average monthly receipts
19 from the sale of beer and wine.

20 Also in subsection (a) of this section, the reference to “goods” is substituted for
21 the former reference to “other commodities and items” for brevity.

22 In subsection (b) of this section, the reference to “saleable goods under
23 subsection (a) of this section” is substituted for the former reference to “such
24 items” for clarity.

25 Also in subsection (b) of this section, the former phrase “from time to time” is
26 deleted as surplusage.

27 Defined terms: “Board” § 22–101

28 “License” § 1–101

29 “License holder” § 1–101

30 **22–1503. INTEREST IN MORE THAN ONE LICENSE.**

31 **(A) IN GENERAL.**

32 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY**
33 **NOT HAVE INTEREST IN MORE THAN ONE LICENSE.**

1 **(2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES WHETHER THE**
2 **LICENSE IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, BY**
3 **FRANCHISE OPERATION, BY STOCK OWNERSHIP, BY INTERLOCKING DIRECTORS OR**
4 **INTERLOCKING STOCK OWNERSHIP, OR IN ANY OTHER MANNER, DIRECTLY OR**
5 **INDIRECTLY.**

6 **(B) INDIRECT OWNERSHIP INTEREST.**

7 **UNDER SUBSECTION (A) OF THIS SECTION, AN INDIRECT OWNERSHIP**
8 **INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION OF INDIVIDUALS,**
9 **CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS, LIMITED**
10 **PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR OTHER PERSONS IF ANY OF**
11 **THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

12 **(1) A COMMON PARENT COMPANY;**

13 **(2) A FRANCHISE AGREEMENT;**

14 **(3) A LICENSING AGREEMENT;**

15 **(4) A CONCESSION AGREEMENT;**

16 **(5) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY**
17 **OWNED AND OPERATED;**

18 **(6) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR**
19 **MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR**
20 **MEMBERS OF PARENTS OR SUBSIDIARIES;**

21 **(7) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE**
22 **SALE OF ALCOHOLIC BEVERAGES; OR**

23 **(8) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR**
24 **THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 9-213(e)(2) and the first and third sentences of
27 (1).

28 In subsection (a) of this section, the former reference to a "franchisor,
29 franchisee, chain store operation, partnership, firm or corporation" is deleted
30 as included in the defined term "person".

1 In subsection (a)(1) of this section, the reference to the exception “as otherwise
2 provided in this title” is substituted for the former references to the exceptions
3 “as provided in subsection (j) of this section” and “to licenses issued under the
4 provisions of § 7–101 of this article or to club licenses” for accuracy.

5 The second sentence of former Art. 2B, § 9–213(e)(1), which stated the intent
6 of the section, is deleted as unnecessary.

7 Defined terms: “License” § 1–101

8 “Person” § 1–101

9 **22–1504. BOWLING ESTABLISHMENTS.**

10 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
11 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
12 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

13 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
14 **LICENSES; AND**

15 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
16 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 9–102(b–1)(1)(i).

19 In item (1) of this section, the reference to “Class D beer or Class D beer and
20 wine licenses” is substituted for the former reference to licenses issued
21 “[u]nder § 3–401 or § 5–401 of this article” for clarity.

22 In item (2) of this section, the former reference to the premises “operated as”
23 a bowling establishment is deleted as surplusage.

24 Defined terms: “Beer” § 1–101

25 “License” § 1–101

26 “Wine” § 1–101

27 **22–1505. HEARING NOTICE; PUBLICATION OF DECISION.**

28 **(A) POSTING OF HEARING NOTICE.**

29 **(1) FOR A HEARING FOR AN APPLICATION FOR A NEW LICENSE OR AN**
30 **UPGRADE TO AN EXISTING LICENSE, THE BOARD SHALL POST A NOTICE IN A**
31 **CONSPICUOUS LOCATION ON THE EXTERIOR OF THE LOCATION DESCRIBED IN THE**
32 **APPLICATION.**

1 **(2) THE NOTICE SHALL BE ON A SIGN THAT MEASURES AT LEAST 12**
 2 **BY 18 INCHES AND INCLUDE:**

3 **(I) THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE;**

4 **(II) THE NAME OF THE APPLICANT; AND**

5 **(III) THE DATE, TIME, AND LOCATION FOR THE APPLICATION**
 6 **HEARING.**

7 **(3) THE NOTICE SHALL REMAIN POSTED FOR 20 DAYS BEFORE THE**
 8 **HEARING.**

9 **(B) PUBLICATION OF DECISION.**

10 **(1) THE BOARD SHALL PUBLISH ITS DECISION ON AN APPLICATION**
 11 **FOR A NEW LICENSE, AN UPGRADE OF AN EXISTING LICENSE, OR A CHANGE OF**
 12 **LOCATION OF AN EXISTING LICENSE IN TWO NEWSPAPERS OF GENERAL**
 13 **CIRCULATION PUBLISHED IN THE COUNTY.**

14 **(2) THE DECISION SHALL STATE THE NAME OF THE LICENSE HOLDER,**
 15 **THE TYPE OF LICENSE, AND THE LOCATION OF THE PREMISES.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 10-202(b)(2), except as it related to the transfer
 18 of a license, and the first and second sentences of (h).

19 In subsection (a)(1) of this section, the reference to the exterior of the "location"
 20 is substituted for the former reference to the exterior of the "premises" for
 21 consistency with terminology used throughout this article.

22 In subsection (a)(2)(i) of this section, the reference to the class of license "for
 23 which application is made" is added for clarity.

24 In subsection (a)(3) of this section, the former requirement that the notice
 25 shall "be posted" is deleted as included in the requirement that the notice
 26 remain posted for 20 days before the hearing.

27 Defined terms: "Board" § 22-101

28 "County" § 22-101

29 "License" § 1-101

30 **22-1506. PROHIBITED ISSUANCE OF LICENSE.**

1 **THE BOARD MAY NOT ISSUE A LICENSE TO A PERSON OR AN AGENT OF THE**
 2 **PERSON WHO HAS BEEN CONVICTED IN A FEDERAL OR STATE COURT OF:**

3 **(1) A FELONY; OR**

4 **(2) A VIOLATION OF THE LAWS GOVERNING:**

5 **(I) THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

6 **(II) MAINTAINING OR OPERATING A BROTHEL; OR**

7 **(III) GAMING.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from the fifth sentence of former Art. 2B, § 10–203.

10 In the introductory language of this section, the former reference to a
 11 “representative” is deleted as redundant of the reference to an “agent”.

12 In item (2)(i) of this section, the defined term “alcoholic beverage[s]” is
 13 substituted for the more limited reference to “liquor” for clarity.

14 In item (2)(ii) of this section, the reference to a “brothel” is substituted for the
 15 former reference to a “bawdyhouse” for clarity.

16 In item (2)(iii) of this section, the reference to “gaming” is substituted for the
 17 former reference to “a place where gambling has been permitted” for brevity.

18 Defined terms: “Alcoholic beverage” § 1–101

19 “Board” § 22–101

20 “License” § 1–101

21 “Person” § 1–101

22 “State” § 1–101

23 **22–1507. ADDITIONAL FACTORS TO BE CONSIDERED BY BOARD.**

24 **BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND**
 25 **DETERMINE AS SUITABLE:**

26 **(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE**
 27 **APPLICANT;**

28 **(2) THE GENERAL FITNESS OF THE APPLICANT TO UPHOLD THE**
 29 **PUBLIC TRUST; AND**

1 **(3) THE APPROPRIATENESS OF THE LOCATION DESCRIBED IN THE**
2 **APPLICATION, TAKING INTO CONSIDERATION:**

3 **(I) THE NUMBER OF EXISTING LICENSES; AND**

4 **(II) ANY OBJECTIONS FROM PROPERTY OWNERS LIVING IN THE**
5 **IMMEDIATE NEIGHBORHOOD OF THE LOCATION DESCRIBED IN THE APPLICATION.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from the first sentence of former Art. 2B, § 10–203.

8 In the introductory language of this section, the requirement that the Board
9 “consider and determine as suitable” specified factors before issuing a license
10 is substituted for the former requirement that the Board “satisfy itself” of
11 specified factors before issuing a license for clarity.

12 In item (2) of this section, the reference to the fitness of the applicant “to
13 uphold the public trust” is substituted for the former reference to the fitness
14 of the applicant “for the trust to be reposed” for clarity.

15 In the introductory language of item (3) of this section, the reference to the
16 location “described in the application” is substituted for the former reference
17 to the location “where such licensed business is to be conducted” for
18 consistency with terminology used throughout this article.

19 In item (3)(ii) of this section, the reference to the immediate neighborhood “of
20 the location described in the application” is added for clarity.

21 Defined terms: “Board” § 22–101
22 “License” § 1–101

23 **22–1508. LICENSE FORMS; EFFECTIVE DATE; EXPIRATION.**

24 **(A) LICENSE TO CONTAIN DESCRIPTION OF LOCATION.**

25 **A LICENSE SHALL DESCRIBE THE LOCATION OF THE LICENSED PREMISES.**

26 **(B) EFFECTIVE DATE.**

27 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DECISION**
28 **OF THE BOARD BECOMES EFFECTIVE 5 DAYS AFTER THE DATE OF PUBLICATION OF**
29 **THE DECISION.**

1 **(2) THE BOARD MAY WAIVE THE 5-DAY PERIOD IF NO WRITTEN OR**
 2 **ORAL OBJECTION IS RAISED TO THE BOARD’S DECISION BY THE END OF THE**
 3 **APPLICATION HEARING.**

4 REVISOR’S NOTE: This section is new language derived without substantive
 5 change from the third and fourth sentences of former Art. 2B, § 10–202(h) and
 6 the second sentence of § 10–203.

7 In subsection (a) of this section, the requirement that a license “describe the
 8 location of the licensed premises” is substituted for the former reference that
 9 a license “designate the place of business of the licensee” for clarity.

10 In subsection (b)(2) of this section, the reference that “[t]he Board” may waive
 11 the 5–day waiting period is added for clarity.

12 Also in subsection (b)(2) of this section, the reference to an objection that is
 13 not “raised” is added for clarity.

14 Also in subsection (b)(2) of this section, the reference to the end of the
 15 “application hearing” is substituted for the former reference to the end of the
 16 “public hearing on the licensing action” for clarity and brevity.

17 Defined terms: “Board” § 22–101

18 “License” § 1–101

19 **22–1509. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

20 **A LICENSE IS NOT SUBJECT TO:**

21 **(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE**
 22 **HOLDER;**

23 **(2) A DISTRAINT FOR RENT; OR**

24 **(3) SALE OR TRANSFER, UNLESS THE LICENSE ACCOMPANIES THE**
 25 **BUSINESS FOR WHICH THE LICENSE WAS ISSUED.**

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 10–501(e).

28 Defined terms: “License” § 1–101

29 “License holder” § 1–101

30 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

1 **PART I. LICENSING CONDITIONS.**

2 **22-1601. LICENSE QUOTA IN COUNTY.**

3 **(A) IN GENERAL.**

4 **FOR EVERY 3,000 INDIVIDUALS IN THE COUNTY, AS SPECIFIED BY THE**
5 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE BOARD MAY NOT ISSUE**
6 **MORE THAN:**

7 **(1) ONE CLASS A (OFF-SALE) LICENSE;**

8 **(2) ONE CLASS A-1 (OFF-SALE) LICENSE; AND**

9 **(3) ONE CLASS A-2 (OFF-SALE) LICENSE.**

10 **(B) RESTRICTION ON ISSUING NEW LICENSES.**

11 **IF THE NUMBER OF LICENSES IN A CLASS EXCEEDS THE QUOTA SPECIFIED IN**
12 **SUBSECTION (A) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE OF**
13 **THAT CLASS UNLESS THE NUMBER OF LICENSES OF THAT CLASS ARE REDUCED BY**
14 **REVOCAION OR SURRENDER, CREATING A VACANCY UNDER THE PARTICULAR**
15 **QUOTA SPECIFIED.**

16 **(C) EFFECT OF SECTION.**

17 **THIS SECTION DOES NOT APPLY TO THE TRANSFER, CONVERSION, OR**
18 **RENEWAL OF A LICENSE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 9-213(d) and (c)(2)(i) and (3).

21 In the introductory language of subsection (a) of this section, the former
22 reference to individuals "of the population of" the County is deleted as
23 surplusage.

24 In subsection (b) of this section, the reference to the "Board" is added to state
25 expressly what was only implicit in the former law, that the Board is the
26 governmental unit that issues licenses.

27 Also in subsection (b) of this section, the former reference to licenses in a class
28 "issued as of July 1, 1984" is deleted as unnecessary.

29 In subsection (c) of this section, the reference to "[t]his section...not apply[ing]"
30 to the transfer, conversion, or renewal of a license is substituted for the former

1 language “[f]or the purpose of this subsection” the transfer, conversion, or
2 renewal of a license “may not be construed to be a new license” for brevity.

3 Also in subsection (c) of this section, the former reference to the transfer,
4 conversion, or renewal of an “existing” license is deleted as implicit.

5 Former Art. 2B, § 9–213(a), which stated that the provisions of former Art.
6 2B, § 9–213 applied only in Harford County, is deleted as unnecessary in light
7 of the organization of this revised article.

8 Former Art. 2B, § 9–213(c)(1), which stated that former Art. 2B, § 9–213 did
9 not preclude the renewal or transfer of any license issued prior to July 1, 1981,
10 is deleted as surplusage.

11 Defined terms: “Board” § 22–101
12 “County” § 22–101
13 “License” § 1–101

14 **22–1602. DISTANCE RESTRICTIONS FROM PLACE OF WORSHIP OR SCHOOL.**

15 **(A) SCOPE OF SECTION.**

16 **THIS SECTION DOES NOT APPLY TO:**

17 **(1) A LICENSE IN EFFECT ON JULY 1, 1975, OR THE ISSUANCE OR**
18 **TRANSFER OF A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE FOR USE ON**
19 **ANY PREMISES LICENSED ON JULY 1, 1975;**

20 **(2) A LICENSE IN EFFECT ON JULY 1, 1977;**

21 **(3) THE RENEWAL, TRANSFER, OR UPGRADING OF A LICENSE, UNLESS**
22 **THE LICENSE IS TRANSFERRED TO A NEW LOCATION; AND**

23 **(4) THE ISSUANCE OF:**

24 **(I) A 1-DAY LICENSE THAT IS TO BE USED ON THE PREMISES OF**
25 **A PLACE OF WORSHIP OR SCHOOL;**

26 **(II) A CLASS GC (GOLF COURSE) LICENSE; AND**

27 **(III) A CLASS CCFA (CONTINUING CARE FACILITY) LICENSE.**

28 **(B) DISTANCE FROM PLACE OF WORSHIP — 300-FOOT GENERAL**
29 **RESTRICTION.**

1 **(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT**
3 **IS WITHIN 300 FEET OF A PLACE OF WORSHIP.**

4 **(II) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE**
5 **OF WORSHIP IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF**
6 **THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF THE PLACE OF**
7 **WORSHIP.**

8 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE**
9 **ISSUANCE OF:**

10 **(I) A 1-DAY LICENSE FOR USE IN A BUILDING;**

11 **(II) A LICENSE ISSUED TO A HOTEL, MOTEL, RESTAURANT,**
12 **CLUB, OR CATERER IN A MUNICIPALITY; AND**

13 **(III) A CLASS H BEER, WINE, AND LIQUOR LICENSE ISSUED TO A**
14 **CATERER FOR USE IN A BANQUET FACILITY IN AN ESTABLISHMENT IF:**

15 **1. THE CONSTRUCTION OF THE ESTABLISHMENT WAS**
16 **COMPLETED AFTER JULY 1, 1991; AND**

17 **2. THE ESTABLISHMENT IS USED FOR EMERGENCY**
18 **OPERATIONS BY A VOLUNTEER FIRE COMPANY.**

19 **(C) DISTANCE FROM SCHOOL.**

20 **(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
21 **SUBSECTION, THE BOARD MAY NOT ISSUE A LICENSE TO A BUSINESS**
22 **ESTABLISHMENT THAT IS WITHIN 1,000 FEET OF A PUBLIC OR PRIVATE SCHOOL**
23 **BUILDING.**

24 **(II) THE DISTANCE FROM THE ESTABLISHMENT TO THE PUBLIC**
25 **OR PRIVATE SCHOOL IS TO BE MEASURED FROM THE NEAREST POINT OF THE**
26 **BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF**
27 **THE SCHOOL.**

28 **(2) THE BOARD MAY ISSUE A LICENSE TO A BUSINESS**
29 **ESTABLISHMENT IN A MUNICIPALITY IF THE BUSINESS ESTABLISHMENT IS NOT**
30 **LOCATED WITHIN 300 FEET OF A PUBLIC OR PRIVATE SCHOOL.**

1 **(3) A DECISION OF THE COUNTY BOARD OF EDUCATION TO LOCATE**
 2 **A PUBLIC SCHOOL BUILDING WITHIN 1,000 FEET OF THE PREMISES OF A LICENSE**
 3 **HOLDER MAY NOT BE THE BASIS TO REVOKE OR DENY THE RENEWAL, TRANSFER, OR**
 4 **UPGRADING OF THE LICENSE.**

5 **(D) DISTANCE FROM SCHOOL RESTRICTION — WAIVER.**

6 **THE BOARD MAY WAIVE THE DISTANCE RESTRICTIONS FROM A PUBLIC OR**
 7 **PRIVATE SCHOOL BUILDING AND ISSUE A CLASS B (ON-SALE) RESTAURANT**
 8 **LICENSE IF:**

9 **(1) THE RESTAURANT IS LOCATED IN A COMMUNITY SHOPPING**
 10 **CENTER THAT CONTAINS:**

11 **(I) SIX OR MORE RETAIL USES;**

12 **(II) SIX OR MORE RETAIL AND SERVICE USES; OR**

13 **(III) A GROSS FLOOR AREA OF MORE THAN 20,000 SQUARE FEET;**

14 **AND**

15 **(2) THE BOARD TAKES INTO ACCOUNT COMMENTS RECEIVED FROM**
 16 **PARENTS WHOSE CHILDREN ATTEND THE PUBLIC OR PRIVATE SCHOOL.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 8–213.2(e) and § 9–213(b).

19 Throughout this section, the former references to a license “to sell alcoholic
 20 beverages” are deleted as included in the defined term “license”.

21 In subsection (a)(4)(i) of this section, the reference to a “place of worship” is
 22 substituted for the former narrower reference to a “church” to conform to the
 23 terminology used throughout this article.

24 In subsection (a)(5) of this section, the former reference to a Class GC (golf
 25 course) license “as set forth in § 8–503 of this article” is deleted as surplusage.

26 In subsection (b)(1)(i) and (ii) of this section, the former references to a
 27 “church” are deleted as included in the references to a “place of worship”.

28 In subsection (b)(1)(i) of this section, the phrase “[e]xcept as provided in
 29 paragraph (2) of this subsection” is substituted for the former phrase “[e]xcept
 30 as provided in paragraphs (2), (3), (5), (6), and (8) of this subsection” in light
 31 of the organization of this revised article.

1 In the introductory language of subsection (b)(2) of this section, the reference
2 to “[p]aragraph (1) of this subsection” is substituted for the former reference
3 to “provisions of paragraph (1) of this subsection relating to distance from a
4 church or place of worship” for brevity.

5 In subsections (b)(2)(ii) and (c)(2) of this section, the former references to “an
6 incorporated” municipality are deleted as included in the references to a
7 “municipality”.

8 In subsection (b)(2)(ii) of this section, the former reference to a “bona fide”
9 hotel, motel, or restaurant is deleted as surplusage.

10 Also in subsection (b)(2)(ii) of this section, the former reference to a
11 municipality “of Harford County” is deleted as surplusage in light of the
12 organization of this revised article.

13 Also in subsection (b)(2)(ii) of this section, the former references to a hotel,
14 motel, or restaurant “as defined in § 6–201(n) of this article”, a club “as defined
15 in § 6–301(o)(2) of this article”, and a caterer “as defined in § 6–704(a) of this
16 article”, are deleted as surplusage.

17 In subsection (c)(1)(i) of this section, the former reference to a “parochial, or
18 bona fide church” school building is deleted as included in the reference to a
19 “private” school building.

20 In subsection (c)(3) of this section, the former reference to a decision “after
21 June 30, 1975” is deleted as obsolete.

22 In subsection (d)(2) of this section, the former reference to the Board taking
23 into account comments “among other considerations” is deleted as surplusage.

24 Defined terms: “Board” § 22–101

25 “County” § 22–101

26 “Club” § 1–101

27 “Hotel” § 1–101

28 “License” § 1–101

29 “License holder” § 1–101

30 “Restaurant” § 22–101

31 **22–1603. PROHIBITION AGAINST CHAIN STORES, SUPERMARKETS, DISCOUNT**
32 **HOUSES, AND FRANCHISED ESTABLISHMENTS.**

33 **(A) IN GENERAL.**

1 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 2 **ANY LICENSE WITH AN OFF-SALE PRIVILEGE MAY NOT BE ISSUED FOR OR**
 3 **TRANSFERRED TO:**

4 **(I) A CHAIN STORE;**

5 **(II) A SUPERMARKET;**

6 **(III) A DISCOUNT HOUSE; OR**

7 **(IV) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF AN**
 8 **ESTABLISHMENT LISTED IN THIS PARAGRAPH.**

9 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE**
 10 **RENEWAL OF A LICENSE.**

11 **(B) CLASS A-1 OR CLASS A-2 LICENSE UPGRADE.**

12 **AN ESTABLISHMENT THAT ON JULY 1, 1976, HELD A LICENSE WITH AN**
 13 **OFF-SALE PRIVILEGE MAY CONTINUE TO HOLD THE LICENSE OR APPLY TO UPGRADE**
 14 **TO A CLASS A-1 OR CLASS A-2 LICENSE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 9-213(f)(1).

17 In the introductory language of subsection (a)(1) of this section, the former
 18 reference to "any business establishment of the type commonly known as" a
 19 chain store, supermarket, discount house, or franchisor, franchisee, or
 20 concessionaire of such an establishment, is deleted as surplusage.

21 In subsection (b) of this section, the reference to a license "with an off-sale
 22 privilege" is added for clarity.

23 Former Art. 2B, § 9-213(f)(2), under which establishments that held an
 24 off-sale license issued before July 1, 1975, but later surrendered the license
 25 or saw the license canceled, were allowed to reacquire the license if an
 26 application was submitted by March 1, 1999, is deleted as obsolete.

27 Defined terms: "License" § 1-101

28 "Off-sale" § 1-101

29 **22-1604. DRIVE-THROUGH SALES PROHIBITED.**

1 **THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR**
2 **USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH**
3 **SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

4 **(1) SOLD AT RETAIL; AND**

5 **(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN**
6 **OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 9-213(h)(1), except as it related to the transfer
9 of a license.

10 In the introductory language of this section, the reference to a "sales" facility
11 is substituted for the former reference to a "purchase" facility for clarity.

12 Defined terms: "Alcoholic beverage" § 1-101

13 "Board" § 22-101

14 "License" § 1-101

15 "Off-sale" § 1-101

16 **22-1605. RESERVED.**

17 **22-1606. RESERVED.**

18 **PART II. MULTIPLE LICENSING PLANS.**

19 **22-1607. LIMIT ON CLASS B LICENSES.**

20 **THE BOARD MAY ISSUE A MAXIMUM NUMBER OF NINE CLASS B LICENSES TO**
21 **THE SAME PERSON.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 9-213(j).

24 The reference to "[t]he Board" is added to clarify that the Board is the issuing
25 agent of a license.

26 The reference to "the same person" is substituted for the former reference to
27 "an individual for the use of a sole practitioner, partnership, corporation,
28 unincorporated association, or limited liability company" for brevity.

29 Defined terms: "Board" § 22-101

30 "Person" § 1-101

1 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

2 **22-1701. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
 5 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
 6 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

7 **(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

8 **(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
 9 **REQUIRED”); AND**

10 **(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

11 **(B) VARIATIONS.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
 13 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
 14 **APPLY IN THE COUNTY:**

15 **(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
 16 **LICENSE AND INVENTORY”), SUBJECT TO §§ 22-1703 AND 22-1704 OF THIS**
 17 **SUBTITLE; AND**

18 **(2) § 4-305 (“FILING FEES AND ENDORSEMENT”), SUBJECT TO §**
 19 **22-1705 OF THIS SUBTITLE.**

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
 21 general provisions relating to the transfer of licenses and the substitution of
 22 names of officers on licenses.

23 Defined terms: “County” § 22-101
 24 “License” § 1-101

25 **22-1702. HEARING AND NOTICE REQUIREMENTS.**

26 **(A) BOARD TO SET HEARING AND POST NOTICE.**

27 **ON RECEIPT OF AN APPLICATION FOR A TRANSFER OF A LICENSE, THE BOARD**
 28 **SHALL:**

1 **(1) SCHEDULE A PUBLIC HEARING; AND**

2 **(2) POST A NOTICE OF THE HEARING IN A CONSPICUOUS PLACE ON**
3 **THE EXTERIOR OF THE PREMISES DESCRIBED IN THE APPLICATION.**

4 **(B) NOTICE SPECIFICATIONS.**

5 **THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

6 **(1) BE ON A SIGN MEASURING NOT LESS THAN 12 BY 18 INCHES;**

7 **(2) SPECIFY THE CLASS OF LICENSE SUBJECT TO THE APPLICATION,**
8 **NAME OF THE APPLICANT, AND TIME, DATE, AND PLACE OF THE HEARING; AND**

9 **(3) REMAIN POSTED FOR AT LEAST 20 DAYS BEFORE THE HEARING.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10–202(b)(2), as it related to license transfers.

12 In the introductory language of subsection (a) of this section, the former
13 reference to “an existing” license is deleted as implicit.

14 In subsection (a)(1) of this section, the reference to the requirement that the
15 Board “schedule a public hearing” expressly states what was only implicit in
16 the former law, that the Board is required to hold a public hearing on an
17 application for a transfer.

18 In subsection (a)(2) of this section, the former reference to a place “noticeable
19 to the public” is deleted as redundant of the requirement that the place be
20 “conspicuous”.

21 In subsection (b)(2) of this section, the reference to the class of license “subject
22 to the application” is added for clarity.

23 In subsection (b)(3) of this section, the reference to “at least” 20 days is added
24 for accuracy and clarity.

25 Defined terms: “Board” § 22–101

26 “License” § 1–101

27 **22–1703. TRANSFER OF LICENSE FOR USE IN BUSINESS.**

28 **(A) IN GENERAL.**

1 **THE BOARD SHALL TRANSFER A LICENSE THAT IS ISSUED FOR USE IN A**
 2 **BUSINESS IF:**

3 **(1) THE BUSINESS IS SOLD TO A DIFFERENT OWNER; AND**

4 **(2) THE NEW OWNER QUALIFIES AS A LICENSE HOLDER.**

5 **(B) REQUIREMENTS OF RESIDENT APPLICANT.**

6 **(1) THIS SUBSECTION APPLIES TO THE RESIDENT APPLICANT OF A**
 7 **LICENSED ESTABLISHMENT FOR WHICH A LICENSE WAS TRANSFERRED AFTER JULY**
 8 **1, 1984, ON BEHALF OF A CORPORATION, AN UNINCORPORATED ENTITY, OR A**
 9 **LIMITED LIABILITY COMPANY.**

10 **(2) THE RESIDENT APPLICANT SHALL:**

11 **(I) 1. UNLESS THE TRANSFERRED LICENSE IS A CLASS B**
 12 **BEER, WINE, AND LIQUOR LICENSE AS PROVIDED IN ITEM 2 OF THIS ITEM, OWN AT**
 13 **LEAST 25% OF THE TOTAL CORPORATION, UNINCORPORATED ENTITY, OR LIMITED**
 14 **LIABILITY COMPANY; OR**

15 **2. IF THE TRANSFERRED LICENSE IS A CLASS B BEER,**
 16 **WINE, AND LIQUOR LICENSE, OWN AT LEAST 10% OF THE TOTAL BUSINESS;**

17 **(II) SERVE AS MANAGER OR SUPERVISOR; AND**

18 **(III) BE PHYSICALLY PRESENT ON THE PREMISES A**
 19 **SUBSTANTIAL AMOUNT OF TIME ON A DAILY BASIS.**

20 REVISOR'S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, §§ 10-503(n)(3)(i) and 9-101(k)(3) and, as it
 22 related to transfers of a license, (4).

23 In subsection (a)(2) of this section, the defined term "license holder" is
 24 substituted for the former reference to a "licensee under this article" for
 25 brevity and consistency throughout this article.

26 In subsection (b)(2)(i)1 of this section, the reference to a "corporation,
 27 unincorporated entity, or limited liability company" is substituted for the
 28 former reference to a "business" for clarity.

29 Former Art. 2B, § 10-503(n)(1), which stated that former Art. 2B, §
 30 10-503(n) applied only in Harford County, is deleted as unnecessary in light
 31 of the organization of this revised article.

1 Defined terms: "Beer" § 1-101

2 "Board" § 22-101

3 "License" § 1-101

4 "License holder" § 1-101

5 "Wine" § 1-101

6 **22-1704. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

7 **THE BOARD MAY NOT TRANSFER THE LOCATION OR OWNERSHIP OF:**

8 **(1) A LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE**
9 **OPERATED AS A DRIVE-THROUGH PURCHASE FACILITY WHERE ALCOHOLIC**
10 **BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR**
11 **DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES**
12 **CONSUMPTION; OR**

13 **(2) AN OFF-SALE LICENSE WITH THE PRIVILEGE OF OPERATING THE**
14 **PREMISES AS A DRIVE-THROUGH PURCHASE FACILITY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, §§ 10-503(n)(2) and 9-213(h)(2) and, as it related
17 to license transfers, (1).

18 The former references to a license "of any class" are deleted as surplusage.

19 Defined terms: "Alcoholic beverage" § 1-101

20 "Board" § 22-101

21 "License" § 1-101

22 "Off-sale" § 1-101

23 **22-1705. FEE.**

24 **(A) FEE NOT TO EXCEED ADMINISTRATION COST.**

25 **THE BOARD MAY CHARGE A FEE FOR THE TRANSFER OF A LICENSE THAT MAY**
26 **NOT EXCEED THE ADMINISTRATION COST FOR PROCESSING THE TRANSFER.**

27 **(B) TRANSFER BEFORE EXPIRATION DATE.**

28 **IF A LICENSE IS TRANSFERRED BEFORE ITS EXPIRATION DATE, THE BOARD**
29 **SHALL ALLOW THE TRANSFEREE TO OPERATE UNDER THE LICENSE UNTIL THE**
30 **LICENSE EXPIRATION DATE WITHOUT ADDITIONAL CHARGE.**

31 **(C) TRANSFER ON EXPIRATION DATE.**

1 **IF A LICENSE IS TRANSFERRED ON ITS EXPIRATION DATE, THE CHARGE FOR**
2 **THE TRANSFER IS THE SAME AS THE FEE FOR THE ISSUANCE OF THE LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10-503(n)(3)(ii).

5 The former references to a license transfer "under this paragraph" are deleted
6 as surplusage.

7 In subsection (b) of this section, the former clause "except for the charge
8 provided for under item 1 of this subparagraph" is deleted as surplusage.

9 Defined terms: "Board" § 22-101
10 "License" § 1-101

11 **SUBTITLE 18. RENEWAL OF LICENSES.**

12 **22-1801. APPLICATION OF GENERAL PROVISIONS.**

13 **(A) WITHOUT EXCEPTION OR VARIATION.**

14 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL**
15 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
16 **EXCEPTION OR VARIATION:**

17 (1) § 4-402 ("ELIGIBILITY FOR RENEWAL; PROCESS");

18 (2) § 4-403 ("RENEWAL APPLICATION");

19 (3) § 4-406 ("PROTESTS");

20 (4) § 4-407 ("DENIAL OF RENEWAL APPLICATION");

21 (5) § 4-408 ("ISSUANCE OF RENEWED LICENSES");

22 (6) § 4-409 ("MULTIPLE LICENSES"); AND

23 (7) § 4-410 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE").

24 **(B) VARIATIONS.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL**
26 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

1 **(1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”),**
2 **SUBJECT TO § 22-1802 OF THIS SUBTITLE; AND**

3 **(2) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §**
4 **22-1803 OF THIS SUBTITLE.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to the renewal of local licenses.

7 Defined terms: “County” § 22-101
8 “License” § 1-101

9 **22-1802. LATE FILING.**

10 **THE BOARD MAY CONSIDER A LICENSE RENEWAL APPLICATION RECEIVED**
11 **AFTER APRIL 1 FOR 30 DAYS BEFORE IT TAKES FINAL ACTION ON THE APPLICATION.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from the second sentence of former Art. 2B, § 10-301(e).

14 The reference to a “license” renewal application is added for clarity.

15 The former reference to “a period of” 30 days is deleted as unnecessary.

16 Defined terms: “Board” § 22-101
17 “License” § 1-101

18 **22-1803. CONTENTS OF RENEWAL APPLICATION.**

19 **AN APPLICATION FOR A LICENSE RENEWAL SHALL BE IN THE FORM THE**
20 **BOARD ADOPTS BY REGULATION.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from the first sentence of former Art. 2B, § 10-301(e).

23 The former redundant reference to adopting “rules” is deleted as included in
24 the reference to adopting “by regulation”.

25 The former reference to regulations “duly adopted” is deleted as unnecessary.

26 Defined terms: “Board” § 22-101
27 “License” § 1-101

28 **22-1804. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
29 **RENEWALS.**

1 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
2 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10-103(b)(13)(viii)2.

5 Defined term: "License" § 1-101

6 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

7 **22-1901. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
10 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
11 **WITHOUT EXCEPTION OR VARIATION:**

12 (1) **§ 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

13 (2) **§ 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
14 **PREMISES");**

15 (3) **§ 4-506 ("EVIDENCE OF PURCHASER'S AGE");**

16 (4) **§ 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND**

17 (5) **§ 4-508 ("DISPLAY OF LICENSE").**

18 **(B) VARIATIONS.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
20 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

21 (1) **§ 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS"), SUBJECT**
22 **TO § 22-1902 OF THIS SUBTITLE; AND**

23 (2) **§ 4-505 ("ALCOHOL AWARENESS PROGRAM"), SUBJECT TO §**
24 **22-1903 OF THIS SUBTITLE.**

25 REVISOR'S NOTE: This section is new language added to incorporate by reference
26 general provisions relating to the conduct of local license holders.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “County” § 22–101

3 “License” § 1–101

4 “License holder” § 1–101

5 **22–1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

6 **(A) IN GENERAL.**

7 **A LICENSE HOLDER MAY NOT:**

8 **(1) EMPLOY OR ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS**
9 **TO SELL OR SERVE ALCOHOLIC BEVERAGES; OR**

10 **(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
11 **EMPLOY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO ACT AS A BARTENDER OR**
12 **TO SERVE ALCOHOLIC BEVERAGES AT A PERMANENT FULL–SERVICE BAR.**

13 **(B) INDIVIDUALS UNDER THE AGE OF 18 YEARS.**

14 **AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY ACT AS A BARTENDER OR SERVE**
15 **ALCOHOLIC BEVERAGES AT A PERMANENT FULL–SERVICE BAR IF THE INDIVIDUAL**
16 **IS THE SON OR DAUGHTER OF THE OWNER OF THE LICENSED PREMISES.**

17 **(C) INDIVIDUALS AT LEAST 18 OR 16 YEARS OLD.**

18 **A LICENSE HOLDER MAY EMPLOY:**

19 **(1) AN INDIVIDUAL AT LEAST 18 YEARS OLD TO SERVE ALCOHOLIC**
20 **BEVERAGES WHILE ACTING AS A SERVER; OR**

21 **(2) AN INDIVIDUAL AT LEAST 16 YEARS OLD TO ACT AS A**
22 **BARTENDER’S ASSISTANT WHO:**

23 **(I) MAY REPLACE ICE, REMOVE TRASH, OR PERFORM SIMILAR**
24 **TASKS THAT DO NOT INVOLVE ALCOHOLIC BEVERAGES; BUT**

25 **(II) MAY NOT ENGAGE IN THE DISTRIBUTION OR SALE OF**
26 **ALCOHOLIC BEVERAGES.**

27 **REVISOR’S NOTE:** This section is new language derived without substantive
28 **change from former Art. 2B, § 12–213(e)(2) through (4).**

1 Throughout this section, the references to an “individual” are substituted for
2 the former references to a “person” because this section applies only to human
3 beings.

4 In the introductory language of subsection (a) of this section, the defined term
5 “license holder” is substituted for the former phrase “alcoholic beverages
6 licensee” to conform to the terminology used throughout this article.

7 In subsection (b) of this section, the reference to a “licensed” establishment is
8 added for clarity.

9 In subsection (c)(1) of this section, the reference to a “server” is substituted for
10 the former reference to a “waiter or waitress” for brevity.

11 Former Art. 2B, § 12–213(e)(1), which stated that former Art. 2B, §
12 12–213(e) applied only in Harford County, is deleted as unnecessary in light
13 of the organization of this revised article.

14 Defined terms: “Alcoholic beverage” § 1–101
15 “License holder” § 1–101

16 **22–1903. ALCOHOL AWARENESS PROGRAM.**

17 **(A) PRESENCE ON LICENSED PREMISES REQUIRED.**

18 **THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE**
19 **HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL BE:**

20 **(1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**
21 **AND**

22 **(2) PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN**
23 **WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

24 **(B) PENALTY.**

25 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

26 **(1) FOR THE FIRST OFFENSE, A \$100 FINE; AND**

27 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500**
28 **OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 13–101(d) and (c)(3)(ii).

1 In the introductory language of subsection (a) of this section, the reference to
2 an “individual” is substituted for the former reference to a “person” because
3 this section applies only to human beings.

4 In subsection (a)(2) of this section, the reference to being present “on the
5 licensed premises” is added for clarity.

6 Also in subsection (a)(2) of this section, the defined term “alcoholic
7 beverage[s]” is substituted for the former reference to “alcohol” to conform to
8 the terminology used throughout this article.

9 Former Art. 2B, § 13–101(c)(3)(i), which stated that former Art. 2B, §
10 13–101(c)(3) applied only in Harford County, is deleted as unnecessary in light
11 of the organization of this revised article.

12 Defined terms: “Alcoholic beverage” § 1–101
13 “License holder” § 1–101

14 **22–1904. RECORDKEEPING.**

15 **(A) RECORD OF RECEIPTS AND EXPENDITURES.**

16 **A HOLDER OF A LICENSE WITH AN ON–SALE PRIVILEGE SHALL:**

17 **(1) KEEP COMPLETE AND ACCURATE BOOKS OF ACCOUNT OF DAILY**
18 **RECEIPTS AND EXPENDITURES IN THE FORM THAT THE BOARD REQUIRES; AND**

19 **(2) PROCURE VOUCHERS OR PURCHASE SLIPS FOR ALL ALCOHOLIC**
20 **BEVERAGES, FOOD, AND OTHER ITEMS BOUGHT FOR SALE.**

21 **(B) RECORDS TO BE OPEN FOR INSPECTION.**

22 **AN ON–SALE LICENSE HOLDER SHALL KEEP THE RECORDS REQUIRED UNDER**
23 **SUBSECTION (A) OF THIS SECTION OPEN TO INSPECTION BY THE BOARD OR A**
24 **DESIGNEE OF THE BOARD.**

25 **(C) HEARING.**

26 **(1) IF A REPORT REQUIRED BY THIS SECTION OR AN INVESTIGATION**
27 **BY THE BOARD, A BOARD OFFICER, OR ANY OTHER PERSON INDICATES THAT A**
28 **HOLDER OF A LICENSE WITH AN ON–SALE PRIVILEGE IS VIOLATING THIS TITLE, THE**
29 **BOARD SHALL SUMMON THE LICENSE HOLDER AND CONDUCT A HEARING.**

1 **(2) IF THE CHARGES AT THE HEARING ARE SUSTAINED, THE BOARD**
 2 **SHALL REVOKE THE LICENSE HOLDER’S LICENSE IMMEDIATELY.**

3 REVISOR’S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 12–213(a) and (b).

5 In subsection (a)(1) of this section, the former phrase “showing in detail the ...
 6 receipts from the sale authorized therein” is deleted as included in the
 7 requirement that a license holder keep records “in the form that the Board
 8 requires”.

9 In subsection (a)(2) of this section, the former reference to “commodities” is
 10 deleted as included in the reference to “items”.

11 Also in subsection (a)(2) of this section, the reference to items “bought for sale”
 12 is substituted for the former reference to items “bought and permitted to be
 13 sold therein” for brevity.

14 In subsection (b) of this section, the reference to a “designee of the Board” is
 15 substituted for the former reference to an “inspector appointed by the said
 16 Liquor Control Board for that purpose” for brevity.

17 Also in subsection (b) of this section, the former reference to “books, accounts,
 18 and” is deleted as implicit in the word “records”.

19 In subsection (c)(1) of this section, the reference to the requirement that the
 20 Board “conduct a hearing” is added to the former reference to the requirement
 21 that the Board “summon such licensee before it, for a hearing” for specificity
 22 and clarity.

23 Also in subsection (c)(1) of this section, the former clause “[a]ll licensees shall
 24 make such reports to the Liquor Control Board of all purchases and sales of
 25 alcoholic beverages as may be required by the regulations of said Board” is
 26 deleted as unnecessary in light of the requirement that license holders must
 27 comply with Board regulations.

28 Defined terms: “Alcoholic beverage” § 1–101

29 “Board” § 22–101

30 “License” § 1–101

31 “License holder” § 1–101

32 “On-sale” § 1–101

33 “Person” § 1–101

34 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

35 **22–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

1 **(A) IN GENERAL.**

2 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
3 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
4 **PREMISES LICENSED UNDER THIS TITLE.**

5 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
6 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
7 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

8 **(B) PENALTY.**

9 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
10 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 11-304(a)(1) and, as it related to Harford
13 County, (2).

14 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in
15 this title” is added for clarity.

16 Also in subsection (a)(1) of this section, the reference to an “individual” is
17 substituted for the former reference to a “person” because the prohibition
18 against consumption applies only to human beings.

19 Also in subsection (a)(1) of this section, the reference to “a premises licensed
20 under this title” is substituted for the former reference to “any premises open
21 to the general public, any place of public entertainment, or any place at which
22 setups or other component parts of mixed alcoholic drinks are sold under any
23 license issued under the provisions of the Business Regulation Article” for
24 brevity.

25 In subsection (a)(2) of this section, the reference to “a premises licensed under
26 this title” is substituted for the former reference to “the premises” for
27 consistency with the terminology used in subsection (a)(1) of this section.

28 In subsection (b) of this section, the reference to a person who “violates this
29 section” is substituted for the former reference to a person who is “found
30 consuming any alcoholic beverage on any premises open to the general public,
31 and any owner, operator or manager of those premises or places who
32 knowingly permits consumption between the hours provided by this section”
33 for brevity.

1 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
2 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
3 section.

4 Also in subsection (b) of this section, the former reference to a fine “not less
5 than \$5” is deleted to conform to the statement of legislative policy in §
6 14–102 of the Criminal Law Article, which sets forth the general rule that,
7 notwithstanding a statutory minimum penalty, a court may impose a lesser
8 penalty of the same character.

9 Defined terms: “Alcoholic beverage” § 1–101
10 “Person” § 1–101

11 **22–2002. BEER LICENSES.**

12 **RESERVED.**

13 **22–2003. BEER AND WINE LICENSES.**

14 **(A) CLASS A BEER AND WINE LICENSE.**

15 **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE**
16 **ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

17 **(B) CLASS B BEER AND WINE LICENSE.**

18 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
19 **A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY**
20 **THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

21 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
22 **COUNTER ON SUNDAY.**

23 **(C) CLASS C BEER AND WINE LICENSE.**

24 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
25 **A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY**
26 **THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

27 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
28 **COUNTER ON SUNDAY.**

29 **(D) CLASS D BEER AND WINE LICENSE.**

30 **RESERVED.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 11-513(b)(1) and 11-403(a)(1)(ii).

3 In this section, references to a holder of a Class A, B, or C beer and wine license
4 are substituted for the former vague references to "a licensee" to reflect the
5 types of licenses available in the County.

6 Former Art. 2B, § 11-403(b)(2)(ix), which stated that, where the provisions of
7 former Art. 2B, § 11-403 are in conflict with the provisions in former Art. 2B,
8 §§ 11-402 and 11-513 concerning Harford County, §§ 11-402 and 11-513
9 shall govern, is deleted as unnecessary in light of the organization of this
10 revised article.

11 Former Art. 2B, § 11-513(a), which stated that the provisions of former Art.
12 2B, § 11-513 applied only in Harford County, is deleted as unnecessary in
13 light of the organization of this revised article.

14 Defined terms: "Beer" § 1-101
15 "License holder" § 1-101
16 "Wine" § 1-101

17 **22-2004. BEER, WINE, AND LIQUOR LICENSES.**

18 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

19 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
20 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE**
21 **FOLLOWING DAY.**

22 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

23 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
24 **A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR**
25 **ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

26 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
27 **A BAR OR COUNTER ON SUNDAY.**

28 **(C) CLASS B-3 RESTAURANT/HOTEL LICENSE.**

29 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
30 **A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

1 (I) FOR A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY,
2 FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

3 (II) FOR A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY,
4 FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

5 (2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT
6 A BAR OR COUNTER ON SUNDAY.

7 (D) CLASS BFD (FINE DINING) ON-SALE BEER, WINE, AND LIQUOR LICENSE.

8 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF
9 A CLASS BFD (FINE DINING) ON-SALE BEER, WINE, AND LIQUOR LICENSE MAY SELL
10 BEER, WINE, AND LIQUOR:

11 (I) FOR A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY,
12 FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

13 (II) FOR A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY,
14 FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

15 (2) THE RESTAURANT FOR WHICH A CLASS BFD LICENSE IS ISSUED
16 SHALL OPEN FOR BUSINESS NOT LATER THAN 5 P.M.

17 (E) CLASS BNR LICENSE.

18 A HOLDER OF A CLASS BNR ON-SALE BEER, WINE, AND LIQUOR LICENSE MAY
19 SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2
20 A.M. THE FOLLOWING DAY.

21 (F) CLASS C BEER, WINE, AND LIQUOR LICENSE.

22 (1) THIS SUBSECTION APPLIES TO CLASS C-1, C-2, AND C-3
23 (ON-SALE) ORGANIZATION OR CLUB BEER, WINE, AND LIQUOR LICENSES.

24 (2) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY
25 SELL BEER, WINE, AND LIQUOR:

26 (I) FOR A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY,
27 FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

28 (II) FOR A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY,
29 FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

1 **(3) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR**
2 **AT A BAR OR COUNTER ON SUNDAY.**

3 **(G) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

4 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
5 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE**
6 **FOLLOWING DAY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, §§ 6–201(n)(3)(i), (5)(i) and (iii), and (9)(i) and
9 (iii), 6–301(n)(2), (4)(ii), (5)(ii), and (6)(ii), 11–403(a)(1)(ii), and 11–513(b)(1).

10 In this section, references to a holder of a Class A, B, C, or D beer, wine, and
11 liquor license are substituted for the former vague references to “a licensee” to
12 reflect the types of licenses available in the County.

13 Defined terms: “Beer” § 1–101
14 “Wine” § 1–101

15 **22–2005. HOURS ON JANUARY 1.**

16 **THIS TITLE DOES NOT REQUIRE A HOLDER OF A LICENSE THAT ALLOWS THE**
17 **SALE OF ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION TO CLOSE THE**
18 **LICENSED PREMISES UNTIL 2 A.M. ON JANUARY 1.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 11–402(n)(2).

21 In this section, the clause “[t]his title does not” is substituted for the former
22 clause “[t]his article may not be construed to require” for brevity.

23 The reference to “a license that allows the sale of alcoholic beverages for
24 on–premises consumption” is substituted for the former reference to “an
25 on–sale license” for clarity.

26 The former references to January 1 “of any year” are deleted as redundant.

27 Former Art. 2B, § 11–402(n)(1), which stated that former Art. 2B, § 11–402(n)
28 applied only in Harford County, is deleted as unnecessary in light of the
29 organization of this revised article.

30 Defined terms: “Alcoholic beverage” § 1–101
31 “License” § 1–101

32 **22–2006. RESTRICTIONS ON LICENSE HOLDERS.**

1 **A LICENSE HOLDER MAY NOT:**

2 **(1) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE**
 3 **LICENSE HOLDER’S PREMISES BETWEEN 2:15 A.M. AND 8 A.M. THE SAME DAY; OR**

4 **(2) ALLOW AN ALCOHOLIC BEVERAGE GLASS, BOTTLE, OR CONTAINER**
 5 **TO REMAIN ON A TABLE OR SERVING COUNTER AFTER 2:30 A.M.**

6 REVISOR’S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 11–513(c).

8 In item (2) of this section, the former references to “glass[es]” and “bottle[s]”
 9 are deleted as included in the reference to a “container”.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
 11 the General Assembly, that the provisions in this section seem to conflict with
 12 the general restrictions on consumption. The general restrictions found in
 13 former Art. 2B, § 11–304(a)(1) — now § 22–2001(a) of this subtitle — prohibit
 14 consumption between 2 a.m. and 6 a.m. and specify that “an owner, operator
 15 or manager of the premises or places may not knowingly permit such
 16 consumption”. The provision specific to Harford County gives different hours
 17 during which a license holder may not allow consumption (between 2:15 a.m.
 18 and 8 a.m.) but does not specify different hours during which a person may
 19 not consume alcoholic beverages. It appears odd for a license holder to be
 20 prohibited from allowing consumption between 2:15 a.m. and 8 a.m. but a
 21 person to only be prohibited from consumption between 2 a.m. and 6 a.m.

22 Defined terms: “Alcoholic beverage” § 1–101
 23 “License holder” § 1–101

24 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

25 **22–2101. APPLICATION OF GENERAL PROVISIONS.**

26 **(A) WITHOUT EXCEPTION OR VARIATION.**

27 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
 28 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
 29 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

30 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

31 **(2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**

1 **(3) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

2 **(4) § 4-606 (“EFFECTS OF REVOCATION”).**

3 **(B) VARIATION.**

4 **SECTION 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”) OF**
5 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 22-2102 OF**
6 **THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to the revocation and suspension of local licenses.

9 Former Art. 2B, § 10-405(a)(11), which stated that former Art. 2B,
10 § 10-405, which related to nudity and sexual displays, applied in Harford
11 County, is deleted as unnecessary in light of the organization of this revised
12 article.

13 Defined terms: “County” § 22-101

14 “License” § 1-101

15 “Local licensing board” § 1-101

16 **22-2102. GROUNDS FOR SUSPENSION, REVOCATION, OR FINES.**

17 **(A) FREQUENT INSPECTIONS OF LICENSED PREMISES.**

18 **THE BOARD AND GENERAL MANAGER SHALL HAVE FREQUENT INSPECTIONS**
19 **MADE OF THE PREMISES OF ALL LICENSE HOLDERS.**

20 **(B) IMPOSITION OF PENALTIES.**

21 **THE BOARD MAY IMPOSE THE PENALTIES IN § 22-2706 OF THIS TITLE IF,**
22 **AFTER A PUBLIC HEARING, THE BOARD FINDS THAT:**

23 **(1) A LICENSE HOLDER OR AN AGENT OR EMPLOYEE OF THE LICENSE**
24 **HOLDER:**

25 **(I) HAS VIOLATED THIS ARTICLE OR REGULATIONS ADOPTED**
26 **UNDER THIS ARTICLE;**

27 **(II) HAS FAILED TO OBSERVE IN GOOD FAITH THE PURPOSES OF**
28 **THIS ARTICLE; OR**

1 **(III) HAS NOT MAINTAINED THE PREMISES IN A CLEAN AND**
 2 **SANITARY MANNER;**

3 **(2) ON THE LICENSED PREMISES THERE IS:**

4 **(I) ILLEGAL GAMBLING;**

5 **(II) AN ILLEGAL GAMBLING DEVICE; OR**

6 **(III) AN ALCOHOLIC BEVERAGE NOT AUTHORIZED TO BE SOLD**
 7 **UNDER THE APPROPRIATE LICENSE; OR**

8 **(3) THE LICENSE HOLDER HAS BEEN CONVICTED IN FEDERAL OR**
 9 **STATE COURT OF A FELONY.**

10 **(C) REPORT OF FINDINGS.**

11 **(1) THE BOARD SHALL REPORT ITS FINDINGS WITHIN 14 CALENDAR**
 12 **DAYS AFTER THE HEARING OR, IF EARLIER, AT THE NEXT REGULARLY SCHEDULED**
 13 **MEETING OF THE BOARD.**

14 **(2) THE BOARD SHALL REPORT CASES OF POTENTIAL CRIMINAL**
 15 **WRONGDOING TO THE STATE'S ATTORNEY AND THE SHERIFF FOR PROSECUTION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 10-401(e)(1).

18 In subsection (a) of this section, the former reference to "make ... inspections"
 19 is deleted as included in the reference to "have ... inspections made".

20 In subsection (b)(2)(ii) of this section, the former reference to an illegal
 21 gambling device "which [is] illegal under the laws of the State of Maryland" is
 22 deleted as surplusage.

23 In subsection (b)(2)(iii) of this section, the reference to an alcoholic beverage
 24 "not authorized to be sold under" the appropriate license is substituted for the
 25 former reference to an alcoholic beverage "in violation" of the appropriate
 26 license for clarity.

27 Defined terms: "Board" § 22-101

28 "License" § 1-101

29 "License holder" § 1-101

30 "State" § 1-101

1 **22-2103. SURETY BOND FOR LICENSE PREVIOUSLY DENIED, SUSPENDED, OR**
2 **REVOKED.**

3 **(A) REQUIRED.**

4 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
5 **MAY NOT ISSUE A LICENSE TO AN APPLICANT IF THE LICENSE HAS BEEN PREVIOUSLY**
6 **DENIED, SUSPENDED, OR REVOKED UNLESS:**

7 **(I) 1. THE APPLICANT EXECUTES A SURETY BOND OF \$1,000**
8 **TO THE STATE;**

9 **2. THE BOARD APPROVES THE SURETY; AND**

10 **3. THE SURETY BOND IS CONDITIONED ON THE**
11 **FAITHFUL OBSERVANCE OF THE LAWS GOVERNING ALCOHOLIC BEVERAGES IN THE**
12 **STATE; OR**

13 **(II) THE BOARD:**

14 **1. ACCEPTS \$1,000 IN CASH; AND**

15 **2. DEPOSITS THE CASH AND RECORDS THE DEPOSIT.**

16 **(2) THE BOARD MAY WAIVE A REQUIRED SURETY BOND OR CASH**
17 **DEPOSIT.**

18 **(B) BOND TO SECURE PAYMENT.**

19 **THE BOND SHALL SECURE THE PAYMENT OF ALL COSTS, FINES, AND**
20 **PENALTIES IMPOSED ON THE APPLICANT ON A CHARGING DOCUMENT FOR A**
21 **VIOLATION OF ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

22 **(C) DEPOSIT; RECORDATION; EVIDENCE.**

23 **(1) THE APPLICANT SHALL DEPOSIT AN APPROVED BOND WITH THE**
24 **BOARD.**

25 **(2) THE BOARD SHALL RECORD THE BOND IN A BOOK KEPT FOR THAT**
26 **PURPOSE.**

27 **(3) THE RECORD OR A CERTIFIED COPY OF THE RECORD IS EVIDENCE**
28 **OF THE BOND.**

1 **(D) WAIVER FOR COMPLIANCE.**

2 **THE BOARD MAY STOP REQUIRING A LICENSE HOLDER TO POST BOND IF THE**
3 **BOARD FINDS THAT THE LICENSE HOLDER HAS COMPLIED WITH THE TERMS OF A**
4 **BOND FOR 1 CALENDAR YEAR.**

5 **(E) FAILURE TO COMPLY.**

6 **(1) THE BOARD MAY PETITION FOR FORFEITURE OF THE BOND IN**
7 **CIRCUIT COURT IF:**

8 **(I) THE BOARD DETERMINES THAT THE LICENSE HOLDER HAS**
9 **FAILED TO OBSERVE THE TERMS OF THE BOND; AND**

10 **(II) SUFFICIENT NOTICE IS GIVEN TO THE LICENSE HOLDER.**

11 **(2) IF THE CIRCUIT COURT DECLARES THE BOND FORFEITED, THE**
12 **BOND SHALL BE PAYABLE TO THE BOARD.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 14–101(c).

15 Throughout this section, the former references to Board action “in its
16 discretion” are deleted as implicit in the authority of the Board to take the
17 actions referenced.

18 Also throughout this section, the former redundant references to cash “money”
19 are deleted as surplusage.

20 In subsection (a)(1) of this section, the reference that “the Board may not issue
21 a license” is substituted for the former reference that “[in the County] no retail
22 license ... shall be granted” for clarity.

23 In subsection (a)(1)(i)1 of this section, the reference to the execution of a
24 “surety” bond is added for clarity.

25 Also in subsection (a)(1)(i)1 of this section, the former reference to “the penal
26 sum” is deleted as surplusage.

27 In subsection (a)(1)(i)2 of this section, the former reference to a “corporate”
28 surety is deleted as surplusage.

1 In subsection (a)(1)(i)3 of this section, the reference to laws “governing”
2 alcoholic beverages is substituted for the former reference to laws “controlling
3 or affecting” alcoholic beverages for clarity and brevity.

4 Also in subsection (a)(1)(i)3 of this section, the former reference to the laws in
5 the State “general or local, and the regulations of the Board,” is deleted as
6 unnecessary and included in the reference to “laws governing alcoholic
7 beverages in the State”.

8 Subsection (a)(2) of this section is revised to state explicitly what was only
9 implied in the former law, that because the Board can waive the substitute
10 cash deposit, the Board may also waive the underlying surety bond.

11 In subsection (a)(2) of this section, the former redundant reference to the
12 acceptance of cash as “the deposit of the same” is deleted as unnecessary.

13 Also in subsection (a)(2) of this section, the former sentence stating that “[t]he
14 Board may also, in its discretion, subsequently accept a bond as aforesaid in
15 substitution of the cash money deposit” is deleted as unnecessary in light of
16 the organization of subsection (a)(1) of this section, which states that the
17 execution of a surety bond or a cash payment of \$1,000 is acceptable.

18 Also in subsection (a)(2) of this section, the former phrase “if deemed
19 advisable” is deleted as surplusage.

20 In subsection (b) of this section, the reference to a violation “of alcoholic
21 beverages laws in the County” is substituted for the former reference to a
22 violation “of this article or any other act of assembly or regulation of the Board
23 relating to selling or furnishing alcoholic beverages in Harford County” for
24 brevity.

25 Also in subsection (b) of this section, the reference to a “charging document”
26 is substituted for the former narrow reference to a “warrant or indictment” for
27 clarity. The defined term “[c]harging document” under § 1–101 of the Criminal
28 Procedure Article includes “a citation, an indictment, an information, a
29 statement of charges, and a warrant”.

30 Also in subsection (b) of this section, the former reference to costs “which may
31 be” imposed is deleted as surplusage.

32 In subsection (c)(1) of this section, the reference requiring “[t]he applicant” to
33 deposit a bond with the Board is added for clarity.

34 In subsection (c)(2) of this section, the reference requiring “[t]he Board” to
35 record a bond is added for clarity.

1 In subsection (c)(3) of this section, the reference to a certified copy “of the
2 record” is added for clarity.

3 Also in subsection (c)(3) of this section, the reference to evidence “of the bond”
4 is added for clarity.

5 Also in subsection (c)(3) of this section, the former reference to a “duly”
6 certified copy is deleted as surplusage.

7 Also in subsection (c)(3) of this section, the former phrase “in any court of
8 record” is deleted as surplusage.

9 In subsection (d) of this section, the reference to “terms of a bond” is
10 substituted for the former reference to “terms thereof” for clarity.

11 Also in subsection (d) of this section, the former reference that the bond has
12 been “provided” for 1 calendar year is deleted as surplusage.

13 Also in subsection (d) of this section, the former reference to a license holder
14 who has complied “faithfully” with the terms of a bond is deleted as
15 surplusage.

16 Also in subsection (d) of this section, the former reference to posting bond
17 “under this section” is deleted as surplusage.

18 In the introductory language of subsection (e)(1) of this section, the reference
19 to forfeiture “of the bond” is added for clarity.

20 Also in the introductory language of subsection (e)(1) of this section, the
21 former reference authorizing the Board to “file a” petition for forfeiture is
22 deleted as surplusage.

23 In subsection (e)(1)(i) of this section, the reference to “the Board determin[ing]
24 that the license holder” has failed to observe the terms of the bond is added
25 for clarity.

26 In subsection (e)(1)(ii) of this section, the reference to notice given “to the
27 license holder” is added for clarity.

28 Also in subsection (e)(1)(ii) of this section, the reference to “sufficient” notice
29 is substituted for the former reference to “due” notice for clarity.

30 In subsection (e)(2) of this section, the reference to the bond that “shall be
31 payable to” the Board is substituted for the former reference to the bond that
32 shall “belong to” the Board for accuracy.

33 Defined terms: “Alcoholic beverage” § 1–101

1 "Board" § 22-101
 2 "County" § 22-101
 3 "License" § 1-101
 4 "License holder" § 1-101
 5 "State" § 1-101

6 **SUBTITLE 22. EXPIRATION OF LICENSES.**

7 **22-2201. APPLICATION OF GENERAL PROVISIONS.**

8 **TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF**
 9 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

10 REVISOR'S NOTE: This section is new language added to incorporate by reference
 11 the general provisions relating to the expiration of local licenses.

12 Defined terms: "County" § 22-101
 13 "License" § 1-101

14 **22-2202. SEASONAL CLOSING.**

15 **THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR**
 16 **NOT MORE THAN 6 MONTHS IF:**

17 **(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS**
 18 **SEASONALLY OPERATED; AND**

19 **(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE**
 20 **BOARD AT LEAST 30 DAYS BEFORE:**

21 **(I) THE ANTICIPATED DATE OF CLOSING; AND**

22 **(II) THE ANTICIPATED DATE OF REOPENING.**

23 REVISOR'S NOTE: This section is new language derived without substantive
 24 change from former Art. 2B, § 10-504(f)(2) and, as it related to Harford
 25 County, (1).

26 In item (1) of this section, the former phrase "under its jurisdiction" is deleted
 27 as surplusage.

28 Defined terms: "Board" § 22-101
 29 "License holder" § 1-101

30 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

1 **22-2301. APPLICATION OF GENERAL PROVISIONS.**

2 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
 3 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
 5 general provisions relating to the death of a local license holder.

6 Defined terms: “County” § 22-101
 7 “License holder” § 1-101

8 **SUBTITLE 24. JUDICIAL REVIEW.**

9 **22-2401. APPLICATION OF GENERAL PROVISIONS.**

10 **(A) WITHOUT EXCEPTION OR VARIATION.**

11 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF**
 12 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
 13 **VARIATION:**

14 **(1) § 4-902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING**
 15 **BOARD”);**

16 **(2) § 4-903 (“PETITIONERS”);**

17 **(3) § 4-904 (“STAY OF LOCAL BOARD’S PETITION”);**

18 **(4) § 4-906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);**

19 **(5) § 4-907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);**

20 **AND**

21 **(6) § 4-908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT**
 22 **OF APPEALS”).**

23 **(B) VARIATION.**

24 **SECTION 4-905 (“SCOPE OF JUDICIAL REVIEW”) OF DIVISION I OF THIS**
 25 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 22-2403 OF THIS SUBTITLE.**

26 REVISOR’S NOTE: This section is new language added to incorporate by reference
 27 general provisions relating to the appeal of the decisions of the Board.

1 Defined terms: “County” § 22–101
 2 “Local licensing board” § 1–101

3 **22–2402. COURT MAY REMAND.**

4 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
 5 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
 6 **REMAND THE PROCEEDINGS TO THE BOARD.**

7 REVISOR’S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 16–101(e)(4)(ii)7.

9 The reference to the “circuit court for the County” is substituted for the former
 10 reference to the “court” for clarity.

11 Defined terms: “Board” § 22–101
 12 “County” § 22–101

13 **22–2403. OPTIONS FOR BOARD.**

14 **THE BOARD MAY CHOOSE TO:**

15 **(1) HAVE AN ACTION FOR JUDICIAL REVIEW TRIED BEFORE A JURY;**

16 **AND**

17 **(2) IF THE BOARD HAS SUSPENDED OR REVOKED A LICENSE, ALLOW**
 18 **THE LICENSE HOLDER TO OPERATE PENDING THE OUTCOME OF THE JUDICIAL**
 19 **REVIEW.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 16–102.

22 In the introductory language of this section, the former phrase
 23 “notwithstanding any other provisions in this subtitle” is deleted as
 24 unnecessary in light of the organization of this revised article.

25 In items (1) and (2) of this section, the references to a “judicial review” are
 26 substituted for the former incorrect references to an “appeal” to reflect that
 27 this section concerns the judicial review of an administration agency – a board
 28 of license commissioners – and not a court.

29 In item (2) of this section, the former erroneous reference to an “applicant” is
 30 deleted. An applicant does not possess a license. Consequently, there is no
 31 license of an applicant that the Board may suspend or revoke.

1 Defined terms: "Board" § 22-101

2 "License" § 1-101

3 "License holder" § 1-101

4 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

5 **22-2501. ALLOWING CONSUMPTION, POSSESSION, OR TRANSFER OF ALCOHOLIC**
6 **BEVERAGES.**

7 **(A) IN GENERAL.**

8 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND OTHERWISE**
9 **PROVIDED IN THIS ARTICLE, A PERSON MAY NOT KNOWINGLY ALLOW THE**
10 **CONSUMPTION, POSSESSION, OR TRANSFER OF ALCOHOLIC BEVERAGES IN AN**
11 **ESTABLISHMENT THAT IS A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO,**
12 **DISCO, OR PLACE OF PUBLIC ENTERTAINMENT IF:**

13 **(1) THE ESTABLISHMENT IS NOT LICENSED BY THE BOARD;**

14 **(2) THE PERSON POSSESSES OR CONTROLS THE ESTABLISHMENT AS**
15 **OWNER, LESSEE, OR USER; AND**

16 **(3) THE ESTABLISHMENT IS:**

17 **(I) OPEN TO THE PUBLIC OR LICENSED BY THE STATE; OR**

18 **(II) LICENSED BY THE STATE OR A COUNTY UNIT OTHER THAN**
19 **THE BOARD.**

20 **(B) EXCEPTIONS.**

21 **(1) THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION**
22 **DOES NOT APPLY TO:**

23 **(I) THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR**
24 **HOSPICE; OR**

25 **(II) THE PROPERTY OF:**

26 **1. A VOLUNTEER FIRE COMPANY;**

27 **2. A CATERING ESTABLISHMENT;**

28 **3. A COMMUNITY OR CIVIC ASSOCIATION;**

1 4. A SWIM CLUB;

2 5. A SOCIAL, CIVIC, NONPROFIT, CHARITABLE,
3 FRATERNAL, PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; OR

4 6. A RELIGIOUS INSTITUTION THAT HAS BEEN IN
5 EXISTENCE FOR AT LEAST 3 YEARS.

6 (2) THE BOARD MAY EXEMPT A PLACE SIMILAR TO ONE LISTED IN
7 PARAGRAPH (1) OF THIS SUBSECTION ON A CASE-BY-CASE BASIS.

8 (3) THE BOARD SHALL ADOPT REGULATIONS TO ADMINISTER THIS
9 SUBSECTION.

10 (C) PENALTY.

11 AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT SUBJECT
12 TO THE PROHIBITIONS OF THIS SECTION WHO KNOWINGLY ALLOWS THE
13 PROHIBITED CONSUMPTION IN VIOLATION OF THIS SECTION IS GUILTY OF A
14 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 11-304(n)(1)(ii)1 and 2 and (iii) and (2) through
17 (4).

18 In subsection (a) of this section, the reference to an "establishment" is
19 substituted for the former defined term "premises" to avoid the implication
20 that a business establishment is licensed by the Board of License
21 Commissioners for the County.

22 In subsection (a)(3)(i) of this section, the former reference to the "general"
23 public is deleted as surplusage.

24 In subsection (b)(1)(ii)2 and 6 of this section, the former references to a "bona
25 fide" catering establishment and a "bona fide" religious institution are deleted
26 as vague.

27 In subsection (b)(3) of this section, the reference to "regulations" is substituted
28 for the former reference to "uniform rules" to conform to the terminology used
29 throughout this article.

30 Former Art. 2B, § 11-304(n)(1)(i), which stated that former Art. 2B, §
31 11-304(n) applied only in Harford County, is deleted as unnecessary in light
32 of the organization of this revised article.

1 Former Art. 2B, § 11-304(n)(1)(ii)3, which defined “person” as a “person, club,
2 organization, or place of public entertainment”, is deleted in light of the
3 defined term “person” in § 1-101 of this revised article.

4 The Alcoholic Beverages Article Review Committee notes, for consideration by
5 the General Assembly, that the requirements in subsection (b)(1)(ii)6 of this
6 section that a religious institution be in existence for at least 3 years may
7 violate the equal protection guarantees of the Fourteenth Amendment to the
8 United States Constitution and Article 24 of the Maryland Declaration of
9 Rights.

10 Defined terms: “Alcoholic beverage” § 1-101
11 “Board” § 22-101
12 “Club” § 1-101
13 “County” § 22-101
14 “Hotel” § 1-101
15 “Person” § 1-101
16 “Restaurant” § 1-101
17 “State” § 1-101

18 **22-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
19 **BEVERAGES IS PROHIBITED.**

20 **(A) PROHIBITION AGAINST INDIVIDUAL.**

21 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
22 **ALCOHOLIC BEVERAGES IN:**

23 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

24 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

25 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
26 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
27 **BUSINESS REGULATION ARTICLE.**

28 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

29 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
30 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
31 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
32 **THIS SECTION.**

33 **(C) PENALTY.**

1 (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
2 ALCOHOLIC BEVERAGE”);

3 (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
4 EVIDENCE OF SALE”);

5 (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF
6 ALCOHOL IN PUBLIC PLACES”); AND

7 (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
8 CONSUMPTION”).

9 **(B) EXCEPTION.**

10 **SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION
11 LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS
12 SUPERSEDED BY § 22-2602 OF THIS SUBTITLE.**

13 **(C) VARIATIONS.**

14 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF
15 DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

16 (1) § 6-204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO §
17 22-2604 OF THIS SUBTITLE; AND

18 (2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 22-2606 OF
19 THIS SUBTITLE.

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to enforcement.

22 Defined terms: “Alcoholic beverage” § 1-101

23 “County” § 22-101

24 “State” § 1-101

25 **22-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

26 **THE COUNTY MAY:**

27 (1) ADOPT AN ORDINANCE OR A RESOLUTION SUPPLEMENTING THE
28 PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS
29 ARTICLE; AND

1 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
2 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
3 **HIGHWAY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 19-103(a)(9).

6 In item (1) of this section, the reference to "the prohibition against disorderly
7 intoxication under § 6-320 of this article" is substituted for the former obsolete
8 reference to "this subheading".

9 In item (2) of this section, the former reference to the public "in general" is
10 deleted as surplusage.

11 Defined terms: "Alcoholic beverage" § 1-101
12 "County" § 22-101

13 **22-2603. INVESTIGATION OF VIOLATION.**

14 **(A) ON RECEIPT OF COMPLAINT OR INFORMATION.**

15 **IF THE BOARD OR AN INSPECTOR OF THE BOARD RECEIVES A COMPLAINT OR**
16 **INFORMATION ABOUT A VIOLATION OF THIS TITLE BY A LICENSE HOLDER, THE**
17 **BOARD SHALL ORDER AN INSPECTOR TO INVESTIGATE.**

18 **(B) PROCEDURE TO FOLLOW IF COMPLAINT OR INFORMATION IS**
19 **SUPPORTED BY EVIDENCE.**

20 **IF THE INVESTIGATION SHOWS THAT THE COMPLAINT OR INFORMATION IS**
21 **SUPPORTED BY EVIDENCE, THE BOARD SHALL HANDLE THE CASE IN ACCORDANCE**
22 **WITH § 22-2102 OF THIS TITLE.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 16-403.

25 In subsection (a) of this section, the reference to an "inspector" is substituted
26 for the former reference to the "chief inspector or inspectors" for brevity.

27 Also in subsection (a) of this section, the reference to this "title" is substituted
28 for the erroneous reference to this "section" for accuracy.

29 In subsection (b) of this section, the former requirement that the Board "shall
30 immediately cause said licensee to appear before it to answer the charges" is
31 deleted in light of the requirement that the Board "shall handle the case in
32 accordance with § 22-2102 of this title".

1 Also in subsection (b) of this section, the former phrase “[a]fter a public
2 hearing” is deleted as included in the reference to “§ 22–2102 of this title”.

3 Defined terms: “Board” § 22–101
4 “License holder” § 1–101

5 **22–2604. SERVICE OF SUMMONS.**

6 **IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204**
7 **OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A**
8 **SUMMONS.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 16–410(b)(2)(i)6.

11 Defined term: “Board” § 22–101

12 **22–2605. ISSUANCE OF CITATIONS.**

13 **AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL**
14 **CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 16–408, as it related to inspectors in Harford
17 County.

18 The former reference to license violations “under this article” is deleted as
19 surplusage.

20 Defined term: “License” § 1–101

21 **22–2606. DISTRIBUTION OF FINES.**

22 **EACH FINE IMPOSED OR RECOGNIZANCE FORFEITED FOR A VIOLATION OF**
23 **THIS ARTICLE THAT WAS COMMITTED IN THE COUNTY SHALL BE PAYABLE TO THE**
24 **BOARD.**

25 REVISOR’S NOTE: This section is new language derived without substantive change
26 from former Art. 2B, § 16–502(a)(3) and the first clause of (1).

27 Defined terms: “Board” § 22–101
28 “County” § 22–101

29 **SUBTITLE 27. PROHIBITED ACTS.**

1 **22-2701. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
4 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
5 **VARIATION:**

6 (1) **§ 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

7 (2) **§ 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
8 **INDIVIDUAL”);**

9 (3) **§ 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
10 **INTOXICATED INDIVIDUAL”);**

11 (4) **§ 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
12 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
13 **YEARS”);**

14 (5) **§ 6-310 (“PROVIDING FREE FOOD”);**

15 (6) **§ 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
16 **DEALER”);**

17 (7) **§ 6-312 (“BEVERAGE MISREPRESENTATION”);**

18 (8) **§ 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE**
19 **CONTAINER”);**

20 (9) **§ 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
21 **DETACHABLE METAL TAB”);**

22 (10) **§ 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
23 **REGULAR LABEL PRESUMED ILLICIT”);**

24 (11) **§ 6-316 (“MAXIMUM ALCOHOL CONTENT”);**

25 (12) **§ 6-320 (“DISORDERLY INTOXICATION”);**

26 (13) **§ 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN**
27 **PUBLIC”);**

1 (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
2 MACHINE”);

3 (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
4 BEVERAGES”);

5 (16) § 6-327 (“TAX EVASION”);

6 (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

7 (18) § 6-329 (“PERJURY”).

8 **(B) VARIATIONS.**

9 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
10 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

11 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
12 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 22-2702 OF THIS
13 SUBTITLE;

14 (2) §§ 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF
15 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) AND 6-319
16 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM
17 LICENSE HOLDER”), SUBJECT TO § 22-2703 OF THIS SUBTITLE; AND

18 (3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO §
19 22-2704 OF THIS SUBTITLE.

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to prohibited acts.

22 Defined terms: “Alcoholic beverage” § 1-101

23 “County” § 22-101

24 “License holder” § 1-101

25 “Premises” § 22-101

26 “Retail dealer” § 1-101

27 **22-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER
28 THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

29 **A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304
30 OF THIS ARTICLE IF THE LICENSE HOLDER ESTABLISHES TO THE SATISFACTION OF**

1 THE FINDER OF FACT THAT THE LICENSE HOLDER USED DUE CAUTION TO
2 ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 12-108(c)(3) and (4).

5 The former references to "in fact" are deleted as surplusage.

6 The reference to the "finder of fact" is substituted for the former reference to
7 the "judge, jury, or Liquor Control Board" for brevity.

8 Defined term: "License holder" § 1-101

9 **22-2703. POSSESSING AND ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES**
10 **NOT PURCHASED FROM LICENSE HOLDER.**

11 **A PERSON MAY POSSESS ALCOHOLIC BEVERAGES ON THE PREMISES OF A**
12 **LICENSE HOLDER IF:**

13 **(1) THE ALCOHOLIC BEVERAGES ARE OWNED BY A MEMBER OF A**
14 **CLUB LICENSED FOR THE SALE OF BEER AND WINE OR BEER, WINE, AND LIQUOR AND**
15 **ARE CONSUMED ON THE PREMISES;**

16 **(2) THE ALCOHOLIC BEVERAGES:**

17 **(I) HAVE BEEN BROUGHT ON THE PREMISES OF AN ON-SALE**
18 **RESTAURANT FOR CONSUMPTION AND USE IN A PRIVATE DINING ROOM AT A**
19 **PRIVATE GATHERING; AND**

20 **(II) HAVE NOT BEEN PROVIDED BY THE LICENSE HOLDER OF**
21 **THE RESTAURANT; OR**

22 **(3) A DANCE OR SOCIAL EVENT IS:**

23 **(I) HELD ON THE PREMISES OF AN ESTABLISHMENT OF A**
24 **HOLDER OF A CLASS C LICENSE; AND**

25 **(II) 1. ADVERTISED AS BEING BRING YOUR OWN (BYO); OR**

26 **2. SPONSORED BY A MEMBER OF THE CLUB OR BY A**
27 **GUEST THAT A CLUB MEMBER SPONSORS.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 12-213(d).

1 The introductory language of this section is revised to introduce the
 2 circumstances under which a person may possess alcoholic beverages on the
 3 premises of a license holder. The revision clarifies the former language that
 4 stated “[n]otwithstanding the provisions of § 12–107 or of any other contrary
 5 provisions of this article, the possession of alcoholic beverages upon the
 6 premises of a licensee under the provisions of this article is not unlawful under
 7 any of the following conditions”.

8 In items (1) and (2)(i) of this section, the former references to “under the
 9 provisions of this article” are deleted as surplusage.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “Beer” § 1–101

12 “Club” § 1–101

13 “License” § 1–101

14 “License holder” § 1–101

15 “On-sale” § 1–101

16 “Person” § 1–101

17 “Premises” § 22–101

18 “Restaurant” § 22–101

19 “Wine” § 1–101

20 **22–2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

21 **AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN**
 22 **CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6–322(A)(1) OF THIS**
 23 **ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN**
 24 **CONSENT OF THE OWNER OF THE PROPERTY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 19–301(a)(2).

27 The former definition of “unless authorized” is revised as a substantive
 28 statement describing the circumstances under which an individual may
 29 possess an alcoholic beverage in an open container for clarity.

30 Former Art. 2B, § 19–301(a)(1)(iv), which stated that former Art. 2B, §
 31 19–301(a)(2) applied in Harford County, is deleted as unnecessary in light of
 32 the organization of this revised article.

33 The Alcoholic Beverages Article Review Committee notes, for consideration by
 34 the General Assembly, that this section does not specify to whom the written
 35 consent must be presented.

36 Defined term: “Alcoholic beverage” § 1–101

1 **22-2705. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL**
2 **DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

3 (A) **“KNOWINGLY” DEFINED.**

4 IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE
5 INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE
6 HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

7 (B) **PROHIBITED.**

8 A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT
9 KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

10 (1) A HABITUAL DRUNKARD;

11 (2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR

12 (3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN
13 WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER
14 NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE
15 OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND
16 MIND.

17 (C) **PENALTY.**

18 A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A
19 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

20 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND

21 (2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT
22 EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 12-110(a) and, as it related to Harford County,
25 the first sentence of (b).

26 In subsection (a) of this section, the former reference to the definition of
27 knowingly applying “as to habitual drunkards” is deleted as surplusage.

28 In subsection (b) of this section, the defined term “alcoholic beverage” is
29 substituted for the former references to “intoxicating beverages” for clarity
30 and consistency with the terminology used throughout this article.

1 Also in subsection (b) of this section, the former references to “barter” and
2 “furnish” are deleted as included in the references to “sell” and “provide”.

3 In subsection (b)(2) of this section, the reference to an individual with an
4 “intellectual disability” is substituted for the former reference to a “mentally
5 deficient” person to conform to the requirements of Chapter 119 of the Acts of
6 2009. Chapter 119 requires the substitution of the term “mentally retarded”
7 in the Code with “intellectual disability”.

8 In subsection (b)(3) of this section, the reference to a “family member or
9 guardian” is substituted for the former reference to “parent or parents,
10 guardian, husband, wife, son, daughter, brother, or sister” for brevity.

11 Also in subsection (b)(3) of this section, the reference to an “employee of the
12 license holder” is added for consistency within this subsection.

13 In subsection (c) of this section, the former reference to imprisonment “in the
14 county jail” and to both fine and imprisonment “in the discretion of the court”
15 are deleted as surplusage and to conform to standard language for imposition
16 of a penalty for a criminal conviction.

17 The Alcoholic Beverages Article Review Committee notes, for consideration by
18 the General Assembly, that the penalty stated in subsection (c) of this section
19 applies only to a license holder who violates this section and not to an
20 employee of a license holder, even though, under subsection (b) of this section,
21 both a license holder and the license holder’s employee are prohibited from
22 selling or providing an alcoholic beverage to a habitual drunkard, an
23 individual with an intellectual disability, or an individual whose relative has
24 given notice. The employee would, presumably, be subject to the general
25 penalty for a violation of this article under § 6–402 of this article.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “License holder” § 1–101

28 **22–2706. ALLOWING INDIVIDUAL UNDER THE AGE OF 18 YEARS TO LOITER ABOUT**
29 **POOL OR BILLIARD PARLOR.**

30 **(A) PROHIBITED.**

31 **A LICENSE HOLDER WHO OPERATES A POOL OR BILLIARD PARLOR ON THE**
32 **LICENSED PREMISES MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS,**
33 **UNLESS ACCOMPANIED BY A PARENT, TO ENTER INTO OR LOITER ABOUT THE PART**
34 **OF THE PREMISES DEVOTED TO THE PLAYING OF POOL OR BILLIARDS.**

35 **(B) PENALTY.**

1 AFTER A PUBLIC HEARING, IF THE BOARD DETERMINES THAT A LICENSE
2 HOLDER OR AN AGENT OR EMPLOYEE OF THE LICENSE HOLDER HAS VIOLATED THIS
3 SECTION, THE BOARD MAY IMPOSE:

4 (1) FOR A FIRST OFFENSE WITHIN THE LICENSING PERIOD:

5 (I) A FINE NOT EXCEEDING \$2,000; OR

6 (II) SUSPENSION OR REVOCATION OF THE LICENSE; OR

7 (2) FOR A SUBSEQUENT OFFENSE WITHIN THE SAME LICENSING
8 PERIOD AS THE FIRST OFFENSE:

9 (I) A FINE NOT EXCEEDING \$2,000; AND

10 (II) SUSPENSION OR REVOCATION OF THE LICENSE.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10–401(e)(2) and (3).

13 In subsection (a) of this section, the former phrase “under 18 years of age” is
14 deleted as redundant of the reference to “an individual under the age of 18
15 years” for clarity.

16 In subsection (b)(1)(i) and (2)(i) of this section, the former references to a fine
17 “of not less than \$250” are deleted as unenforceable in light of § 14–102 of the
18 Criminal Procedure Article, which provides that if a law sets a minimum
19 penalty, the court in lieu of the minimum penalty may impose a lesser penalty
20 of the same character.

21 Defined terms: “Board” § 22–101
22 “License” § 1–101
23 “License holder” § 1–101
24 “Premises” § 22–101

25 SUBTITLE 28. PENALTIES.

26 22–2801. APPLICATION OF GENERAL PROVISION.

27 (A) WITHOUT EXCEPTION OR VARIATION.

28 SECTION 6–402(B) (“GENERAL PENALTY — IMPOSITION OF PENALTY”) OF
29 DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR
30 VARIATION.

1 **(B) EXCEPTION.**

2 **SECTION 6-402(A) (“GENERAL PENALTY — IN GENERAL”) OF DIVISION I OF**
 3 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 22-2802**
 4 **OF THIS SUBTITLE.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
 6 general provisions relating to imposing a penalty for a violation for which no
 7 specific penalty is provided.

8 Defined term: “County” § 22-101

9 **22-2802. GENERAL PENALTY.**

10 **(A) IMPRISONMENT AND FINE.**

11 **A PERSON WHO VIOLATES THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND**
 12 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
 13 **NOT EXCEEDING \$1,000 OR BOTH UNLESS ANOTHER PENALTY IS SPECIFIED.**

14 **(B) CONFISCATION OF ALCOHOLIC BEVERAGES AFTER CONVICTION.**

15 **(1) AFTER A PERSON IS CONVICTED FOR THE ILLEGAL SALE, OFFER**
 16 **OF SALE, OR POSSESSION OF ALCOHOLIC BEVERAGES, THE SHERIFF OR OTHER LAW**
 17 **ENFORCEMENT OFFICER IN THE COUNTY SHALL SEIZE THE ALCOHOLIC BEVERAGES**
 18 **AND DELIVER THEM TO THE BOARD.**

19 **(2) THE BOARD SHALL SELL THE ALCOHOLIC BEVERAGES AND PAY**
 20 **THE PROCEEDS TO THE COUNTY TREASURER.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 16-507(n).

23 In subsection (a) of this section, the reference to being “guilty of a
 24 misdemeanor” is added to state expressly that which was only implied in the
 25 former law. In this State, any crime that was not a felony at common law and
 26 has not been declared a felony by statute is considered to be a misdemeanor.
 27 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
 28 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
 29 123 Md. 373, 378 (1914).

30 Also in subsection (a) of this section, the former reference to both “fine and
 31 imprisonment in the discretion of the court” is deleted as surplusage.

1 In subsection (b)(1) of this section, the reference to “alcoholic beverages” is
2 substituted for the former reference to “intoxicating liquors” for clarity and
3 consistency throughout this article.

4 Also in subsection (b)(1) of this section, the former reference to “[i]n addition
5 to such fine or imprisonment” for the illegal sale of alcoholic beverages is
6 deleted as redundant in light of the reference to a person being convicted for
7 the illegal sale of alcoholic beverages.

8 In subsection (b)(2) of this section, the former reference to the proceeds being
9 paid to the County Treasurer “for the use of Harford County” is deleted as
10 surplusage.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “Board” § 22–101

13 “County” § 22–101

14 “Person” § 1–101

15 TITLE 23. HOWARD COUNTY.

16 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

17 23–101. DEFINITIONS.

18 (A) IN GENERAL.

19 IN THIS TITLE:

20 (1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT
21 EXCEPTION OR VARIATION; AND

22 (2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

23 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
24 by reference terms defined for the entire article.

25 Item (2) of this subsection is new language added as the standard introductory
26 language to a definition section.

27 (B) BOARD.

28 “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR HOWARD
29 COUNTY.

1 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
2 full reference to the "Board of License Commissioners for Howard County".

3 **(C) COUNTY.**

4 **"COUNTY" MEANS HOWARD COUNTY.**

5 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
6 full reference to "Howard County".

7 **(D) LIGHT WINE.**

8 **"LIGHT WINE" MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
9 **ALCOHOL BY VOLUME.**

10 REVISOR'S NOTE: This subsection is new language derived without substantive
11 change from former Art. 2B, § 4-101(a) and (o).

12 The defined term "wine" is substituted for the former reference to "a fermented
13 beverage" to conform to the terminology used throughout this article.

14 Defined term: "Wine" § 1-101

15 **23-102. SCOPE OF TITLE.**

16 **THIS TITLE APPLIES ONLY IN HOWARD COUNTY.**

17 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
18 organization of this revised article.

19 **23-103. COPY OF LEGISLATION.**

20 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
21 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
22 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
23 **MARYLAND 21401.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 18-103.

26 The reference to this "title" is substituted for the former reference to this
27 "subtitle" to conform to the organization of this revised article. Under the
28 former law, each local governing body derived its authority to enact alcoholic
29 beverages legislation from a common subtitle. Under this revised article, each

1 local governing body derives its authority from the title dedicated to the
2 jurisdiction of the local governing body.

3 Defined terms: “Alcoholic beverage” § 1–101
4 “County” § 23–101

5 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS; APPOINTED ALCOHOLIC**
6 **BEVERAGE HEARING BOARD.**

7 **23–201. “HEARING BOARD” DEFINED.**

8 **IN THIS SUBTITLE, “HEARING BOARD” MEANS THE APPOINTED ALCOHOLIC**
9 **BEVERAGE HEARING BOARD ESTABLISHED UNDER § 23–204 OF THIS SUBTITLE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 15–107.1(a)(4).

12 Former Art. 2B, § 15–107.1(a)(5), which defined “Hearing Board member” to
13 mean a member of the Appointed Alcoholic Beverage Hearing Board in
14 Howard County, is deleted as unnecessary in light of the defined term
15 “Hearing Board”.

16 **23–202. BOARD OF LICENSE COMMISSIONERS ESTABLISHED.**

17 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR HOWARD COUNTY.**

18 REVISOR’S NOTE: This section is new language added to state expressly what was
19 only implied in the former law, that an entity known as the Board of License
20 Commissioners for Howard County exists.

21 Former Art. 2B, § 15–107.1(a)(1), which was the standard introductory
22 provision to a definition section, is deleted as unnecessary because such a
23 section is not used in this subtitle.

24 Former Art. 2B, § 15–107.1(a)(2), which defined “County” to mean Howard
25 County, is deleted as unnecessary in light of the organization of this revised
26 article.

27 Former Art. 2B, § 15–107.1(a)(3), which defined “County Council” to mean the
28 County Council for Howard County, is deleted as surplusage.

29 Former Art. 2B, § 15–107.1(a)(6), which defined “Liquor Board” to mean the
30 Board of License Commissioners for Howard County, is deleted as
31 unnecessary because the term “Liquor Board” is not used in this title.

32 **23–203. MEMBERSHIP.**

1 (A) IN GENERAL.

2 THE COUNTY COUNCIL SITS AS THE BOARD OF LICENSE COMMISSIONERS.

3 (B) SUBJECT TO PUBLIC ETHICS LAWS.

4 A MEMBER OF THE BOARD OF LICENSE COMMISSIONERS IS SUBJECT TO THE
5 PUBLIC ETHICS LAWS OF THE COUNTY.

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 15–107.1(b) and, as it related to members of the
8 Board, (j).

9 In subsection (a) of this section, the reference to the County Council “sit[ting]
10 as” the Board of License Commissioners is substituted for the former reference
11 to the County Council “ex officio constitut[ing]” the Board for clarity.

12 Defined term: “County” § 23–101

13 **23–204. ESTABLISHMENT OF APPOINTED ALCOHOLIC BEVERAGE HEARING**
14 **BOARD.**

15 THERE IS AN APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD IN THE
16 COUNTY.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 15–107.1(c)(1).

19 Defined term: “County” § 23–101

20 **23–205. MEMBERSHIP OF HEARING BOARD.**

21 (A) COMPOSITION; APPOINTMENT OF MEMBERS.

22 (1) THE COUNTY EXECUTIVE SHALL APPOINT FIVE MEMBERS TO THE
23 HEARING BOARD SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL IN
24 ACCORDANCE WITH THIS SECTION.

25 (2) ONE MEMBER SHALL BE FROM EACH COUNCILMANIC DISTRICT.

26 (3) NOT MORE THAN THREE MEMBERS MAY BE REGISTERED WITH
27 THE SAME POLITICAL PARTY.

1 **(4) (I) EACH POLITICAL PARTY THAT POLLED AT LEAST 25% OF**
2 **THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY**
3 **EXECUTIVE IN THE MOST RECENT GENERAL ELECTION SHALL HAVE AT LEAST ONE**
4 **REPRESENTATIVE ON THE HEARING BOARD.**

5 **(II) IF A POLITICAL PARTY THAT POLLED AT LEAST 25% OF THE**
6 **TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY EXECUTIVE**
7 **IN THE MOST RECENT GENERAL ELECTION DOES NOT HAVE AT LEAST ONE**
8 **REPRESENTATIVE ON THE HEARING BOARD, THE NEXT VACANCY ON THE HEARING**
9 **BOARD SHALL BE FILLED WITH AN INDIVIDUAL REGISTERED WITH THAT PARTY.**

10 **(B) NOMINATIONS BY COUNTY COUNCIL.**

11 **(1) EACH MEMBER OF THE COUNTY COUNCIL SHALL NOMINATE TO**
12 **THE COUNTY EXECUTIVE THREE QUALIFIED INDIVIDUALS WHO LIVE IN THE**
13 **DISTRICT OF THE MEMBER OF THE COUNTY COUNCIL.**

14 **(2) THE COUNTY EXECUTIVE SHALL APPOINT TO THE HEARING**
15 **BOARD ONE INDIVIDUAL FROM THE LIST OF NOMINEES THAT EACH MEMBER OF THE**
16 **COUNTY COUNCIL SUBMITS.**

17 **(3) THE COUNTY COUNCIL BY RESOLUTION SHALL CONFIRM THE**
18 **APPOINTMENT OF HEARING BOARD MEMBERS.**

19 **(C) QUALIFICATIONS OF HEARING BOARD MEMBERS.**

20 **TO QUALIFY FOR APPOINTMENT AS A HEARING BOARD MEMBER, AN**
21 **INDIVIDUAL SHALL BE:**

22 **(1) OF GOOD MORAL CHARACTER AND INTEGRITY;**

23 **(2) A REGISTERED VOTER OF THE COUNTY IMMEDIATELY PRIOR TO**
24 **THE APPOINTMENT; AND**

25 **(3) AT LEAST 21 YEARS OLD.**

26 **(D) RESTRICTIONS ON HEARING BOARD MEMBERS.**

27 **(1) A HEARING BOARD MEMBER:**

28 **(I) MAY NOT HOLD ANOTHER PUBLIC OFFICE OR BE EMPLOYED**
29 **BY THE COUNTY GOVERNMENT;**

1 **(II) SHALL BE A REGISTERED VOTER OF THE COUNTY DURING**
2 **THE HEARING BOARD MEMBER'S TERM OF OFFICE; AND**

3 **(III) IS SUBJECT TO THE PUBLIC ETHICS LAWS OF THE COUNTY.**

4 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A**
5 **HEARING BOARD MEMBER MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN:**

6 **(I) A PREMISES WHERE ALCOHOLIC BEVERAGES ARE**
7 **MANUFACTURED OR SOLD; OR**

8 **(II) A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE**
9 **MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES.**

10 **(3) A HEARING BOARD MEMBER MAY BE A HOLDER OF A 1-DAY OR**
11 **2-DAY LICENSE.**

12 **(E) TENURE.**

13 **(1) THE TERM OF A HEARING BOARD MEMBER IS 5 YEARS.**

14 **(2) THE TERMS OF THE HEARING BOARD MEMBERS ARE STAGGERED**
15 **AS REQUIRED BY THE TERMS PROVIDED FOR HEARING BOARD MEMBERS ON JULY**
16 **1, 2016.**

17 **(3) A HEARING BOARD MEMBER WHOSE TERM HAS EXPIRED AND**
18 **WHO HAS SERVED 8 OR MORE CONSECUTIVE YEARS ON THE HEARING BOARD IS NOT**
19 **ELIGIBLE FOR IMMEDIATE REAPPOINTMENT TO THE HEARING BOARD.**

20 **(F) VACANCIES.**

21 **A HEARING BOARD MEMBER WHO IS APPOINTED TO FILL A VACANCY SHALL**
22 **SERVE THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS**
23 **APPOINTED AND QUALIFIES.**

24 **(G) REMOVAL.**

25 **THE COUNTY COUNCIL MAY REMOVE A HEARING BOARD MEMBER FOR:**

26 **(1) INCOMPETENCE;**

27 **(2) MISCONDUCT;**

- 1 **(3) UNPROFESSIONAL CONDUCT;**
- 2 **(4) DISHONORABLE CONDUCT;**
- 3 **(5) NEGLIGENCE OF A DUTY REQUIRED BY LAW;**
- 4 **(6) FAILURE TO MEET THE QUALIFICATIONS OF SUBSECTION (C) OF**
5 **THIS SECTION; OR**
- 6 **(7) A VIOLATION OF SUBSECTION (D)(2) OF THIS SECTION.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 15–107.1(d), (c)(3) through (6), and, as it related
9 to members of the Hearing Board, (j).

10 In subsection (a)(1) of this section, the phrase “in accordance with this section”
11 is added for clarity.

12 In subsection (e)(1) of this section, the former phrase “[e]xcept for the terms of
13 some of the initial Hearing Board members” is deleted as obsolete.

14 In subsection (e)(2) of this section, the reference to the requirement that the
15 terms of the Hearing Board members be staggered as required on July 1, 2016,
16 is substituted for the former obsolete requirement that the terms be staggered
17 as required on October 1, 1998. This substitution is not intended to alter the
18 term of any member of the Hearing Board.

19 In subsection (f) of this section, the clause “until a successor is appointed and
20 qualifies” is standard language added to avoid gaps in membership by
21 indicating that a member serves until a successor takes office. This addition
22 is supported by the cases of *Benson v. Mellor*, 152 Md. 481 (1927), and *Grooms*
23 *v. LaVale Zoning Board*, 27 Md. App. 266 (1975).

24 The Alcoholic Beverages Article Review Committee notes, for consideration by
25 the General Assembly, that subsection (b)(3) of this section states that “[t]he
26 County Council by resolution shall confirm the appointment [made by the
27 County Executive] of Hearing Board members.” The Committee questions
28 whether the County Council is required to confirm all appointments, as the
29 words “shall confirm” imply; or whether the words “may confirm” should be
30 substituted, thus implying that the County Council may use its discretion in
31 deciding whether to confirm appointments.

32 Defined terms: “Alcoholic beverage” § 1–101
33 “County” § 23–101
34 “Hearing Board” § 23–201
35 “License” § 1–101

1 **23-206. HEARING BOARD CHAIR.**

2 **FROM AMONG ITS MEMBERS, THE HEARING BOARD SHALL ELECT A CHAIR.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 15-107.1(e)(1).

5 The reference to a "chair" is substituted for the former reference to a
6 "chairperson" for consistency with similar provisions in this and other revised
7 articles of the Code.

8 Defined term: "Hearing Board" § 23-201

9 **23-207. QUORUM; MEETINGS; COMPENSATION; STAFF.**

10 **(A) QUORUM.**

11 **(1) A MAJORITY OF THE MEMBERS THEN SERVING ON THE HEARING**
12 **BOARD IS A QUORUM.**

13 **(2) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE HEARING**
14 **BOARD IS NEEDED TO TAKE ACTION.**

15 **(B) MEETINGS.**

16 **THE HEARING BOARD SHALL MEET AT LEAST ONCE EACH MONTH.**

17 **(C) COMPENSATION FOR HEARING BOARD AND BOARD OF LICENSE**
18 **COMMISSIONERS.**

19 **(1) THE COMPENSATION OF THE HEARING BOARD MEMBERS FOR**
20 **THE PERFORMANCE OF THEIR DUTIES SHALL BE THE AMOUNT SET BY THE COUNTY**
21 **COUNCIL.**

22 **(2) THE COMPENSATION FOR MEMBERS OF THE BOARD OF LICENSE**
23 **COMMISSIONERS FOR THE PERFORMANCE OF THEIR DUTIES SHALL BE:**

24 **(I) FOR THE CHAIR, \$55 PER MEETING ATTENDED, NOT TO**
25 **EXCEED \$1,300 IN A FISCAL YEAR REGARDLESS OF THE NUMBER OF MEETINGS**
26 **ATTENDED; AND**

1 **(II) FOR EACH OTHER MEMBER OF THE BOARD OF LICENSE**
2 **COMMISSIONERS, \$50 PER MEETING ATTENDED, NOT TO EXCEED \$1,200 IN A FISCAL**
3 **YEAR REGARDLESS OF THE NUMBER OF MEETINGS ATTENDED.**

4 **(D) STAFF FOR HEARING BOARD AND BOARD OF LICENSE**
5 **COMMISSIONERS.**

6 **(1) PERSONNEL NEEDED TO CARRY OUT THE DUTIES OF THE**
7 **HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS SHALL BE:**

8 **(I) INCLUDED IN THE STAFF OF THE COUNTY COUNCIL; AND**

9 **(II) SUPERVISED BY THE COUNTY COUNCIL ADMINISTRATOR.**

10 **(2) THE CHIEF OF THE COUNTY POLICE DEPARTMENT SHALL**
11 **PROVIDE A SWORN MEMBER OF THE COUNTY POLICE DEPARTMENT AS AN**
12 **INSPECTOR TO ASSIST THE HEARING BOARD AND THE BOARD OF LICENSE**
13 **COMMISSIONERS IN CARRYING OUT THEIR RESPONSIBILITIES AND IN ENFORCING**
14 **THE LAW.**

15 **(3) AN EMPLOYEE OF THE HEARING BOARD OR THE BOARD OF**
16 **LICENSE COMMISSIONERS IS SUBJECT TO THE PUBLIC ETHICS LAWS OF THE**
17 **COUNTY.**

18 **(E) BUDGET FOR HEARING BOARD AND BOARD OF LICENSE**
19 **COMMISSIONERS.**

20 **(1) THE HEARING BOARD AND THE BOARD OF LICENSE**
21 **COMMISSIONERS SHALL SUBMIT AN ANNUAL BUDGET REQUEST TO THE COUNTY**
22 **COUNCIL NOT LATER THAN JANUARY 15 IN EACH YEAR FOR THE ENSUING FISCAL**
23 **YEAR.**

24 **(2) THE BUDGET REQUEST SHALL INCLUDE:**

25 **(I) SALARIES FOR THE HEARING BOARD CHAIR AND OTHER**
26 **HEARING BOARD MEMBERS;**

27 **(II) COMPENSATION OF PERSONNEL ASSIGNED TO THE**
28 **HEARING BOARD; AND**

29 **(III) EXPENSES FOR OFFICE SUPPLIES, EQUIPMENT, AND**
30 **SERVICES TO CARRY OUT THE RESPONSIBILITIES OF THE HEARING BOARD.**

1 **(3) (I) THE COUNTY COUNCIL SHALL:**

2 **1. REVIEW THE BUDGET REQUEST; AND**

3 **2. SUBMIT A BUDGET FOR THE HEARING BOARD AND**
 4 **THE BOARD OF LICENSE COMMISSIONERS TO THE COUNTY EXECUTIVE IN THE**
 5 **AMOUNT THAT THE COUNTY COUNCIL DETERMINES IS ADEQUATE TO SUPPORT THE**
 6 **DUTIES AND RESPONSIBILITIES OF THE HEARING BOARD AND THE BOARD OF**
 7 **LICENSE COMMISSIONERS.**

8 **(II) THE COUNTY EXECUTIVE SHALL INCLUDE THE BUDGET**
 9 **FOR THE HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS AS**
 10 **SUBMITTED BY THE COUNTY COUNCIL IN THE COUNTY BUDGET THAT IS PREPARED**
 11 **IN ACCORDANCE WITH ARTICLE VI OF THE HOWARD COUNTY CHARTER.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 15–107.1(f), (g), (i), (e)(2) and (3), and, as it
 14 related to employees of the Hearing Board and Board of License
 15 Commissioners, (j).

16 In subsection (b) of this section, the former reference to the authority of the
 17 Hearing Board to meet “more often if needed” is deleted as surplusage.

18 In subsections (c)(2)(i) and (e)(2) of this section, the references to a “chair” are
 19 substituted for the former references to a “chairperson” for consistency with
 20 similar provisions in this and other revised articles of the Code.

21 Defined terms: “County” § 23–101
 22 “Hearing Board” § 23–201

23 **23–208. HEARING BOARD.**

24 **(A) AUTHORITY DELEGATED FROM BOARD OF LICENSE COMMISSIONERS.**

25 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD OF**
 26 **LICENSE COMMISSIONERS SHALL DELEGATE TO THE HEARING BOARD THE**
 27 **AUTHORITY TO HOLD HEARINGS AND DECIDE CASES INVOLVING A LICENSE HOLDER.**

28 **(B) NOTICE BY HEARING BOARD.**

29 **THE HEARING BOARD SHALL GIVE THE BOARD OF LICENSE COMMISSIONERS**
 30 **REGULAR AND PROMPT NOTICE OF THE FILING OF EACH:**

31 **(1) APPLICATION FOR A LICENSE OR CHANGE IN LICENSE; AND**

1 **(2) PETITION ALLEGING THAT A VIOLATION OF AN ALCOHOLIC**
2 **BEVERAGES LAW HAS OCCURRED.**

3 **(C) ASSUMPTION OF ORIGINAL JURISDICTION BY BOARD OF LICENSE**
4 **COMMISSIONERS.**

5 **AFTER GIVING NOTICE TO THE HEARING BOARD AND THE APPLICANT OR**
6 **LICENSE HOLDER, THE BOARD OF LICENSE COMMISSIONERS MAY EXERCISE**
7 **ORIGINAL JURISDICTION FOR AND HEAR A CASE THAT IS BEFORE THE HEARING**
8 **BOARD IF THE BOARD OF LICENSE COMMISSIONERS DETERMINES THAT**
9 **EXERCISING ORIGINAL JURISDICTION IS DESIRABLE AND IN THE PUBLIC INTEREST.**

10 **(D) REQUEST FOR HEARING BY BOARD.**

11 **(1) AFTER THE HEARING BOARD PROPOSES A DECISION REGARDING**
12 **A CASE BEFORE IT, A PARTY, ANOTHER PARTICIPANT IN THE MATTER, OR ANOTHER**
13 **PERSON WHO WOULD BE AGGRIEVED BY THE DECISION MAY REQUEST THAT THE**
14 **BOARD OF LICENSE COMMISSIONERS HOLD A HEARING AND MAKE A FINAL**
15 **DECISION.**

16 **(2) A PERSON THAT MAKES A REQUEST TO THE BOARD OF LICENSE**
17 **COMMISSIONERS UNDER THIS SUBSECTION SHALL:**

18 **(I) MAKE THE REQUEST IN WRITING;**

19 **(II) INCLUDE A COPY OF THE PROPOSED DECISION AND ORDER**
20 **OF THE HEARING BOARD;**

21 **(III) STATE THE REASONS WHY THE PERSON BELIEVES THAT THE**
22 **PROPOSED DECISION OR ORDER IS WRONG; AND**

23 **(IV) SEND A COPY OF THE REQUEST AND ACCOMPANYING**
24 **MATERIALS TO ALL OTHER PARTIES TO THE CASE.**

25 **(3) IF A REQUEST IS SUBMITTED TO THE BOARD OF LICENSE**
26 **COMMISSIONERS, THE PROPOSED DECISION OF THE HEARING BOARD IS STAYED**
27 **UNTIL RESOLUTION OF THE CASE BY THE BOARD OF LICENSE COMMISSIONERS.**

28 **(4) AFTER A REQUEST FOR A HEARING IS SUBMITTED TO THE BOARD**
29 **OF LICENSE COMMISSIONERS, ANY OTHER PARTY TO THE PROCEEDING MAY SUBMIT**
30 **TO THE BOARD OF LICENSE COMMISSIONERS A RESPONSE STATING WHY THE**
31 **PROPOSED DECISION AND ORDER BY THE HEARING BOARD SHOULD BE UPHELD.**

1 **(E) HEARING DECISION BY BOARD OF LICENSE COMMISSIONERS.**

2 **(1) AFTER THE DEADLINE TO FILE A RESPONSE TO A REQUEST FOR A**
3 **HEARING, THE BOARD OF LICENSE COMMISSIONERS SHALL:**

4 **(I) SCHEDULE A PUBLIC MEETING TO DECIDE WHETHER TO**
5 **HEAR THE CASE; AND**

6 **(II) NOTIFY THE PARTIES OF THE MEETING DATE.**

7 **(2) THE PROPOSED DECISION OF THE HEARING BOARD BECOMES**
8 **FINAL IF:**

9 **(I) A REQUEST FOR A HEARING IS NOT SUBMITTED TO THE**
10 **BOARD OF LICENSE COMMISSIONERS ON OR BEFORE THE DEADLINE FOR A**
11 **REQUEST; OR**

12 **(II) THE BOARD DECIDES NOT TO HEAR THE CASE.**

13 **(3) AFTER DECIDING TO HEAR A CASE, THE BOARD OF LICENSE**
14 **COMMISSIONERS SHALL:**

15 **(I) SCHEDULE A DE NOVO HEARING AT WHICH THE BOARD OF**
16 **LICENSE COMMISSIONERS MAY HEAR WITNESSES; AND**

17 **(II) NOTIFY THE PARTIES OF THE HEARING DATE.**

18 **(4) AFTER THE CLOSE OF THE HEARING RECORD, THE BOARD OF**
19 **LICENSE COMMISSIONERS SHALL ISSUE A FINAL DECISION TO THE PARTIES.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 15–107.1(k) through (p) and (c)(2).

22 In subsection (b)(2) of this section, the former reference to an alcoholic
23 beverages “regulation” is deleted as included in the reference to an alcoholic
24 beverages “law”.

25 In subsection (d)(3) of this section, the reference to a stay “until resolution of
26 the case by the Board” is added for clarity and to state expressly what formerly
27 was only implied.

1 In the introductory language of subsection (e)(1) of this section, the reference
2 to the “deadline to file a response to a request for a hearing” is substituted for
3 the former phrase “[a]fter the period to file a response ends” for clarity.

4 In subsection (e)(2)(i) of this section, the reference to a submission to the Board
5 “on or before the deadline” is substituted for the former reference to
6 submission to the Board “within the time allotted” for clarity.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Hearing Board” § 23–201

9 “License” § 1–101

10 “License holder” § 1–101

11 “Person” § 1–101

12 **23–209. ISSUANCE OF LICENSES.**

13 **(A) IN GENERAL.**

14 **THE BOARD OF LICENSE COMMISSIONERS OR THE HEARING BOARD MAY**
15 **ISSUE LICENSES.**

16 **(B) PAYMENT OF BOARD OF LICENSE COMMISSIONERS SALARIES AND**
17 **EXPENSES.**

18 **THE COUNTY SHALL:**

19 **(1) PAY FROM THE LICENSE FEE RECEIPTS THE SALARIES AND**
20 **EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS; AND**

21 **(2) DEVOTE THE BALANCE OF THE RECEIPTS TO THE GENERAL**
22 **PURPOSES OF THE COUNTY.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 10–204(o)(1)(i) and (2).

25 In subsection (b)(1) of this section, the reference to “license fee” receipts is
26 added for clarity.

27 Defined terms: “County” § 23–101

28 “Hearing Board” § 23–201

29 “License” § 1–101

30 **23–210. REGULATIONS.**

31 **(A) FOR HEARING BOARD.**

1 **THE HEARING BOARD SHALL:**

2 **(1) PROPOSE REGULATIONS TO ENABLE IT TO CARRY OUT ITS DUTIES,**
 3 **INCLUDING THE ISSUANCE OF LICENSES; AND**

4 **(2) SUBMIT THE PROPOSED REGULATIONS TO THE BOARD OF**
 5 **LICENSE COMMISSIONERS FOR APPROVAL.**

6 **(B) FOR BOARD OF LICENSE COMMISSIONERS.**

7 **THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO**
 8 **CARRY OUT THIS ARTICLE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, §§ 15–107.1(h) and 16–301(a), as it related to the
 11 authority of the Board to adopt regulations.

12 In subsection (a)(1) of this section, the former reference to proposing
 13 “reasonable” regulations is deleted as implicit in the requirement to propose
 14 regulations.

15 In subsection (b) of this section, the reference to the Board “adopt[ing]
 16 regulations to carry out” this article is substituted for the former reference to
 17 the Board “hav[ing] full power and authority to adopt such reasonable rules
 18 and regulations as they may deem necessary to enable them effectively to
 19 discharge the duties imposed upon them by” this article for brevity.

20 Also in subsection (b) of this section, the former phrase “[i]n addition to the
 21 powers otherwise provided by this article,” is deleted as surplusage.

22 Defined terms: “Hearing Board” § 23–201
 23 “License” § 1–101

24 **SUBTITLE 3. LIQUOR CONTROL.**

25 **23–301. LIQUOR CONTROL — NOT APPLICABLE.**

26 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
 27 **IN THE COUNTY.**

28 REVISOR'S NOTE: This section is new language added to clarify that there is no
 29 liquor control board or department of liquor control in the County.

30 Defined term: “County” § 23–101

1 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

2 **23-401. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
5 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
6 **EXCEPTION OR VARIATION:**

7 **(1) § 2-201 (“ISSUANCE BY COMPTROLLER”);**

8 **(2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);**

9 **(3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);**

10 **(4) § 2-205 (“CLASS 3 WINERY LICENSE”);**

11 **(5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);**

12 **(6) § 2-207 (“CLASS 5 BREWERY LICENSE”);**

13 **(7) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);**

14 **(8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);**

15 **(9) § 2-211 (“RESIDENCY REQUIREMENT”);**

16 **(10) § 2-212 (“ADDITIONAL LICENSES”);**

17 **(11) § 2-213 (“ADDITIONAL FEES”);**

18 **(12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);**

19 **(13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES**
20 **AND RETAILERS”);**

21 **(14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
22 **PROHIBITED PRACTICES”); AND**

23 **(15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
24 **RETAILERS — PROHIBITED”).**

1 **(B) EXCEPTIONS.**

2 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 3 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

4 **(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);**

5 **(2) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”); AND**

6 **(3) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER**
 7 **PROHIBITED”).**

8 REVISOR’S NOTE: Subsection (a) of this section is new language added to
 9 incorporate by reference general provisions relating to the issuance of
 10 manufacturer’s licenses.

11 Subsection (b)(1) of this section is new language derived without substantive
 12 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
 13 implicit in the former law, that a limited distillery license may not be issued
 14 in the County.

15 Subsections (b)(2) and (3) of this section are new language derived without
 16 substantive change from former Art. 2B, §§ 2–207(a)(4)(iii) and the
 17 introductory language of 12–112(a), as they limited to specific jurisdictions,
 18 not including Howard County, the application of a Class 6 pub–brewery
 19 license and the general prohibition against beer sale on credit to retail dealers
 20 revised in §§ 2–208 and 2–215 of Division I of this article. No substantive
 21 change is intended.

22 Former Art. 2B, § 2–208(b)(2)(xiv), which stated that a Class 7 micro–brewery
 23 license shall be issued in the County, is deleted as unnecessary in light of the
 24 organization of this revised article.

25 Defined terms: “County” § 23–101
 26 “Manufacturer’s license” § 1–101

27 **23–402. HOURS AND DAYS OF SALE OR DELIVERY.**

28 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
 29 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 30 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

31 REVISOR’S NOTE: This section is new language derived without substantive
 32 change from former Art. 2B, § 11–101(b)(10).

1 Defined terms: "Alcoholic beverage" § 1-101
2 "Manufacturer's license" § 1-101

3 **SUBTITLE 5. WHOLESALER'S LICENSES.**

4 **23-501. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 ("WHOLESALER'S**
7 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
8 **EXCEPTION OR VARIATION:**

9 **(1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");**

10 **(2) § 2-302 ("CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER'S**
11 **LICENSE");**

12 **(3) § 2-303 ("CLASS 2 WINE AND LIQUOR WHOLESALER'S LICENSE");**

13 **(4) § 2-304 ("CLASS 3 BEER AND WINE WHOLESALER'S LICENSE");**

14 **(5) § 2-305 ("CLASS 4 BEER WHOLESALER'S LICENSE");**

15 **(6) § 2-306 ("CLASS 5 WINE WHOLESALER'S LICENSE");**

16 **(7) § 2-307 ("CLASS 6 LIMITED WINE WHOLESALER'S LICENSE");**

17 **(8) § 2-308 ("CLASS 7 LIMITED BEER WHOLESALER'S LICENSE");**

18 **(9) § 2-309 ("SALE AND DELIVERY OF BEER OR WINE FROM**
19 **WHOLESALER'S VEHICLE");**

20 **(10) § 2-310 ("SALE AND DELIVERY TO RETAIL LICENSE HOLDER");**

21 **(11) § 2-311 ("ADDITIONAL WHOLESALER'S LICENSES");**

22 **(12) § 2-312 ("DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES");**

23 **(13) § 2-313 ("SALE OR DELIVERY RESTRICTED TO HOLDER OF**
24 **LICENSE OR PERMIT");**

1 **(14) § 2–315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND**
 2 **RETAILERS”);**

3 **(15) § 2–316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
 4 **PROHIBITED PRACTICES”); AND**

5 **(16) § 2–317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS**
 6 **AND RETAILERS — PROHIBITED”).**

7 **(B) EXCEPTION.**

8 **SECTION 2–314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)**
 9 **OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

10 REVISOR’S NOTE: Subsection (a) of this section is new language added to
 11 incorporate by reference general provisions relating to the issuance of
 12 wholesaler’s licenses.

13 Subsection (b) of this section is new language derived without substantive
 14 change from the introductory language of former Art. 2B, § 12–112(a), as it
 15 limited to specific jurisdictions, not including Howard County, the application
 16 of the general prohibition against beer sale on credit to retail dealers revised
 17 in § 2–314 of this article. No substantive change is intended.

18 Defined terms: “County” § 23–101

19 “Wholesaler’s license” § 1–101

20 **23–502. HOURS AND DAYS OF SALE OR DELIVERY.**

21 **EXCEPT AS PROVIDED IN § 23–503 OF THIS SUBTITLE, A HOLDER OF A**
 22 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
 23 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
 24 **SUNDAY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 11–102(a).

27 Defined terms: “Alcoholic beverage” § 1–101

28 “Wholesaler’s license” § 1–101

29 **23–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

30 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

1 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
2 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
3 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
4 **RETURNS ON THE SAME DAY.**

5 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

6 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
7 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
8 **REQUIRED TO DISPENSE DRAFT BEER.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 11–102(b).

11 In subsection (a) of this section, the reference to a “per diem” license is
12 substituted for the former reference to a “special 1–day” license to conform to
13 the terminology used throughout this article.

14 Also in subsection (a) of this section, the reference to a per diem license issued
15 “under Subtitle 13 of this title” is substituted for the former reference to a
16 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
17 of material relating to per diem licenses in titles for each applicable
18 jurisdiction in this revision.

19 Also in subsection (a) of this section, the reference to delivery of beer on the
20 “effective date of the per diem license” is substituted for the former reference
21 to delivery on the “effective day of the license” for clarity.

22 Also in subsection (a) of this section, the former reference to accepting returns
23 on the same day “of delivery” is deleted as surplusage.

24 In subsection (b) of this section, the language that the “agreement entered into
25 under subsection (a) of this section shall include [the type of equipment to
26 dispense draft beer]” is substituted for the former language that the “parties
27 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

28 Defined terms: “Beer” § 1–101
29 “Wholesaler’s license” § 1–101

30 **SUBTITLE 6. BEER LICENSES.**

31 **23–601. CLASS A BEER LICENSE.**

32 **(A) ESTABLISHED.**

33 **THERE IS A CLASS A BEER LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
 3 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

4 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
 5 **PACKAGE OR CONTAINER.**

6 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
 7 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

8 **(C) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$150.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 3-101(o) and (a)(1).

12 In subsection (a) of this section, the former reference to a license being "issued
 13 by the license issuing authority of the county in which the place of business is
 14 located" is deleted as surplusage.

15 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
 16 as implicit in the word "sell".

17 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
 18 deleted as surplusage.

19 In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for
 20 the former reference to "deliver[ing]" for clarity and accuracy.

21 Defined terms: "Beer" § 1-101

22 "Consumer" § 1-101

23 **23-602. CLASS B BEER LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS B BEER LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
2 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
3 **ON- AND OFF-PREMISES CONSUMPTION.**

4 **(C) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$150.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 3-201(a)(1) and (o)(1).

8 In subsection (a) of this section, the former reference to a license being "issued
9 by the license issuing authority of the county in which the place of business is
10 located" is deleted as surplusage.

11 In subsection (b) of this section, the reference to "on- and off-premises
12 consumption" is substituted for the former reference to "consumption on the
13 premises or elsewhere" for clarity.

14 Also in subsection (b) of this section, the former phrase "keep for sale" is
15 deleted as implicit in the word "sell".

16 Former Art. 2B, § 3-201(o)(2), which provided that a restaurant as defined in
17 § 1-101 of this article may apply for a Class B beer license, is deleted as
18 surplusage.

19 Defined terms: "Beer" § 1-101

20 "Hotel" § 1-101

21 "Restaurant" § 1-101

22 **23-603. CLASS C BEER LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS C BEER LICENSE.**

25 **(B) SCOPE OF AUTHORIZATION.**

26 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
27 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A**
28 **CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR**
29 **ON-PREMISES CONSUMPTION.**

30 **(2) A LICENSE MAY BE ISSUED ONLY TO A CLUB:**

1 **(I) THAT IS COMPOSED EXCLUSIVELY OF MEMBERS WHO**
 2 **SERVED IN THE ARMED FORCES OF THE UNITED STATES;**

3 **(II) THAT IS AFFILIATED WITH A NATIONAL ORGANIZATION;**

4 **(III) THAT HAS AT LEAST 75 MEMBERS WHO PAID DUES AS**
 5 **REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY**
 6 **PRECEDING THE YEAR FOR WHICH THE LICENSE IS ISSUED;**

7 **(IV) WITH AT LEAST 75% OF ITS MEMBERSHIP CONSISTING OF**
 8 **INDIVIDUALS WHO HAVE RESIDED IN THE COUNTY FOR AT LEAST 2 YEARS**
 9 **IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION FOR THE LICENSE; AND**

10 **(V) THAT HAS MAINTAINED A POST IN THE COUNTY FOR AT**
 11 **LEAST 3 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.**

12 **(C) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$25.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 3-301(o) and (a)(1).

16 In subsection (a) of this section, the former reference to a license being "issued
 17 by the local licensing authority of the county in which the place of business is
 18 located" is deleted as surplusage.

19 In subsection (b)(1) and (2)(iii) of this section, the former references to "bona
 20 fide" members are deleted as surplusage.

21 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
 22 as implied in the word "sell".

23 Defined terms: "Beer" § 1-101

24 "Club" § 1-101

25 "County" § 23-101

26 **23-604. CLASS D BEER LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS D BEER LICENSE.**

29 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
2 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
3 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

4 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

5 **(C) FEE.**

6 **THE ANNUAL LICENSE FEE IS \$150.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 3-401(o) and (a)(1).

9 In subsection (a) of this section, the former reference to a license being "issued
10 by the license issuing authority of the county in which the place of business is
11 located" is deleted as surplusage.

12 In subsection (b)(1) of this section, the reference to "on- and off-premises"
13 consumption is substituted for the former reference to consumption "on the
14 premises or elsewhere" for clarity.

15 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
16 deleted as implicit in the word "sell".

17 Defined term: "Beer" § 1-101

18 **SUBTITLE 7. LIGHT WINE LICENSES.**

19 **23-701. CLASS A LIGHT WINE LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

22 **(B) AUTHORIZED HOLDER.**

23 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY**
24 **LICENSE.**

25 **(C) SCOPE OF AUTHORIZATION.**

26 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
27 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE**
28 **WINERY.**

1 **(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR**
2 **CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE**
3 **LICENSED PREMISES.**

4 **(D) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$50.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 4–201(a)(11), (b)(1), (c)(1), and (d)(1).

8 In subsection (b) of this section, the reference to a “Class 4 limited winery
9 license” is substituted for the former reference to a “Class 4 manufacturer’s
10 license” to conform to the terminology used throughout this article.

11 Also in subsection (b) of this section, the former reference to a license being
12 issued “by the license issuing authority of the county in which the place of
13 business is located” is deleted as surplusage.

14 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
15 as implicit in the word “sell”.

16 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
17 any consumer” is deleted as surplusage.

18 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
19 former reference to “delivered” to conform to the terminology used throughout
20 this article.

21 Defined terms: “County” § 23–101
22 “Light wine” § 23–101

23 **SUBTITLE 8. BEER AND WINE LICENSES.**

24 **23–801. CLASS A BEER AND LIGHT WINE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

28 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
29 **AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

1 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINES**
2 **IN A SEALED PACKAGE OR CONTAINER.**

3 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
4 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT**
5 **WINE IS SOLD.**

6 **(C) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$175.**

8 REVISOR'S NOTE: This section is new language derived without substantive change
9 from former Art. 2B, § 5–101(o) and (a)(1).

10 Subsection (a) of this section is revised in standard language used throughout
11 this article to establish a license.

12 In subsection (a) of this section and throughout this subtitle, the former
13 references to the license being “issued by the license issuing authority of the
14 county in which the place of business is located” are deleted as surplusage.

15 In subsection (b)(1) of this section and throughout this subtitle, the former
16 references to “keep[ing] for sale” are deleted as implicit in the references to
17 “sell[ing]”.

18 Also in subsection (b)(1) of this section, the former reference to selling “in any
19 quantity to any consumers” is deleted as surplusage.

20 In subsection (b)(2) of this section, the word “sell” is substituted for the former
21 word “deliver” to conform to the terminology used throughout this article.

22 Defined terms: “Beer” § 1–101

23 “Light wine” § 23–101

24 **23–802. CLASS B BEER AND LIGHT WINE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

28 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR**
29 **RESTAURANT.**

1 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
 2 **AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE**
 3 **DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

4 **(C) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$175.**

6 REVISOR'S NOTE: This section is new language derived without substantive change
 7 from former Art. 2B, § 5-201(a)(1) and (o)(2) and (3).

8 Subsection (a) of this section is revised in standard language used throughout
 9 this article to establish a license.

10 In subsection (b)(1) of this section, the reference to the authority of the Board
 11 to "issue" the license is substituted for the former reference to the authority of
 12 a restaurant to "apply to" the Board for the license to conform to the
 13 terminology used throughout this article and in light of the fact that a
 14 restaurant does not apply for a license.

15 Also in subsection (b)(1) of this section, the former phrase "that meets the
 16 definition of a restaurant under § 1-102(a)(22) of this article" is deleted as
 17 surplusage.

18 In subsection (b)(2) of this section, the reference to "on- and off-premises
 19 consumption" is substituted for the former reference to "consumption on the
 20 premises or elsewhere" for clarity.

21 Former Art. 2B, § 5-201(o)(1), which stated that former Art. 2B, § 5-201(o)
 22 applied only in Howard County, is deleted as unnecessary in light of the
 23 organization of this revised article.

24 Defined terms: "Beer" § 1-101
 25 "Board" § 23-101
 26 "Hotel" § 1-101
 27 "Light wine" § 23-101
 28 "Restaurant" § 1-101

29 **23-803. CLASS C BEER AND WINE LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A CLASS C BEER AND WINE 6-DAY LICENSE.**

32 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT**
2 **HAS HELD REGULAR MEETINGS AT AN ESTABLISHED HEADQUARTERS FOR 1 YEAR**
3 **BEFORE THE APPLICATION FOR THE LICENSE IS MADE.**

4 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
5 **AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE**
6 **PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

7 **(C) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$150.**

9 **(D) SUNDAY PERMIT.**

10 **THE HOLDER OF THE LICENSE MAY PURCHASE A SUNDAY PERMIT FOR AN**
11 **ADDITIONAL ANNUAL FEE OF \$75.**

12 REVISOR'S NOTE: This section is new language derived without substantive change
13 from former Art. 2B, § 5-301(a)(1) and (o)(2) through (5).

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 In subsection (b)(2) of this section, the defined term "beer" is substituted for
17 the former reference to "brewed beverages with an alcoholic content of no more
18 than 6 percent by volume" for brevity and clarity.

19 Also in subsection (b)(2) of this section, the defined term "wine" is substituted
20 for the former reference to "fermented beverages containing no more than 23
21 percent by volume" for brevity and clarity. Correspondingly, throughout this
22 section, the references to "wine" have been substituted for the former
23 references to "light wine".

24 Also in subsection (b)(2) of this section, the former reference to consumption
25 "only" on the premises is deleted as surplusage.

26 Also in subsection (b)(2) of this section, the former reference to a "bona fide"
27 member is deleted as surplusage.

28 In subsection (d) of this section, the reference to a "Sunday permit" is
29 substituted for the former reference to a "special Sunday on-sale only license"
30 for brevity and to conform to the terminology used throughout this article.

31 Former Art. 2B, § 5-301(o)(1), which stated that former Art. 2B, § 5-301(o)
32 applied only in Howard County, is deleted as unnecessary in light of the
33 organization of this revised article.

1 Defined terms: “Beer” § 1–101
 2 “Club” § 1–101
 3 “6–day license” § 1–101
 4 “Wine” § 1–101

5 **23–804. CLASS D BEER AND LIGHT WINE LICENSE.**

6 (A) ESTABLISHED.

7 THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.

8 (B) SCOPE OF AUTHORIZATION.

9 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT
 10 WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND
 11 OFF-PREMISES CONSUMPTION.

12 (C) DRUGSTORE PROHIBITION.

13 THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

14 (D) FEE.

15 THE ANNUAL LICENSE FEE IS \$175.

16 REVISOR’S NOTE: This section is new language derived without substantive change
 17 from former Art. 2B, § 5–401(o) and (a)(1).

18 Subsection (a) of this section is revised in standard language used throughout
 19 this article to establish a license.

20 In subsection (b) of this section, the reference to “on- and off-premises
 21 consumption” is substituted for the former reference to “consumption on the
 22 premises or elsewhere” for clarity.

23 Defined terms: “Beer” § 1–101
 24 “Light wine” § 23–101

25 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

26 **23–901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

27 (A) ESTABLISHED.

1 **THERE ARE:**

2 **(1) A CLASS A-1 BEER, WINE, AND LIQUOR 7-DAY LICENSE; AND**

3 **(2) A CLASS A-2 BEER, WINE, AND LIQUOR 6-DAY LICENSE.**

4 **(B) SCOPE OF AUTHORIZATION.**

5 **(1) A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE**
6 **HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN**
7 **THE LICENSE.**

8 **(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR**
9 **IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS**
10 **CONSUMED ON THE LICENSED PREMISES.**

11 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

12 **A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE**
13 **UNLESS THE APPLICANT:**

14 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
15 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
16 **THE LICENSE;**

17 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
18 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
19 **APPLIED FOR; OR**

20 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
21 **LEAST 3 YEARS.**

22 **(D) FEES.**

23 **THE ANNUAL LICENSE FEES ARE:**

24 **(1) \$900 FOR A CLASS A-1, 7-DAY LICENSE; AND**

25 **(2) \$700 FOR A CLASS A-2, 6-DAY LICENSE.**

26 **REVISOR'S NOTE:** This section is new language derived without substantive
27 change from former Art. 2B, § 6-101(a)(1) and (3) and (o)(2) and (3).

1 Subsection (a) of this section is revised in standard language used throughout
2 this title to establish a license.

3 In subsection (b) of this section, the references to “beer, wine, or liquor” are
4 substituted for the former references to “alcoholic beverages” for clarity.

5 In subsection (b)(1) of this section, the former phrase “in any quantity” is
6 deleted as surplusage.

7 Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for
8 the former phrase “to keep for sale and to sell” for brevity.

9 In subsection (b)(2) of this section, the phrase “shall sell” is substituted for the
10 former word “deliver” for clarity.

11 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
12 of the application for the license” is substituted for the former phrase “that
13 length of time” for clarity.

14 In subsection (c)(3) of this section, the former reference to “actually” engaged
15 is deleted as surplusage.

16 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
17 deleted as surplusage.

18 Former Art. 2B, § 6–101(o)(1), which stated that former Art. 2B, § 6–101(o)
19 applied only in Howard County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Defined terms: “Beer” § 1–101
22 “7–day license” § 1–101
23 “6–day license” § 1–101
24 “Wine” § 1–101

25 **23–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

29 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

30 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
31 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

1 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

2 **(3) CONTAINS:**

3 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

4 **(II) AT LEAST 100 ROOMS TO ACCOMMODATE THE PUBLIC; AND**

5 **(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND**
6 **SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
9 **LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE**
10 **LICENSE FOR ON-PREMISES CONSUMPTION.**

11 **(D) BEER AND WINE OFF-SALE PERMIT.**

12 **(1) THERE IS A BEER AND WINE (B-SBW) OFF-SALE PERMIT.**

13 **(2) THE BOARD MAY ISSUE THE PERMIT ONLY TO A HOLDER OF THE**
14 **CLASS B BEER, WINE, AND LIQUOR LICENSE THAT IS ISSUED FOR A RESTAURANT.**

15 **(3) A HOLDER OF THE PERMIT:**

16 **(I) MAY SELL BEER AND WINE FOR OFF-PREMISES**
17 **CONSUMPTION ONLY TO PERSONS WHO HAVE PURCHASED FOOD OR ALCOHOL FROM**
18 **THE LICENSED PREMISES; AND**

19 **(II) MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER OR**
20 **WINE FOR OFF-PREMISES SALES IN AREAS OF THE ESTABLISHMENT THAT ARE**
21 **ACCESSIBLE TO THE PUBLIC.**

22 **(4) THE TERM OF THE PERMIT IS THE SAME AS THAT OF THE CLASS B**
23 **BEER, WINE, AND LIQUOR LICENSE THAT THE APPLICANT HOLDS.**

24 **(5) BEFORE THE BOARD MAY ISSUE THE PERMIT:**

25 **(I) THE APPLICANT SHALL COMPLETE THE FORM THAT THE**
26 **BOARD PROVIDES; AND**

1 **(II) THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC**
 2 **HEARING REQUIREMENTS AS THOSE FOR CLASS B LICENSES SHALL BE MET.**

3 **(6) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED**
 4 **UNDER THE PERMIT SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY**
 5 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES IN A RESTAURANT UNDER §**
 6 **1-101 OF THIS ARTICLE.**

7 **(7) A HOLDER OF THE PERMIT MAY EXERCISE THE PRIVILEGES OF**
 8 **THE PERMIT ONLY WHEN THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A**
 9 **RESTAURANT.**

10 **(8) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS**
 11 **SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF PERMITS TO BE ISSUED.**

12 **(E) FARM BREWERY LICENSE OPTION.**

13 **THE COMPTROLLER MAY ISSUE ONE CLASS 8 FARM BREWERY LICENSE TO A**
 14 **LICENSE HOLDER THAT HOLDS NOT MORE THAN TWO CLASS B BEER, WINE, AND**
 15 **LIQUOR LICENSES.**

16 **(F) FEES.**

17 **THE ANNUAL LICENSE FEES ARE:**

18 **(1) \$1,000 FOR THE CLASS B BEER, WINE, AND LIQUOR LICENSE; AND**

19 **(2) \$500 FOR THE OFF-SALE BEER AND WINE PERMIT.**

20 REVISOR'S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, §§ 6-201(a)(1) and (3)(i) and (o),
 22 7-101(p-1)(2) through (8) and (10), and 12-107(e)(7)(ii).

23 Subsection (a) of this section is standard language used throughout this
 24 article to establish a license.

25 In subsection (b) of this section, the former phrase "[e]xcept in Montgomery
 26 County or in the case of a contrary provision in this subtitle" is deleted as
 27 unnecessary in light of the organization of this revised article.

28 In subsection (b)(3)(ii) of this section, the phrase "at least" is substituted for
 29 the former phrase "no less than" to conform to the terminology used
 30 throughout this article.

1 In subsection (b)(3)(iii) of this section, the reference to “individuals” is
 2 substituted for the former reference to “persons” because this subsection
 3 applies only to human beings.

4 In subsection (d)(6) of this section, the reference to “a restaurant” is added for
 5 clarity.

6 Former Art. 2B, §§ 7–101(p–1)(1) and 12–104(e)(7)(i), which stated that
 7 former Art. 2B, §§ 7–101(p–1)(1) and 12–104(e)(7)(i) applied only in Howard
 8 County, are deleted as unnecessary in light of the organization of this revised
 9 article.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “Beer” § 1–101

12 “Board” § 23–101

13 “Comptroller” § 1–101

14 “Hotel” § 1–101

15 “Off–sale” § 1–101

16 “Restaurant” § 1–101

17 “Wine” § 1–101

18 **23–903. CLASS BLX LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) AUTHORIZED HOLDER.**

22 **THE BOARD MAY ISSUE THE LICENSE TO:**

23 **(1) A HOLDER OF:**

24 **(I) A CLASS B (ON–SALE) BEER, WINE, AND LIQUOR LICENSE;**

25 **OR**

26 **(II) A CLASS BLX BEER, WINE, AND LIQUOR LICENSE; OR**

27 **(2) AN APPLICANT THAT DOES NOT HOLD ANOTHER ALCOHOLIC**
 28 **BEVERAGES LICENSE.**

29 **(C) SCOPE OF AUTHORIZATION.**

30 **(1) THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE IN A**
 31 **RESTAURANT:**

1 **(I) THAT HAS A MINIMUM CAPITAL INVESTMENT OF \$750,000**
2 **FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS;**

3 **(II) FOR WHICH CONSTRUCTION BEGAN ON OR AFTER JULY 1,**
4 **1992; AND**

5 **(III) THAT HAS SEATING FOR AT LEAST 125 INDIVIDUALS.**

6 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
7 **WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

8 **(D) HOURS AND DAYS OF SALE.**

9 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
10 **HOURS AND DAYS AS SET OUT UNDER § 23-2004(C) OF THIS TITLE.**

11 **(E) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$2,000.**

13 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
14 language derived without substantive change from former Art. 2B, § 8-214.

15 Subsection (d) of this section is new language added for clarity.

16 In subsection (b)(1) of this section and throughout this section, the references
17 authorizing "the Board" to issue a Class BLX license are added for clarity.

18 Also in subsection (b)(1) of this section, the former phrase "[n]otwithstanding
19 any provision of § 9-102(a) of this article" is deleted as unnecessary in light of
20 the organization of this revised article.

21 In subsection (b)(1)(i) of this section, the former references to a "valid" Class
22 B license and a "valid" Class BLX license are deleted as surplusage.

23 In subsection (b)(2) of this section, the reference to another "alcoholic
24 beverages" license is substituted for the former reference to another "liquor"
25 license for clarity and consistency within this revised article.

26 In subsection (c)(1)(i) of this section, the reference to a required capital
27 investment "not including" the cost of land or buildings is substituted for the
28 former reference to a required capital investment "exclusive" of the cost of
29 land or buildings for clarity.

1 In subsection (c)(1)(ii) of this section, the reference to the date on or after
2 which construction “began” is substituted for the former reference to the date
3 on or after which construction “commenced” for clarity.

4 In subsection (c)(1)(iii) of this section, the former reference to seating
5 “capacity” is deleted as surplusage.

6 Also in subsection (c)(1)(iii) of this section, the reference to “individuals” is
7 substituted for the former reference to “persons” because this subsection
8 refers only to human beings.

9 Subsection (c)(2) of this section is new language added to state expressly what
10 formerly was only implied, that a Class BLX license authorizes the sale of
11 alcoholic beverages for on-premises consumption.

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
13 the General Assembly, that subsection (b) of this section does not set a limit
14 on the number of Class B and Class BLX licenses that may be held by an
15 individual. However, the Howard County Board’s regulations state that a
16 person may hold up to two Class B licenses and three Class BLX licenses, or
17 up to five Class BLX licenses.

18 Defined terms: “Alcoholic beverage” § 1–101

19 “Beer” § 1–101

20 “Board” § 23–101

21 “On-sale” § 1–101

22 “Restaurant” § 1–101

23 “Wine” § 1–101

24 **23–904. CLASS C LICENSE — RESERVED.**

25 REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see*
26 Subtitle 10 of this title.

27 **23–905. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

28 (A) ESTABLISHED.

29 THERE ARE:

30 (1) A CLASS D BEER, WINE, AND LIQUOR (ON-SALE) 6-DAY LICENSE;

31 (2) A CLASS D BEER, WINE, AND LIQUOR (ON-SALE) 7-DAY LICENSE;

32 (3) A CLASS D BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) 6-DAY
33 LICENSE; AND

1 **(4) A CLASS D BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) 7-DAY**
 2 **LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **(1) AN ON-SALE LICENSE UNDER THIS SECTION AUTHORIZES THE**
 5 **LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE**
 6 **DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

7 **(2) AN ON- AND OFF-SALE LICENSE UNDER THIS SECTION**
 8 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL**
 9 **AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES**
 10 **CONSUMPTION.**

11 **(C) DRUGSTORE PROHIBITION.**

12 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

13 **(D) FEES.**

14 **THE ANNUAL LICENSE FEES ARE:**

15 **(1) \$600 FOR A 6-DAY (ON-SALE) LICENSE;**

16 **(2) \$1,000 FOR A 7-DAY (ON-SALE) LICENSE;**

17 **(3) \$800 FOR A 6-DAY (ON- AND OFF-SALE) LICENSE; AND**

18 **(4) \$1,000 FOR A 7-DAY (ON- AND OFF-SALE) LICENSE.**

19 **REVISOR'S NOTE:** This section is new language derived without substantive
 20 change from former Art. 2B, § 6-401(a)(1) and (o)(2).

21 Subsection (a) of this section is revised in standard language used throughout
 22 this title to establish a license.

23 Former Art. 2B, § 6-401(o)(1), which stated that former Art. 2B, § 6-401(o)
 24 applied only in Howard County, is deleted as unnecessary in light of the
 25 organization of this revised article.

26 Defined terms: "Beer" § 1-101

27 "License" § 1-101

28 "Off-Sale" § 1-101

1 “On-Sale” § 1-101
2 “7-day license” § 1-101
3 “6-day license” § 1-101
4 “Wine” § 1-101

5 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

6 **23-1001. CONFERENCE CENTER LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS C (CONFERENCE CENTER) BEER, WINE, AND LIQUOR**
9 **LICENSE.**

10 **(B) AUTHORIZED HOLDER.**

11 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CONFERENCE CENTER OR**
12 **TO ITS OWNER, WHETHER OR NOT OPERATED FOR PROFIT, THAT HAS:**

13 **(1) AT LEAST 7,000 SQUARE FEET OF CONFERENCE AREA; AND**

14 **(2) ACCOMMODATIONS, EQUIPMENT, AND FACILITIES DESIGNED FOR**
15 **HOLDING MEETINGS, SEMINARS, AND CONFERENCES.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
18 **LIQUOR FOR ON-PREMISES CONSUMPTION.**

19 **(D) HOURS AND DAYS OF SALE.**

20 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
21 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
22 **UNDER § 23-2004 OF THIS TITLE.**

23 **(E) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$700.**

25 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
26 language derived without substantive change from former Art. 2B, §
27 6-301(o)(4) and, as it related to Howard County, (a)(1).

1 Subsection (d) of this section is new language added to provide a
 2 cross-reference to the hours and days of sale provision that applies to a Class
 3 C beer, wine, and liquor license in Howard County.

4 In the introductory language of subsection (b) of this section, the former
 5 reference to “owners” is deleted in light of the reference to “owner” and §
 6 1–202 of the General Provisions Article, which provides that the singular
 7 generally includes the plural.

8 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
 9 substituted for the former reference to “all alcoholic beverages” for clarity.

10 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
 11 is deleted as implicit in the reference to “sell[ing]”.

12 Also in subsection (c) of this section, the former phrase “at retail at any club,
 13 at the place described in the license,” is deleted as surplusage.

14 Former Art. 2B, § 6–301(o)(1), which stated that former Art. 2B, § 6–301(o)
 15 applied only in Howard County, is deleted as unnecessary in light of the
 16 organization of this revised article.

17 Defined terms: “Beer” § 1–101

18 “Board” § 23–101

19 “Wine” § 1–101

20 **23–1002. CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS C (CONTINUING CARE RETIREMENT COMMUNITY) BEER,**
 23 **WINE, AND LIQUOR LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CONTINUING CARE**
 26 **RETIREMENT COMMUNITY THAT:**

27 **(1) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE**
 28 **DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES**
 29 **ARTICLE; AND**

30 **(2) OPERATES ONLY FOR THE USE OF ITS RESIDENTS AND GUESTS OF**
 31 **THE COMMUNITY.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
3 **LIQUOR TO A RESIDENT OR A GUEST OF THE COMMUNITY FOR ON-PREMISES**
4 **CONSUMPTION.**

5 **(D) HOURS AND DAYS OF SALE.**

6 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
7 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
8 **UNDER § 23-2004 OF THIS TITLE.**

9 **(E) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$250.**

11 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
12 language derived without substantive change from former Art. 2B, §
13 6-301(o)(6).

14 Subsection (d) of this section is new language added to provide a
15 cross-reference to the hours and days of sale provision that applies to a Class
16 C beer, wine, and liquor license in Howard County.

17 In the introductory language of subsection (b) of this section, the reference to
18 the "Board" is added to state expressly what was only implied in the former
19 law, that the Board is the unit that issues licenses.

20 In subsection (b) of this section, the former reference to a continuing care
21 retirement community that is "composed of residents of a continuing care
22 retirement community" is deleted as surplusage.

23 Also in subsection (b) of this section, the former reference to a continuing care
24 retirement community that is "not directly or indirectly owned or operated as
25 a public business" is deleted as surplusage.

26 In subsection (c) of this section, the former reference to "keep[ing] for sale" is
27 deleted as implicit in the reference to "sell[ing]".

28 Also in subsection (c) of this section, the former reference to selling "at retail"
29 is deleted as surplusage.

30 Defined terms: "Beer" § 1-101

31 "Board" § 23-101

32 "Wine" § 1-101

1 **23-1003. COUNTRY CLUB LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS C (COUNTRY CLUB) LICENSE.

4 (B) AUTHORIZED HOLDER.

5 THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB OR TO ITS
6 OWNER, WHETHER OR NOT OPERATED FOR PROFIT, THAT HAS:

7 (1) AN ANNUAL LIMITED MEMBERSHIP; AND

8 (2) WHEN THE LICENSE IS ISSUED, A REGULAR OR CHAMPIONSHIP
9 GOLF COURSE OF 18 HOLES ADJACENT TO THE ESTABLISHMENT FOR WHICH A
10 LICENSE IS SOUGHT AND OTHER CLUB FACILITIES.

11 (C) SCOPE OF AUTHORIZATION.

12 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
13 LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES
14 CONSUMPTION.

15 (D) HOURS AND DAYS OF SALE.

16 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
17 HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE
18 UNDER § 23-2004 OF THIS TITLE.

19 (E) FEE.

20 THE ANNUAL LICENSE FEE IS \$1,500.

21 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
22 language derived without substantive change from former Art. 2B, §
23 6-301(o)(2) and, as it related to Howard County, (a)(1).

24 Subsection (d) of this section is new language added to provide a
25 cross-reference to the hours and days of sale provision that applies to a Class
26 C beer, wine, and liquor license in Howard County.

27 In the introductory language of subsection (b) of this section, the former
28 reference to "owners" is deleted in light of the reference to "owner" and §

1 1–202 of the General Provisions Article, which provides that the singular
2 generally includes the plural.

3 In subsection (b) of this section, the former reference to a “bona fide” annual
4 limited membership is deleted as surplusage.

5 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
6 substituted for the former reference to “all alcoholic beverages” for clarity.

7 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
8 is deleted as implicit in the reference to “sell[ing]”.

9 Also in subsection (c) of this section, the former phrase “at retail at any club,
10 at the place described in the license,” is deleted as surplusage.

11 Defined terms: “Beer” § 1–101

12 “Board” § 23–101

13 “Wine” § 1–101

14 **23–1004. GOLF COURSE LICENSES.**

15 **(A) ESTABLISHED.**

16 **THERE IS:**

17 **(1) A CLASS GC (GOLF COURSE) BEER AND LIGHT WINE LICENSE; AND**

18 **(2) A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

19 **(B) AUTHORIZED HOLDER.**

20 **THE BOARD MAY ISSUE THE LICENSE TO AN ORGANIZATION THAT OWNS OR**
21 **MANAGES A GOLF COURSE WITH AT LEAST 18 HOLES.**

22 **(C) SCOPE OF AUTHORIZATION.**

23 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL THE**
24 **ALCOHOLIC BEVERAGES SPECIFIED ON THE LICENSE FOR ON–PREMISES**
25 **CONSUMPTION.**

26 **(2) THE BOARD MAY PLACE CONDITIONS ON THE LOCATION OF SALES**
27 **AND CONSUMPTION, INCLUDING:**

1 **(I) PROHIBITING THE SALE AND CONSUMPTION OF LIQUOR ON**
 2 **SPECIFIED AREAS OF PREMISES WITH A CLASS GC (GOLF COURSE) BEER, WINE, AND**
 3 **LIQUOR LICENSE; AND**

4 **(II) ALLOWING THE SALE AND CONSUMPTION OF ONLY BEER**
 5 **AND LIGHT WINE ON SPECIFIED AREAS OF THE PREMISES WITH A CLASS GC (GOLF**
 6 **COURSE) BEER, WINE, AND LIQUOR LICENSE.**

7 **(3) IF THE BOARD DETERMINES THAT CIRCUMSTANCES WARRANT,**
 8 **THE BOARD MAY RESTRICT THE SALE OF ALCOHOLIC BEVERAGES TO BEER AND**
 9 **LIGHT WINE ON PREMISES FOR WHICH A CLASS GC (GOLF COURSE) BEER, WINE,**
 10 **AND LIQUOR LICENSE IS ISSUED.**

11 **(D) HOURS AND DAYS OF SALE.**

12 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:**

13 **(I) THE HOLDER OF A CLASS GC (GOLF COURSE) BEER AND**
 14 **LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH**
 15 **SUNDAY, FROM 6:30 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

16 **(II) THE HOLDER OF A CLASS GC (GOLF COURSE) BEER, WINE,**
 17 **AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH**
 18 **SUNDAY, FROM 6:30 A.M. TO 2 A.M. THE FOLLOWING DAY.**

19 **(2) THE BOARD MAY REDUCE THE HOURS AND DAYS OF SALE FOR ALL**
 20 **OR PART OF THE LICENSED PREMISES.**

21 **(E) LICENSE FEES.**

22 **THE ANNUAL LICENSE FEE IS:**

23 **(1) \$350 FOR A CLASS GC (GOLF COURSE) BEER AND LIGHT WINE**
 24 **LICENSE; AND**

25 **(2) \$1,500 FOR A CLASS GC (GOLF COURSE) BEER, WINE, AND**
 26 **LIQUOR LICENSE.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, §§ 8-504(c) through (i) and 11-514(a)(3).

29 In subsections (a) and (e) of this section, the former references to a "7-day"
 30 license are deleted for consistency in license names throughout this subtitle.

1 In subsection (c)(1) of this section, the reference to the alcoholic beverages
2 “specified on the license” is added for clarity.

3 In subsection (d) of this section, the references to the authority of the “holder
4 of a ... license” to “sell” are substituted for the former reference to the “hours
5 and days for sale are” for clarity and consistency with similar provisions on
6 hours and days of sale in this article.

7 Former Art. 2B, § 8–504(a), which stated that the provisions of former Art.
8 2B, § 8–504 applied only in Howard County, is deleted as unnecessary in light
9 of the organization of this revised article.

10 Former Art. 2B, § 8–504(b), which defined the term “Board”, is deleted in light
11 of the definition of “Board” in § 23–101 of this title.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Beer” § 1–101

14 “Board” § 23–101

15 “Wine” § 1–101

16 **23–1005. POLICE OFFICERS’ LOCAL AFFILIATE LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS C (POLICE OFFICERS’ LOCAL AFFILIATE) LICENSE.**

19 **(B) AUTHORIZED HOLDER.**

20 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL**
21 **AFFILIATE OF AN INTERNATIONAL ORGANIZATION OF POLICE OFFICERS THAT:**

22 **(I) HAS AT LEAST 100 DUES PAYING MEMBERS; AND**

23 **(II) CHARGES EACH MEMBER AT LEAST \$15 A MONTH IN DUES.**

24 **(2) THE LOCAL AFFILIATE SHALL OPERATE THE CLUBHOUSE WHERE**
25 **THE LICENSE IS IN EFFECT ONLY FOR ITS OWN MEMBERS AND THEIR GUESTS.**

26 **(C) SCOPE OF AUTHORIZATION.**

27 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
28 **LIQUOR FOR ON–PREMISES CONSUMPTION TO MEMBERS OF THE LOCAL AFFILIATE**
29 **AND GUESTS ACCOMPANIED BY MEMBERS.**

30 **(D) HOURS AND DAYS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 2 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
 3 **UNDER § 23–2004 OF THIS TITLE.**

4 **(E) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$500.**

6 REVISOR’S NOTE: Sections (a) through (c) and (e) of this section are new language
 7 derived without substantive change from former Art. 2B, § 6–301(o)(5) and, as
 8 it related to Howard County, (a)(1).

9 Subsection (d) of this section is new language added to provide a
 10 cross–reference to the hours and days of sale provision that applies to a Class
 11 C beer, wine, and liquor license in Howard County.

12 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
 13 substituted for the former reference to “all alcoholic beverages” for clarity.

14 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
 15 is deleted as implicit in the reference to “sell[ing]”.

16 Also in subsection (c) of this section, the former phrase “at retail at any club,
 17 at the place described in the license,” is deleted as surplusage.

18 The Alcoholic Beverages Article Review Committee notes, for consideration by
 19 the General Assembly, that in subsection (b)(3) of this section, the phrase “to
 20 its members and guests accompanied by members” is added to apply a
 21 restriction common on club licenses to this license.

22 Defined terms: “Beer” § 1–101

23 “Board” § 23–101

24 “Wine” § 1–101

25 **23–1006. RACETRACK LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A RACETRACK LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A REGULARLY**
2 **LICENSED RACING ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION OF**
3 **INDIVIDUALS, OR A CORPORATION.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
6 **LIQUOR AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE LICENSE HOLDER'S**
7 **RACING PARK.**

8 **(D) FEE.**

9 **THE LICENSE FEE IS \$1,000 FOR EACH CALENDAR YEAR, PAYABLE TO THE**
10 **COUNTY DIRECTOR OF FINANCE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 8-602(a) and (b).

13 In subsection (b) of this section, the language authorizing the Board to "issue"
14 a license to a racetrack owner is substituted for the former language
15 authorizing a racetrack owner to "procure" a license for consistency with
16 language used throughout this article.

17 Also in subsection (b) of this section, the former reference to the owner "or
18 owners" of a racing establishment is deleted as redundant in light of GP §
19 1-202 of the Code, which provides that the singular includes the plural, unless
20 a contrary intent is clearly expressed.

21 In subsection (c) of this section, the reference to the sale of alcoholic beverages
22 "on the premises" of the license holder's racing park is substituted for the
23 former reference to the sale of alcoholic beverages "within" the license holder's
24 racing park to conform to the terminology used throughout this article.

25 Also in subsection (c) of this section, the reference to the sale of "beer, wine,
26 and liquor" is substituted for the former reference to "any and all alcoholic
27 beverages" for clarity.

28 In subsection (d) of this section, the reference to the "license fee" is substituted
29 for the former reference to the "cost" of the license to conform with the
30 terminology used throughout this article.

31 Former Art. 2B, § 8-602(c), which stated that racetrack licenses and licensees
32 are subject to all laws, rules and regulations applicable in the County to the
33 sale of alcoholic beverages, not inconsistent with the provisions of former Art.
34 2B, § 8-602, is deleted as surplusage.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that the hours and days of sale for the license are not
3 stated in statutory law.

4 Defined terms: "Beer" § 1-101
5 "Board" § 23-101
6 "County" § 23-101
7 "Wine" § 1-101

8 **23-1007. VETERANS' CLUB LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS C (VETERANS' CLUB) LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

13 **(I) IS COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVED IN**
14 **THE ARMED FORCES OF THE UNITED STATES;**

15 **(II) IS AFFILIATED WITH A NATIONAL ORGANIZATION; AND**

16 **(III) HAS AT LEAST 75 MEMBERS WHO HAVE PAID THE DUES**
17 **REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY**
18 **PRECEDING THE YEAR FOR WHICH THE LICENSE IS SOUGHT.**

19 **(2) FOR THE LICENSE TO BE ISSUED:**

20 **(I) AT LEAST 75% OF THE MEMBERS OF THE CLUB SHALL HAVE**
21 **RESIDED IN THE COUNTY FOR AT LEAST 2 YEARS IMMEDIATELY PRECEDING THE**
22 **DATE OF APPLICATION FOR THE LICENSE; AND**

23 **(II) THE CLUB SHALL HAVE MAINTAINED A POST IN THE COUNTY**
24 **FOR AT LEAST 3 YEARS PRECEDING THE DATE OF THE APPLICATION.**

25 **(C) SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE**
27 **PLACE DESCRIBED IN THE LICENSE BEER, WINE, AND LIQUOR TO MEMBERS OF THE**
28 **CLUB AND GUESTS ACCOMPANIED BY MEMBERS FOR ON-PREMISES CONSUMPTION.**

29 **(D) HOURS AND DAYS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
2 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
3 **UNDER § 23–2004 OF THIS TITLE.**

4 **(E) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$250.**

6 REVISOR’S NOTE: Subsections (a) through (c) and (e) of this section are new
7 language derived without substantive change from former Art. 2B, §
8 6–301(o)(3) and, as it related to Howard County, (a)(1).

9 Subsection (d) of this section is new language added to provide a
10 cross–reference to the hours and days of sale provision that applies to a Class
11 C beer, wine, and liquor license in Howard County.

12 In subsection (c) of this section, the reference to “beer, wine, and liquor” is
13 substituted for the former reference to “all alcoholic beverages” for clarity.

14 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
15 is deleted as implicit in the reference to “sell[ing]”.

16 Also in subsection (c) of this section, the former phrase at retail “at any club”,
17 at the place described in the license, is deleted as surplusage.

18 The Alcoholic Beverages Article Review Committee notes, for consideration by
19 the General Assembly, that in subsection (b)(2)(ii) of this section, the
20 requirement that at least 75% of the members of the club shall have resided
21 in the County for at least 2 years immediately preceding the date of the license
22 application may violate the equal protection guarantees of the Fourteenth
23 Amendment to the United States Constitution and Article 24 of the Maryland
24 Declaration of Rights. Maryland courts look unfavorably on legislation that
25 classifies persons by geography, which may be accomplished by residency or
26 registration requirements, if the primary purpose of the legislation is
27 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

28 The Alcoholic Beverages Article Review Committee also notes, for
29 consideration by the General Assembly, that in subsection (b)(3) of this
30 section, the phrase “to members and guests accompanied by members” is
31 added to apply a restriction common on club licenses to this license.

32 Defined terms: “Beer” § 1–101

33 “Board” § 23–101

34 “Club” § 1–101

35 “County” § 23–101

1 “Wine” § 1–101

2 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

3 **23–1101. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 6 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 7 **EXCEPTION OR VARIATION:**

8 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
 9 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

10 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
 11 **FROM LICENSED PREMISES”).**

12 **(B) VARIATIONS.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 14 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

15 **(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”),**
 16 **SUBJECT TO § 23–1102 OF THIS SUBTITLE; AND**

17 **(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”), SUBJECT**
 18 **TO § 23–1103 OF THIS SUBTITLE.**

19 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
 20 general provisions relating to additional privileges of license holders.

21 Former Art. 2B, § 8–103(a)(1)(v), which stated that former Art. 2B, § 8–103
 22 applied with respect to draft beer in Howard County, and former Art. 2B, §
 23 8–103(a)(2)(ii), which stated that former Art. 2B, § 8–103 applied with respect
 24 to wine in Howard County, is deleted as unnecessary in light of the
 25 organization of this revised article.

26 Defined terms: “Beer” § 1–101

27 “County” § 23–101

28 “License” § 1–101

29 “License holder” § 1–101

30 “Wine” § 1–101

1 **23-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

2 (A) **AUTHORIZED PERMIT HOLDER.**

3 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
4 **TO A HOLDER OF ANY CLASS OF LICENSE EXCEPT A CLASS C LICENSE AND A CLASS**
5 **GC LICENSE.**

6 (B) **APPLICATION FORM.**

7 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
8 **BOARD PROVIDES.**

9 (C) **FEE.**

10 **THERE IS NO FEE FOR THE PERMIT.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 7-101(p-1)(11).

13 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

14 Defined terms: "Beer" § 1-101

15 "Board" § 23-101

16 "License" § 1-101

17 **23-1103. REFILLABLE CONTAINER PERMIT — WINE.**

18 (A) **AUTHORIZED PERMIT HOLDER.**

19 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A**
20 **HOLDER OF ANY CLASS OF LICENSE EXCEPT A CLASS C LICENSE AND A CLASS GC**
21 **LICENSE.**

22 (B) **APPLICATION FORM.**

23 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
24 **BOARD PROVIDES.**

25 (C) **FEE.**

26 **THERE IS NO FEE FOR THE PERMIT.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 7-101(p-1)(11).

3 In subsection (a) of this section, the phrase "for wine" is added for clarity.

4 Defined terms: "Board" § 23-101

5 "License" § 1-101

6 "Wine" § 1-101

7 **SUBTITLE 12. CATERER'S LICENSES.**

8 **23-1201. RESERVED.**

9 **SUBTITLE 13. TEMPORARY LICENSES.**

10 **PART I. IN GENERAL.**

11 **23-1301. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY**
14 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
15 **EXCEPTION OR VARIATION:**

16 **(1) § 4-1202 ("PER DIEM LICENSES");**

17 **(2) § 4-1203 ("CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
18 **AND WINE LICENSES");**

19 **(3) § 4-1204 ("CLASS C PER DIEM BEER, WINE, AND LIQUOR**
20 **LICENSE");**

21 **(4) § 4-1206 ("LICENSE TO DISPOSE OF STOCK");**

22 **(5) § 4-1207 ("TEMPORARY MOVE OF LICENSED PREMISES");**

23 **(6) § 4-1208 ("HOURS AND DAYS OF SALE"); AND**

24 **(7) § 4-1209 ("WINE PERMIT FOR FUND-RAISING EVENT").**

25 **(B) EXCEPTION.**

1 **SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT**
2 **APPLY IN THE COUNTY AND IS SUPERSEDED BY § 23-1312 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 the general provisions relating to local temporary licenses.

5 Defined term: “County” § 23-101

6 **23-1302. RESERVED.**

7 **23-1303. RESERVED.**

8 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

9 **23-1304. BEER FESTIVAL LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A BEER FESTIVAL LICENSE.**

12 **(B) AUTHORIZED HOLDER.**

13 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, A**
14 **CLASS 5 BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8**
15 **FARM BREWERY LICENSE.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.**

18 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

19 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

20 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

21 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER**
22 **FESTIVAL.**

23 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

24 **THE BOARD SHALL:**

25 **(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL;**

1 **(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

2 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE**
3 **PROMOTION OF MARYLAND BEER.**

4 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

5 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
6 **OR NATURE.**

7 **(G) FEE.**

8 **THE LICENSE FEE IS \$50 FOR A 1-DAY OR 2-DAY FESTIVAL.**

9 **(H) REGULATIONS.**

10 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 8-808(b) through (h).

13 Throughout this section, the former references to a "special" festival license
14 are deleted as surplusage.

15 Subsection (a) of this section is revised in standard language used throughout
16 this article to establish a license.

17 In subsection (b) of this section, the reference to a "retail license" is substituted
18 for the former reference to a "current retail alcoholic beverages license" for
19 brevity.

20 Also in subsection (b) of this section, the former phrase "[n]otwithstanding any
21 other provision of this article," is deleted as unnecessary in light of the
22 organization of this revised article.

23 In the introductory language of subsection (d) of this section, the reference to
24 the requirement that a "license holder shall" display and sell is substituted for
25 the former reference to a "license entitl[ing] the holder to" display and sell for
26 clarity and consistency with terminology used throughout this article.

27 In subsections (d)(2) and (e)(2) of this section, the former references to a
28 festival or location "in Howard County" are deleted as surplusage.

1 In subsection (e)(2) of this section, the reference to “a location that is not
2 already licensed” is substituted for the former reference to “an unlicensed
3 premises” for consistency with terminology used throughout this article.

4 Also in subsection (e)(2) of this section, the former reference to a location “for
5 the special beer festival” is deleted as surplusage.

6 In subsection (f) of this section, the reference to a license holder who “may
7 hold” another license is substituted for the former statement that “[t]his
8 section does not prohibit the licensee from holding” another license for clarity.

9 Former Art. 2B, § 8–808(a), which defined the term “Board” to mean the
10 Howard County Board of License Commissioners, is deleted as redundant in
11 light of the defined term “Board” in § 23–101 of this title.

12 Defined terms: “Beer” § 1–101
13 “Board” § 23–101

14 **23–1305. WINE FESTIVAL LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A WINE FESTIVAL (WF) LICENSE.**

17 **(B) AUTHORIZED HOLDER.**

18 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE
19 THAT AUTHORIZES THE HOLDER TO SELL WINE, A CLASS 3 WINERY LICENSE, OR A
20 CLASS 4 LIMITED WINERY LICENSE.**

21 **(C) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS
23 PRODUCED AND PROCESSED IN THE STATE.**

24 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

25 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

26 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

27 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE
28 FESTIVAL.**

29 **(E) TIME AND LOCATION OF FESTIVAL.**

1 **(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD**
2 **SHALL CHOOSE 1 WEEKEND EACH YEAR FOR THE WINE FESTIVAL.**

3 **(2) THE BOARD SHALL CHOOSE A LOCATION THAT IS NOT ALREADY**
4 **LICENSED.**

5 **(3) THE WEEKEND CHOSEN FOR THE WINE FESTIVAL MAY NOT**
6 **CONFLICT WITH THE DATES CHOSEN FOR THE:**

7 **(I) ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL;**

8 **(II) BALTIMORE COUNTY WINE FESTIVAL;**

9 **(III) CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL**
10 **IN WASHINGTON COUNTY; OR**

11 **(IV) MARYLAND WINE FESTIVAL IN CARROLL COUNTY.**

12 **(F) FEE.**

13 **THE LICENSE FEE IS \$15.**

14 **(G) REGULATIONS.**

15 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 8-310.

18 Throughout this section, the former references to a "special" wine festival
19 license are deleted as surplusage.

20 Subsection (a) of this section is revised in standard language used throughout
21 this article to establish a license.

22 In subsection (b) of this section, the reference to a "retail license" is substituted
23 for the former reference to an "existing retail alcoholic beverages license
24 issued in the State" for brevity.

25 Also in subsection (b) of this section, the former phrase "[n]otwithstanding any
26 other provision to the contrary," is deleted as unnecessary in light of the
27 organization of this revised article.

1 In subsection (c) of this section, the reference to the “license authoriz[ing] the
2 holder to” display and sell is substituted for the former reference to the
3 requirement that the “licensee shall” display and sell for clarity and
4 consistency with terminology used throughout this article.

5 In the introductory language of subsection (d) of this section, the reference to
6 the requirement that a “license holder shall” display and sell is substituted for
7 the former reference to a “license entitl[ing] the holder to” display and sell for
8 clarity and consistency with terminology used throughout this article.

9 Also in subsections (d) and (e)(3) of this section, the former references to a
10 festival or location “in Howard County” are deleted as surplusage.

11 In subsection (e)(2) of this section, the reference to a location “that is not
12 already licensed” is substituted for the former reference to a location “which
13 does not hold an alcoholic beverages license” for consistency with terminology
14 used throughout this article.

15 Also in subsection (e)(2) of this section, the former reference to a location “for
16 this festival” is deleted as surplusage.

17 The Alcoholic Beverages Article Review Committee notes, for consideration by
18 the General Assembly, that subsection (c) of this section, which authorizes the
19 holder of the license “to display and sell wine at retail that is produced and
20 processed in the State”, may violate the Commerce Clause of the U.S.
21 Constitution, as it apparently excludes wine that is produced and processed
22 outside the State.

23 Defined terms: “Board” § 23–101

24 “License” § 1–101

25 “State” § 1–101

26 “Wine” § 1–101

27 **23–1306. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

28 **(A) ESTABLISHED.**

29 **THERE IS A WINE SAMPLING (WS) LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

31 **THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

32 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF**
 2 **WINE FOR SAMPLING:**

3 **(I) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN**
 4 **ISSUED WITH AUTHORIZATION OF THE HOLDER OF THE LICENSE FOR THE PREMISES;**
 5 **OR**

6 **(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

7 **(2) THE LICENSE HOLDER MAY CARRY WINE ONTO THE PREMISES**
 8 **FOR WINE SAMPLING WITH THE AUTHORIZATION OF THE OWNER OR HOLDER OF THE**
 9 **CLASS B LICENSE.**

10 **(D) LICENSE APPLICATION.**

11 **THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15**
 12 **DAYS BEFORE THE LICENSE IS ISSUED.**

13 **(E) LIMIT ON NUMBER OF LICENSES.**

14 **THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO**
 15 **A SINGLE NONPROFIT ORGANIZATION.**

16 **(F) LIMIT ON SERVINGS.**

17 **THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES**
 18 **FROM EACH OFFERING TO AN INDIVIDUAL.**

19 **(G) FEE.**

20 **THE LICENSE FEE IS \$15 PER DAY.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 8-408.

23 Subsection (a) of this section is revised in standard language used throughout
 24 this article to establish a license.

25 In subsections (b), (d), and (e) of this section, the former references to a "bona
 26 fide" nonprofit organization are deleted as surplusage.

27 In subsection (c)(1)(ii) of this section, the reference to a "location that is not
 28 already licensed" is substituted for the former reference to "nonlicensed
 29 premises" for consistency with terminology used throughout this article.

1 In subsection (f) of this section, the reference to each “offering” is substituted
2 for the former reference to each “given brand” for clarity.

3 Also in subsection (f) of this section, the reference to “an individual” is
4 substituted for the former, overly broad reference to “any one person” for
5 clarity.

6 Defined terms: “Board” § 23-101
7 “License” § 1-101
8 “License holder” § 1-101
9 “Wine” § 1-101

10 **23-1307. BEER AND WINE TASTING LICENSE.**

11 (A) ESTABLISHED.

12 THERE IS A BEER AND WINE TASTING (BWT) LICENSE.

13 (B) AUTHORIZED HOLDER.

14 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,
15 AND LIQUOR (BWL) LICENSE OR CLASS A BEER AND WINE (BW) LICENSE.

16 (C) SCOPE OF AUTHORIZATION.

17 THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES
18 CONSUMPTION, FOR TASTING, OF:

19 (1) BEER; OR

20 (2) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY
21 VOLUME.

22 (D) LIMIT ON SERVINGS.

23 A LICENSE HOLDER MAY SERVE:

24 (1) WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH
25 OFFERING AND NOT MORE THAN 4 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL
26 IN A DAY; OR

1 **(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES FROM EACH**
 2 **OFFERING AND NOT MORE THAN 8 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL**
 3 **IN A DAY.**

4 **(E) FEE.**

5 **IN ADDITION TO THE FEE OF ANY OTHER ALCOHOLIC BEVERAGES LICENSE,**
 6 **THE ANNUAL LICENSE FEE IS \$100.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 8–408.1(a).

9 Subsection (a) of this section is revised in standard language used throughout
 10 this article to establish a license.

11 In subsection (a) of this section, the former reference to “alcoholic beverages”
 12 is deleted as unnecessary in light of the reference to “beer and wine”.

13 In subsection (b) of this section, the former phrase “[n]otwithstanding any
 14 other provision of law,” is deleted as unnecessary in light of the organization
 15 of this revised article.

16 In the introductory language of subsection (c) of this section, the reference to
 17 the license authorizing “the holder to allow” on–premises consumption is
 18 added for clarity and consistency with terminology used throughout this
 19 article.

20 Also in the introductory language of subsection (c) of this section, the former
 21 phrase “or sampling only ” is deleted as surplusage.

22 In subsection (d) of this section, the references to each “offering” and all
 23 “offerings” are substituted for the former references to each “given brand” and
 24 all “brands” for clarity.

25 Also in subsection (d) of this section, the references to an “individual” are
 26 substituted for the former, overly broad references to a “person” for clarity.

27 Former Art. 2B, § 8–408.1(c), which authorized the Board to adopt rules or
 28 regulations providing additional requirements to implement this section, is
 29 deleted as unnecessary because the Board has the power to adopt regulations
 30 under § 23–210 of this article.

31 Defined terms: “Alcoholic beverage” § 1–101

32 “Beer” § 1–101

33 “Board” § 23–101

34 “License” § 1–101

1 "License holder" § 1-101

2 "Wine" § 1-101

3 **23-1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

4 (A) ESTABLISHED.

5 THERE IS A BEER, WINE, AND LIQUOR TASTING (BWL) LICENSE.

6 (B) AUTHORIZED HOLDER.

7 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,
8 AND LIQUOR (BWL) LICENSE.

9 (C) SCOPE OF AUTHORIZATION.

10 THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES
11 CONSUMPTION, FOR TASTING, OF:

12 (1) BEER;

13 (2) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY
14 VOLUME; OR

15 (3) LIQUOR.

16 (D) LIMIT ON SERVINGS.

17 A LICENSE HOLDER MAY SERVE:

18 (1) WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH
19 OFFERING AND NOT MORE THAN 4 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL
20 IN A DAY;

21 (2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES FROM EACH
22 OFFERING AND NOT MORE THAN 8 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL
23 IN A DAY; OR

24 (3) LIQUOR IN A QUANTITY OF NOT MORE THAN 1/4 OUNCE FROM
25 EACH OFFERING AND NOT MORE THAN 1 OUNCE FROM ALL OFFERINGS TO AN
26 INDIVIDUAL IN A DAY.

27 (E) FEE.

1 **IN ADDITION TO ANY OTHER ALCOHOLIC BEVERAGES LICENSE FEE, THE**
 2 **ANNUAL LICENSE FEE IS \$100.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 8–408.1(b).

5 Subsection (a) of this section is revised in standard language used throughout
 6 this article to establish a license.

7 In subsection (a) of this section, the former reference to “alcoholic beverages”
 8 is deleted as unnecessary in light of the reference to “beer, wine, and liquor”.

9 In subsection (b) of this section, the former phrase “[n]otwithstanding any
 10 other provision of law,” is deleted as unnecessary in light of the organization
 11 of this revised article.

12 In the introductory language of subsection (c) of this section, the reference to
 13 the license authorizing “the holder to allow” the consumption of beer, wine,
 14 and liquor is added for clarity and consistency with terminology used
 15 throughout this article.

16 Also in the introductory language of subsection (c) of this section, the former
 17 reference to “sampling” is deleted as redundant of the reference to “tasting”.

18 In subsection (d) of this section, the references to each “offering” and all
 19 “offerings” are substituted for the former references to each “given brand” and
 20 all “brands” for clarity.

21 Also in subsection (d) of this section, the references to an “individual” are
 22 substituted for the former, overly broad references to a “person” for clarity.

23 Defined terms: “Beer” § 1–101

24 “Board” § 23–101

25 “Wine” § 1–101

26 **23–1309. EDUCATIONAL EVENT LICENSES.**

27 **(A) “EDUCATIONAL EVENT” DEFINED.**

28 **IN THIS SECTION, “EDUCATIONAL EVENT” MEANS AN EVENT AT WHICH A**
 29 **SPEAKER PROVIDES INSTRUCTION ON HOW TO DEVELOP A FOUNDATION OF**
 30 **ALCOHOLIC BEVERAGES KNOWLEDGE, INCLUDING:**

31 **(1) STYLES OF BEER, WINE, AND LIQUOR;**

32 **(2) METHODS OF TASTING BEER, WINE, AND LIQUOR;**

1 **(3) PAIRING FOOD AND BEER, WINE, AND LIQUOR; AND**

2 **(4) SERVING, STORING, AND BUYING BEER, WINE, AND LIQUOR.**

3 **(B) ESTABLISHED.**

4 **THE BOARD MAY ISSUE:**

5 **(1) AN EDUCATIONAL EVENT BEER AND WINE TASTING (BWT)**
6 **LICENSE; AND**

7 **(2) AN EDUCATIONAL EVENT BEER, WINE, AND LIQUOR TASTING**
8 **(BWLTL) LICENSE.**

9 **(C) AUTHORIZED LICENSE HOLDER.**

10 **(1) AN EDUCATIONAL EVENT BWT LICENSE MAY BE ISSUED TO A**
11 **HOLDER OF:**

12 **(I) A CLASS A BEER AND WINE LICENSE; OR**

13 **(II) A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

14 **(2) AN EDUCATIONAL EVENT BWLTL LICENSE MAY BE ISSUED TO A**
15 **HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

16 **(D) SCOPE OF AUTHORIZATION.**

17 **(1) AN EDUCATIONAL EVENT BWT LICENSE AUTHORIZES THE**
18 **ON-PREMISES CONSUMPTION, FOR TASTING OR SAMPLING, OF:**

19 **(I) BEER; OR**

20 **(II) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY**
21 **VOLUME.**

22 **(2) AN EDUCATIONAL EVENT BWLTL LICENSE:**

23 **(I) HAS THE PRIVILEGES OF A BWT LICENSE SET OUT IN**
24 **PARAGRAPH (1) OF THIS SUBSECTION; AND**

1 **(II) AUTHORIZES THE ON-PREMISES CONSUMPTION, FOR**
2 **TASTING OR SAMPLING, OF LIQUOR.**

3 **(3) (I) AN EDUCATIONAL EVENT BWT LICENSE AND EDUCATIONAL**
4 **EVENT BWLT LICENSE AUTHORIZE THE LICENSE HOLDER TO PROVIDE ALCOHOLIC**
5 **BEVERAGES FROM THE LICENSE HOLDER'S INVENTORY TO A CONSUMER WHO HAS**
6 **PREREGISTERED FOR AN EDUCATIONAL EVENT.**

7 **(II) THE ALCOHOLIC BEVERAGES MAY BE PROVIDED AT A**
8 **PRORATED CHARGE THAT COVERS THE COST OF THE EDUCATIONAL EVENT,**
9 **INCLUDING ALCOHOLIC BEVERAGES, SNACKS, AND A SPEAKER.**

10 **(E) PROHIBITED ACTIVITIES.**

11 **(1) A HOLDER OF AN EDUCATIONAL EVENT BWT LICENSE MAY NOT**
12 **SERVE:**

13 **(I) WINE IN A QUANTITY OF MORE THAN 1 OUNCE FROM ANY**
14 **INDIVIDUAL BRAND AND MORE THAN 6 OUNCES IN THE AGGREGATE TO ANY ONE**
15 **INDIVIDUAL IN A SINGLE DAY; OR**

16 **(II) BEER IN A QUANTITY OF MORE THAN 2 OUNCES FROM ANY**
17 **INDIVIDUAL BRAND AND MORE THAN 6 OUNCES IN THE AGGREGATE TO ANY ONE**
18 **INDIVIDUAL IN A SINGLE DAY.**

19 **(2) A HOLDER OF AN EDUCATIONAL EVENT BWLT LICENSE:**

20 **(I) IS SUBJECT TO THE PROHIBITIONS SET OUT IN PARAGRAPH**
21 **(1) OF THIS SUBSECTION; AND**

22 **(II) MAY NOT SERVE LIQUOR IN A QUANTITY OF MORE THAN 1/2**
23 **OUNCE FROM ANY INDIVIDUAL BRAND AND NOT MORE THAN 3 OUNCES IN THE**
24 **AGGREGATE TO ANY ONE INDIVIDUAL IN A SINGLE DAY.**

25 **(F) FEES.**

26 **IN ADDITION TO THE FEE FOR ANY OTHER LICENSE, THE ANNUAL FEES ARE:**

27 **(1) \$100 FOR AN EDUCATIONAL EVENT BWT LICENSE; AND**

28 **(2) \$100 FOR AN EDUCATIONAL EVENT BWLT LICENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8–408.2(a) through (c).

3 In subsection (c) of this section, the former phrase “[n]otwithstanding any
4 other provision of law” is deleted as unnecessary in light of the organization
5 of this revised article.

6 In subsection (d)(3) of this section, the references to “alcoholic beverages” are
7 substituted for the former references to “beer and wine” and “liquor” for
8 brevity.

9 In subsection (e)(1) of this section, the references to an “individual” are
10 substituted for the former references to a “person” because this section applies
11 only to human beings.

12 Former Art. 2B, § 8–408.2(d), which stated that the Board may adopt
13 regulations providing additional requirements to implement this section, is
14 deleted as unnecessary because the Board has the power to adopt regulations
15 under § 23–210 of this title.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “Beer” § 1–101

18 “Board” § 23–101

19 “License” § 1–101

20 “Wine” § 1–101

21 **23–1310. RESERVED.**

22 **23–1311. RESERVED.**

23 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

24 **23–1312. FEE.**

25 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER**
26 **AND LIGHT WINE LICENSE, AND A CLASS C BEER, WINE, AND LIQUOR LICENSE IS \$15**
27 **PER DAY.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 7–101(b)(9).

30 Defined terms: “Beer” § 1–101

31 “License” § 1–101

32 “Wine” § 1–101

33 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

1 **23-1401. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
4 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
5 **WITHOUT EXCEPTION OR VARIATION:**

6 (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING
7 BOARD”);

8 (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);

9 (3) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

10 (4) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

11 (5) § 4-111 (“PAYMENT OF LICENSE FEES”);

12 (6) § 4-112 (“DISPOSITION OF LICENSE FEES”);

13 (7) § 4-113 (“REFUND OF LICENSE FEES”); AND

14 (8) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

15 (B) **EXCEPTION.**

16 **SECTION 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION**
17 **FOR SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY**
18 **AND IS SUPERSEDED BY § 23-1406 OF THIS SUBTITLE.**

19 (C) **VARIATIONS.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
21 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

22 (1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),
23 SUBJECT TO § 23-1404 OF THIS SUBTITLE;

24 (2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
25 COMPANY”), SUBJECT TO § 23-1404 OF THIS SUBTITLE;

1 **(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
2 **23-1402, 23-1403, AND 23-1408 OF THIS SUBTITLE; AND**

3 **(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
4 **GENERAL”), SUBJECT TO § 23-1407 OF THIS SUBTITLE.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to applications for local licenses.

7 Former Art. 2B, § 10-204(o)(1)(ii), which stated that in the County the
8 Director of Finance shall collect the license fees, is deleted as duplicative of §
9 4-111 of this article.

10 Defined term: “County” § 23-101

11 **23-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

12 **(A) REQUIRED.**

13 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
14 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

15 **(B) RECORDS FROM COUNTY POLICE.**

16 **THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON**
17 **LICENSE APPLICANTS AND THEIR AGENTS FROM COUNTY POLICE.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-103(b)(13)(xii)1A and (ii)1F and 2.

20 In this section, the references to “criminal history record information” are
21 substituted for the former references to “criminal records” to conform to the
22 terminology used in CP § 10-201.

23 In subsection (a) of this section, the former references to the “Federal Bureau
24 of Investigation” are deleted as unnecessary in light of § 4-107 of this article.

25 Defined terms: “Board” § 23-101

26 “Central Repository” § 1-101

27 “License” § 1-101

28 **23-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
29 **APPLICATION PROCESS.**

1 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
2 **OBTAINED UNDER § 4-107 OF THIS ARTICLE OR § 23-1805 OF THIS TITLE ON**
3 **COMPLETION OF THE APPLICATION PROCESS.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10-103(b)(13)(i)2 and (ii)1F.

6 The reference to "criminal history record information" is substituted for the
7 former reference to "records" to conform to the terminology used in CP §
8 10-201.

9 The reference to "the application process" is substituted for the former
10 reference to "its necessary use" for clarity.

11 Defined term: "Board" § 23-101

12 **23-1404. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

13 **(A) REQUIREMENTS FOR APPLICANTS.**

14 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN APPLICANT**
15 **FOR A NEW LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL**
16 **CERTIFY THAT AS LONG AS THE APPLICANT IS THE HOLDER OF THE LICENSE, THE**
17 **APPLICANT SHALL:**

18 **(1) OWN AT LEAST 10% OF THE STOCK IN THE CORPORATION OR**
19 **INTEREST IN THE LIMITED LIABILITY COMPANY; OR**

20 **(2) (I) SERVE AS THE MANAGER OR SUPERVISOR OF THE**
21 **CORPORATION OR LIMITED LIABILITY COMPANY; AND**

22 **(II) BE PHYSICALLY PRESENT ON A FULL-TIME BASIS AT THE**
23 **LICENSED PREMISES OF THE CORPORATION OR LIMITED LIABILITY COMPANY TO**
24 **CONDUCT THE DAILY BUSINESS INVOLVING TRANSACTIONS CONCERNING**
25 **ALCOHOLIC BEVERAGES SALES.**

26 **(B) REQUIREMENTS FOR DOCUMENTATION.**

27 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, APPLICANTS FOR**
28 **A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL SUBMIT:**

29 **(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR**
30 **ARTICLES OF ORGANIZATION; AND**

1 **(2) A SCHEDULE THAT STATES:**

2 **(I) THE NAME, ADDRESS, AND PERCENTAGE OF STOCK HELD BY**
3 **EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE STOCK OF A CORPORATION; OR**

4 **(II) THE NAME, ADDRESS, AND PERCENTAGE OF INTEREST HELD**
5 **BY EACH MEMBER HOLDING AT LEAST 5% INTEREST IN A LIMITED LIABILITY**
6 **COMPANY.**

7 **(C) EXCEPTIONS.**

8 **(1) (I) THE STOCK OR INTEREST REQUIREMENTS ESTABLISHED**
9 **UNDER SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO A CORPORATION OR**
10 **LIMITED LIABILITY COMPANY IN WHICH:**

11 **1. THE STOCK OF THE CORPORATION OR INTEREST IN**
12 **THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED**
13 **STATES SECURITIES AND EXCHANGE COMMISSION; OR**

14 **2. A MAJORITY OF THE STOCK OF THE CORPORATION OR**
15 **INTEREST IN THE LIMITED LIABILITY COMPANY IS OWNED OR CONTROLLED**
16 **DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY**
17 **COMPANIES WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED**
18 **STATES SECURITIES AND EXCHANGE COMMISSION.**

19 **(II) A CORPORATION OR LIMITED LIABILITY COMPANY**
20 **PROVIDED FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL MAINTAIN ONE**
21 **APPLICANT AS A MANAGER OR SUPERVISOR PHYSICALLY PRESENT ON A FULL-TIME**
22 **BASIS AT THE LICENSED PREMISES TO CONDUCT THE DAILY BUSINESS INVOLVING**
23 **TRANSACTIONS CONCERNING ALCOHOLIC BEVERAGES SALES.**

24 **(2) THE SCHEDULE REQUIREMENT ESTABLISHED UNDER**
25 **SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:**

26 **(I) A CORPORATION WHOSE STOCK IS AUTHORIZED FOR SALE**
27 **BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

28 **(II) A LIMITED LIABILITY COMPANY WHOSE INTEREST IS**
29 **AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE**
30 **COMMISSION.**

31 REVISOR'S NOTE: This section is new language derived without substantive
32 change from former Art. 2B, § 9-101(e)(2) through (4) and, as it related to
33 applicants for a new license, (1).

1 In the introductory language of subsection (b) of this section, the phrase
2 “applicants for a license for a corporation or limited liability company” is
3 substituted for the former phrase “[i]ndividuals applying for a license on
4 behalf of corporations or limited liability companies” for brevity.

5 In subsection (b)(1) of this section, the former phrase “as the case may be” is
6 deleted as surplusage.

7 In subsection (c)(1)(i)2 of this section, the reference to “stock or interest [that]
8 is authorized for sale by the United States Securities and Exchange
9 Commission” is substituted for the former reference to “shares of stock or
10 interest [that] are so traded” for clarity.

11 Defined term: “License” § 1–101

12 **23–1405. RESIDENT STATUS.**

13 **(A) REQUIRED INFORMATION.**

14 **AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE**
15 **APPLICATION:**

16 **(1) A STATEMENT WHETHER THE APPLICANT IS A NATURAL–BORN**
17 **CITIZEN OR A NATURALIZED CITIZEN; OR**

18 **(2) IF THE APPLICANT IS NOT A NATURAL–BORN CITIZEN OR A**
19 **NATURALIZED CITIZEN, INFORMATION OR DOCUMENTATION REQUIRED BY THE**
20 **BOARD TO SHOW PROOF OF IMMIGRATION STATUS.**

21 **(B) VERIFICATION OF STATUS.**

22 **THE BOARD MAY OBTAIN INFORMATION FROM THE SOCIAL SECURITY**
23 **ADMINISTRATION AND THE DEPARTMENT OF HOMELAND SECURITY –**
24 **IMMIGRATION AND CUSTOMS TO VERIFY THE CITIZENSHIP OR IMMIGRATION**
25 **STATUS OF THE APPLICANT.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10–103(b)(3–a), as it related to Howard County.

28 In this section, the references to “immigration” status are substituted for the
29 former references to “alien” status for clarity.

30 Defined terms: “Board” § 23–101

31 “County” § 23–101

1 “License” § 1–101

2 **23–1406. PETITION OF SUPPORT TO BE SIGNED BY AT LEAST THREE RESIDENTS.**

3 **(A) IN GENERAL.**

4 **AN APPLICANT SHALL INCLUDE WITH THE APPLICATION A PETITION OF**
 5 **SUPPORT SIGNED BY AT LEAST THREE RESIDENTS WHO ARE OWNERS OF REAL**
 6 **PROPERTY AND REGISTERED VOTERS IN THE DISTRICT WHERE THE BUSINESS IS TO**
 7 **BE CONDUCTED STATING THAT THE APPLICANT:**

8 **(1) IS KNOWN PERSONALLY TO THE RESIDENTS; AND**

9 **(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, HAS BEEN A**
 10 **RESIDENT OF THE COUNTY FOR 2 YEARS IMMEDIATELY PRECEDING THE**
 11 **PRESENTATION OF THE APPLICATION TO THE RESIDENTS.**

12 **(B) WAIVER OF RESIDENCY REQUIREMENT.**

13 **THE BOARD MAY WAIVE THE 2–YEAR RESIDENCY REQUIREMENT FOR AN**
 14 **APPLICANT IF THE APPLICANT:**

15 **(1) IS THE PURCHASER OF A BUSINESS ALREADY IN OPERATION; OR**

16 **(2) HAS OWNED THE PREMISES FOR WHICH A LICENSE IS SOUGHT FOR**
 17 **AT LEAST 2 YEARS IMMEDIATELY PRECEDING THE FILING OF THE APPLICATION.**

18 REVISOR’S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 10–104(o)(1), as it related to a statement by
 20 citizens who are owners and residents of the district where the applicant for a
 21 license intends to conduct business.

22 In this section, the former references to an applicant “or applicants” is deleted
 23 in light of GP § 1–202, which provides that the singular generally includes the
 24 plural.

25 In the introductory language of subsection (a) of this section, the reference to
 26 a “petition of support” is substituted for the former reference to a “certificate”
 27 to conform to the terminology used throughout this article.

28 In subsection (a) of this section, the reference to “residents” who are owners of
 29 real property and registered voters in the district where the business is to be
 30 conducted is substituted for the former reference to “citizens” because the
 31 former reference to “citizens” is unclear in this context.

1 In subsection (b) of this section, the former phrase “however, that
2 notwithstanding the provisions as hereinbefore set forth and also as contained
3 in § 10–103 of this article” is deleted as unnecessary in light of the
4 organization of this revised article.

5 In subsection (b)(1) of this section, the former reference to a “bona fide”
6 purchaser is deleted as surplusage.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
8 the General Assembly, that the requirement in subsection (a)(2) of this section
9 that an applicant has been a resident of the County for 2 years immediately
10 preceding presentation of the application to the residents may violate the
11 equal protection guarantees of the Fourteenth Amendment to the United
12 States Constitution and Article 24 of the Maryland Declaration of Rights.
13 Maryland courts look unfavorably on legislation that classifies persons by
14 geography, which may be accomplished by residency or registration
15 requirements, if the primary purpose of the legislation is economic. *See Verzi*
16 *v. Baltimore County*, 333 Md. 411 (1994).

17 Defined terms: “Board” § 23–101

18 “County” § 23–101

19 “License” § 1–101

20 **23–1407. ADDITIONAL REQUIREMENTS FOR APPLICANTS.**

21 **AN APPLICANT FOR A LICENSE SHALL:**

22 **(1) BE A RESIDENT OF THE COUNTY;**

23 **(2) IN THE DETERMINATION OF THE BOARD, BE OF GOOD**
24 **CHARACTER; AND**

25 **(3) INCLUDE THE FOLLOWING INFORMATION WITH THE**
26 **APPLICATION:**

27 **(I) A STATEMENT THAT THE APPLICANT IS AT LEAST 18 YEARS**
28 **OLD; AND**

29 **(II) A CHECKLIST AND POLICE CONSENT FORM.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 10–104(o)(2) and, as it related to the residency
32 and character of the applicant, (1).

33 The Alcoholic Beverages Article Review Committee notes, for consideration by
34 the General Assembly, that the requirements that an applicant reside and be

1 a registered voter in the County in item (1) of this section may violate the
2 equal protection guarantees of the Fourteenth Amendment to the United
3 States Constitution and Article 24 of the Maryland Declaration of Rights.
4 Maryland courts look unfavorably on legislation that classifies persons by
5 geography, which may be accomplished by residency or registration
6 requirements, if the primary purpose of the legislation is economic. *See Verzi*
7 *v. Baltimore County*, 333 Md. 411 (1994).

8 Defined terms: “Board” § 23–101

9 “County” § 23–101

10 “License” § 1–101

11 **23–1408. CRIMINAL HISTORY RECORD INFORMATION TO BE MADE AVAILABLE ONLY**
12 **TO PERSONNEL OF BOARD OF LICENSE COMMISSIONERS OR HEARING BOARD.**

13 **THE BOARD SHALL MAKE CRIMINAL HISTORY RECORD INFORMATION IN ITS**
14 **POSSESSION AVAILABLE ONLY TO MEMBERS, CLERKS, ADMINISTRATORS, AND**
15 **INSPECTORS OF THE BOARD AND TO MEMBERS, CLERKS, ADMINISTRATORS, AND**
16 **INSPECTORS OF THE COUNTY ALCOHOLIC BEVERAGE HEARING BOARD.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10–103(b)(13)(xii)3B.

19 The reference to “history record information” is substituted for the former
20 reference to “records” to conform to the terminology used in CP § 10–201.

21 Defined terms: “Board” § 23–101

22 “County” § 23–101

23 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

24 **23–1501. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
27 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
28 **WITHOUT EXCEPTION OR VARIATION:**

29 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

30 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

31 **(3) § 4–207 (“LICENSES ISSUED TO MINORS”);**

- 1 (4) § 4-209 (“HEARING”);
- 2 (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- 3 (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”); AND
- 4 (7) § 4-213 (“REPLACEMENT LICENSES”).

5 **(B) EXCEPTION.**

6 SECTION 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE
7 APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY
8 AND IS SUPERSEDED BY § 23-1507 OF THIS SUBTITLE.

9 **(C) VARIATIONS.**

10 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL
11 OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

12 (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT
13 TO § 23-1502 OF THIS SUBTITLE;

14 (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
15 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §
16 23-1504 OF THIS SUBTITLE;

17 (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
18 FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III AND SUBTITLE 16,
19 PART II OF THIS TITLE;

20 (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),
21 SUBJECT TO § 23-1505 OF THIS SUBTITLE; AND

22 (5) § 4-212 (“LICENSE NOT PROPERTY”), IN ADDITION TO §
23 23-1506 OF THIS SUBTITLE.

24 REVISOR’S NOTE: This section is new language added to incorporate by reference
25 general provisions relating to the issuance of local licenses.

26 Defined terms: “County” § 23-101

27 “License” § 1-101

28 “Local licensing board” § 1-101

29 **23-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

1 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
 2 **LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT**
 3 **HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 9-102(b-3)(8), except as it related to the
 6 renewal of a license by a person that holds an out-of-state license.

7 The reference to "[t]he Board" is added for clarity.

8 The reference to an "out-of-state" license is substituted for the former
 9 reference to a license "in any other state or in Washington, D.C." for brevity.

10 The former reference to a "corporation, or limited liability company" is deleted
 11 as included in the defined term "person".

12 Former Art. 2B, § 10-202(a)(3)(iv), which authorized the Board to issue a
 13 license after the payment of a fee, is deleted as included in the general
 14 authority of the Board to issue a license under § 4-202 of this article and the
 15 general requirement to pay the license fee before issuance under § 4-111 of
 16 this article.

17 Defined terms: "Alcoholic beverage" § 1-101

18 "Beer" § 1-101

19 "Board" § 23-101

20 "License" § 1-101

21 "Light wine" § 23-101

22 "Person" § 1-101

23 "State" § 1-101

24 "Wine" § 1-101

25 **23-1503. FINDINGS FOR DECISION ON CLASS A LICENSE APPLICATION.**

26 **IN DETERMINING WHETHER TO APPROVE AN APPLICATION FOR ANY NEW**
 27 **CLASS A LICENSE, THE HEARING BOARD SHALL INCLUDE IN ITS WRITTEN DECISION**
 28 **FINDINGS AS TO EACH OF THE FACTORS SET FORTH UNDER § 4-210(A) OF THIS**
 29 **ARTICLE.**

30 REVISOR'S NOTE: This section is new language derived without substantive
 31 change from former Art. 2B, § 9-214(e).

32 Defined terms: "Hearing Board" § 23-101

33 "License" § 1-101

34 **23-1504. INTERESTS IN MULTIPLE LICENSES — PROHIBITED.**

1 **UNLESS OTHERWISE EXPRESSLY AUTHORIZED BY THIS ARTICLE, A PERSON**
 2 **MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD,**
 3 **REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR**
 4 **INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR**
 5 **INTERLOCKING STOCK OWNERSHIP, OR ANY OTHER DIRECT OR INDIRECT MANNER.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 9–301(4)(ii) and, except as they related to the
 8 renewal of a license, (i)1 and the first sentence of the introductory language of
 9 § 9–301.

10 The reference to interest in a license “regardless of whether that interest” is
 11 held or controlled in specified manners is added for clarity.

12 The former references to a “partnership, firm, or corporation” are deleted as
 13 included in the defined term “person”.

14 Former Art. 2B, § 9–301(4)(i)2, which expressed the intention of former Art.
 15 2B, § 9–301(4), is deleted as unnecessary.

16 Defined terms: “Board” § 23–101
 17 “License” § 1–101
 18 “Person” § 1–101

19 **23–1505. NOTICE OF LICENSE APPLICATION.**

20 **(A) REQUIRED FOR 15 DAYS BEFORE HEARING.**

21 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS**
 22 **ARTICLE, AN INSPECTOR FOR THE BOARD, IN COOPERATION WITH THE APPLICANT,**
 23 **SHALL POST A HEARING NOTICE FOR AT LEAST 15 DAYS BEFORE THE HEARING ON**
 24 **AN APPLICATION FOR:**

25 **(1) A NEW LICENSE;**

26 **(2) A CHANGE IN THE CLASS OF A LICENSE; OR**

27 **(3) AN EXTENSION OF THE LICENSED PREMISES.**

28 **(B) POSTING AT LOCATION DESCRIBED IN APPLICATION.**

29 **THE NOTICE SHALL BE POSTED AT THE LOCATION DESCRIBED IN THE**
 30 **APPLICATION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–202(n), except as it related to license
3 transfers.

4 In the introductory language of subsection (a) of this section, the reference to
5 an “inspector for the Board” is substituted for the former reference to the
6 “Board” in light of the requirement that an inspector post the notice.

7 Also in the introductory language of subsection (a) of this section, the
8 requirement that “[t]he posting shall exist” for a minimum period of time is
9 deleted as unnecessary.

10 Defined terms: “Board” § 23–101

11 “License” § 1–101

12 **23–1506. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

13 **A LICENSE IS NOT:**

14 **(1) SUBJECT TO A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF**
15 **A LICENSE HOLDER; OR**

16 **(2) SUBJECT TO A DISTRAINT FOR RENT.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10–501(d).

19 The former reference to a license not being “regarded as property or as
20 conferring any property rights” is deleted as redundant of § 4–212 of this
21 article.

22 Defined terms: “License” § 1–101

23 “License holder” § 1–101

24 **23–1507. WAITING PERIOD AFTER DENIALS.**

25 **(A) FIRST REFUSAL — 1-YEAR WAITING PERIOD.**

26 **IF A LICENSE APPLICATION IS DENIED, ANOTHER LICENSE APPLICATION**
27 **FROM THE SAME APPLICANT OR FOR THE SAME LOCATION MAY NOT BE CONSIDERED**
28 **FOR 1 YEAR AFTER THE DENIAL.**

29 **(B) SUBSEQUENT REFUSAL — 2-YEAR WAITING PERIOD.**

1 **IF A SUBSEQUENT LICENSE APPLICATION BY THE SAME APPLICANT OR FOR**
 2 **THE SAME LOCATION IS DENIED WITHIN A 2-YEAR PERIOD AFTER THE FIRST**
 3 **DENIAL, ANOTHER APPLICATION MAY NOT BE CONSIDERED FROM THAT APPLICANT**
 4 **OR FOR THAT LOCATION UNTIL THE 2-YEAR PERIOD EXPIRES.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 10-208(g).

7 The references to the "location" are substituted for the former references to
 8 the "premises" for consistency with terminology used throughout this article.

9 The former references to "the date of" the denial are deleted as surplusage.

10 In subsection (a) of this section, the former phrase "a period of" 1 year is
 11 deleted as surplusage.

12 In subsection (b) of this section, the former phrase "as the case may be" is
 13 deleted as surplusage.

14 Defined term: "License" § 1-101

15 **23-1508. LICENSE FOR INCOMPLETE BUILDING.**

16 **(A) TENTATIVE APPROVAL BY BOARD.**

17 **THE BOARD MAY GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN**
 18 **ESTABLISHMENT THAT IS NOT COMPLETED, BASED ON THE PLANS AND**
 19 **SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.**

20 **(B) FINAL APPROVAL BY BOARD.**

21 **THE BOARD MAY GIVE FINAL APPROVAL OF A LICENSE APPLICATION UNDER**
 22 **THIS SECTION ON COMPLETION OF THE ESTABLISHMENT IN ACCORDANCE WITH THE**
 23 **PLANS AND SPECIFICATIONS.**

24 REVISOR'S NOTE: This section is new language derived without substantive
 25 change from former Art. 2B, § 9-214(d).

26 In this section, the references to an "establishment" are substituted for the
 27 former references to a "building" to conform to the terminology used
 28 throughout this article.

29 Defined terms: "Board" § 23-101
 30 "License" § 1-101

1 GENERAL REVISOR'S NOTE TO SUBTITLE

2 Former Art. 2B, § 9-102(b-1)(2)(iv), which stated that the bowling alley exception to
3 the prohibition against multiple licenses did not apply to Howard County, is deleted
4 as unnecessary. This revision applies the general rule to Howard County. The fact
5 that Howard County is not covered by the exception need not be stated.

6 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**7 **PART I. LICENSING CONDITIONS.**8 **23-1601. QUOTA FOR CLASS A LICENSES.**9 **(A) IN GENERAL.**

10 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
11 **NOT ISSUE MORE THAN ONE CLASS A LICENSE OF ANY TYPE FOR EVERY 4,000**
12 **RESIDENTS OF THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS.**

13 **(B) EXCEPTION.**

14 **THIS SECTION DOES NOT APPLY TO A CLASS A LICENSE ISSUED FOR USE IN AN**
15 **EXISTING SHOPPING CENTER OR IN A PROPOSED SHOPPING CENTER DEVELOPMENT**
16 **FOR WHICH A BUILDING PERMIT HAS BEEN ISSUED THAT CONTAINS 200,000 OR**
17 **MORE SQUARE FEET OF COMMERCIAL RETAIL SPACE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 9-214(f).

20 Defined terms: "Board" § 23-101

21 "County" § 23-101

22 "License" § 1-101

23 **23-1602. DISTANCE RESTRICTION FROM SCHOOL.**24 **(A) IN GENERAL.**

25 **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
26 **NOT ISSUE:**

27 **(I) A CLASS B LICENSE FOR A RESTAURANT THAT IS WITHIN**
28 **400 FEET OF THE NEAREST POINT OF A PUBLIC SCHOOL BUILDING; OR**

1 **(II) ANY OTHER LICENSE FOR AN ESTABLISHMENT THAT IS**
 2 **WITHIN 500 FEET OF THE NEAREST POINT OF A PUBLIC SCHOOL BUILDING.**

3 **(2) A DECISION OF THE COUNTY BOARD OF EDUCATION TO LOCATE**
 4 **A PUBLIC SCHOOL BUILDING WITHIN 500 FEET OF THE PREMISES OF A LICENSE**
 5 **HOLDER MAY NOT BE THE BASIS TO REVOKE OR DENY THE RENEWAL OR TRANSFER**
 6 **OF THE LICENSE.**

7 **(B) LICENSES ISSUED ON OR BEFORE JUNE 30, 1971.**

8 **FOR A LICENSE ISSUED ON OR BEFORE JUNE 30, 1971, THE BOARD MAY**
 9 **RENEW THE LICENSE OR APPROVE THE TRANSFER OF THE LICENSE TO A NEW**
 10 **LICENSE HOLDER FOR THE SAME ESTABLISHMENT AND TYPE OF LICENSE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 9-214(b).

13 In the introductory language of subsection (a)(1) and in subsection (b) of this
 14 section, the references to the "Board" are added to state expressly what was
 15 only implicit in the former law, that the Board is the governmental unit that
 16 issues and renews licenses.

17 In subsections (a)(1)(ii) and (b) of this section, the references to an
 18 "establishment" are substituted for the former references to a "building" to
 19 conform to the terminology used throughout this article.

20 In subsection (a)(1) of this section, the former references to a license "to sell
 21 alcoholic beverages" are deleted as included in the defined term "license".

22 In subsection (a)(1)(ii) of this section, the former reference to a license issued
 23 "after June 30, 1971" is deleted as obsolete. Similarly, in subsection (a)(2) of
 24 this section, the former reference to a decision "after June 30, 1971" is deleted.

25 In subsection (a)(2) of this section, the former reference to an "existing" license
 26 holder is deleted as surplusage.

27 In subsection (b) of this section, the former reference to a license "assigned" to
 28 a new licensee is deleted as included in the reference to a license "transferred".

29 The Alcoholic Beverages Article Review Committee notes, for consideration by
 30 the General Assembly, that under subsection (a)(2) of this section, a decision
 31 of the County Board of Education to locate a public school within 500 feet of
 32 an existing license holder may not be the basis to revoke or deny the renewal
 33 or transfer of the license. Under subsection (a)(1)(i), however, a restaurant
 34 with a Class B license may be located 400 feet from a public school building.
 35 The law is silent as to whether a decision of the board to locate a school within

1 400 feet of a licensed restaurant could be the basis to revoke or deny the
2 renewal or transfer of the license.

3 Defined terms: "Board" § 23-101
4 "License" § 1-101
5 "License holder" § 1-101
6 "Restaurant" § 1-101

7 **23-1603. DRIVE-THROUGH SALES PROHIBITED.**

8 **THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR**
9 **USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH**
10 **SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

11 (1) **SOLD AT RETAIL; AND**

12 (2) **DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN**
13 **OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9-214(c), except as it related to the transfer of
16 a license.

17 In the introductory language of this section, the reference to a "sales" facility
18 is substituted for the former reference to a "purchase" facility for clarity.

19 Also in the introductory language of this section, the former reference to the
20 Board not "approv[ing] an application on behalf of" a license is deleted as
21 implicit in the reference to the Board not "issu[ing]" a license.

22 Defined terms: "Alcoholic beverage" § 1-101
23 "Board" § 23-101
24 "License" § 1-101
25 "Off-sale" § 1-101

26 **23-1604. RESERVED.**

27 **23-1605. RESERVED.**

28 **PART II. MULTIPLE LICENSING PLANS.**

29 **23-1606. COMBINATION OF CLASS B AND CLASS BLX LICENSES.**

30 (A) **IN GENERAL.**

1 **SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE BOARD MAY**
2 **ISSUE TO AN INDIVIDUAL OR FOR THE USE OF A PERSON:**

3 **(1) TWO CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSES AND**
4 **SEVEN CLASS BLX (LUXURY RESTAURANT)(ON-SALE) BEER, WINE, AND LIQUOR**
5 **LICENSES; OR**

6 **(2) NINE CLASS BLX (LUXURY RESTAURANT)(ON-SALE) BEER, WINE,**
7 **AND LIQUOR LICENSES.**

8 **(B) DIRECT OR INDIRECT INTEREST IN MORE THAN NINE LICENSES**
9 **PROHIBITED.**

10 **A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN ANY**
11 **COMBINATION OF MORE THAN NINE CLASS B AND CLASS BLX LICENSES.**

12 **(C) PRESUMPTION OF INDIRECT INTEREST.**

13 **FOR PURPOSES OF THIS SECTION, AN INDIRECT INTEREST IS PRESUMED TO**
14 **EXIST BETWEEN TWO PERSONS IF BOTH:**

15 **(1) HAVE A COMMON PARENT COMPANY;**

16 **(2) ARE LINKED BY A FRANCHISE AGREEMENT, LICENSING**
17 **AGREEMENT, OR A CONCESSION AGREEMENT;**

18 **(3) ARE PART OF A CHAIN OF BUSINESSES COMMONLY OWNED AND**
19 **OPERATED;**

20 **(4) SHARE:**

21 **(I) DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS; OR**

22 **(II) DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF**
23 **PARENTS OR SUBSIDIARIES;**

24 **(5) SHARE, DIRECTLY OR INDIRECTLY, PROFIT FROM THE SALE OF**
25 **ALCOHOLIC BEVERAGES; OR**

26 **(6) SHARE A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME,**
27 **OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

28 **REVISOR'S NOTE: This section is new language derived without substantive**
29 **change from former Art. 2B, § 9-102(o).**

1 In subsection (a) of this section, the former phrase “notwithstanding any other
2 provision of law” is deleted as surplusage.

3 In subsection (b) of this section, the former reference to “corporation, limited
4 liability company, partnership, limited partnership, joint venture, association,
5 or other combination of persons, whether natural or otherwise and for
6 whatever reason formed” is deleted as included in the defined term “person”.
7 Similarly, in subsection (c) of this section, the former reference to
8 “corporations, limited liability companies, partnerships, limited partnerships,
9 joint ventures, associations, or other combination of persons, whether natural
10 or otherwise,” is deleted.

11 Defined terms: “Board” § 23-101

12 “License” § 1-101

13 “Person” § 1-101

14 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

15 **23-1701. APPLICATION OF GENERAL PROVISIONS.**

16 **(A) WITHOUT EXCEPTION OR VARIATION.**

17 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL
18 LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE
19 APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

20 **(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

21 **(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT
22 REQUIRED”); AND**

23 **(3) § 4-305 (“FILING FEES AND ENDORSEMENT”).**

24 **(B) EXCEPTION.**

25 **SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF
26 DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED
27 BY § 23-1705 OF THIS SUBTITLE.**

28 **(C) VARIATION.**

29 **SECTION 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE
30 AND INVENTORY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY,
31 SUBJECT TO § 23-1702 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the transfer of licenses and the substitution of
3 the names of officers on licenses.

4 Defined terms: "County" § 23-101
5 "License" § 1-101

6 **23-1702. PAYMENT OF TAXES.**

7 **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS ALL**
8 **STATE AND LOCAL PERSONAL PROPERTY TAXES OWED BY THE TRANSFEROR ARE**
9 **PAID.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-503(o)(2).

12 The phrase "[t]he Board may not allow" is substituted for the former reference
13 to "may not be granted" to conform to the terminology used throughout this
14 article.

15 Former Art. 2B, § 10-503(o)(1), which stated that former Art. 2B, §
16 10-503(o) applied only to Howard County, is deleted as unnecessary in light
17 of the organization of this revised article.

18 Defined terms: "Board" § 23-101
19 "License" § 1-101
20 "State" § 1-101

21 **23-1703. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

22 **(A) REQUIREMENTS FOR APPLICANTS.**

23 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN APPLICANT**
24 **FOR THE TRANSFER OF A LICENSE FOR A CORPORATION OR LIMITED LIABILITY**
25 **COMPANY SHALL CERTIFY THAT AS LONG AS THE APPLICANT IS THE HOLDER OF THE**
26 **LICENSE, THE APPLICANT SHALL:**

27 **(1) OWN AT LEAST 10% OF THE STOCK IN THE CORPORATION OR**
28 **INTEREST IN THE LIMITED LIABILITY COMPANY; OR**

29 **(2) (I) SERVE AS THE MANAGER OR SUPERVISOR OF THE**
30 **CORPORATION OR LIMITED LIABILITY COMPANY; AND**

1 **(II) BE PHYSICALLY PRESENT ON A FULL-TIME BASIS AT THE**
2 **LICENSED PREMISES OF THE CORPORATION OR LIMITED LIABILITY COMPANY TO**
3 **CONDUCT THE DAILY BUSINESS INVOLVING TRANSACTIONS CONCERNING**
4 **ALCOHOLIC BEVERAGES SALES.**

5 **(B) REQUIREMENTS FOR DOCUMENTATION.**

6 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, APPLICANTS FOR**
7 **A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL SUBMIT:**

8 **(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR**
9 **ARTICLES OF ORGANIZATION; AND**

10 **(2) A SCHEDULE THAT STATES:**

11 **(I) THE NAME, ADDRESS, AND PERCENTAGE OF STOCK HELD BY**
12 **EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE STOCK OF A CORPORATION; OR**

13 **(II) THE NAME, ADDRESS, AND PERCENTAGE OF INTEREST HELD**
14 **BY EACH MEMBER HOLDING AT LEAST 5% INTEREST IN A LIMITED LIABILITY**
15 **COMPANY.**

16 **(C) EXCEPTIONS.**

17 **(1) (I) THE STOCK OR INTEREST REQUIREMENTS ESTABLISHED**
18 **UNDER SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO A CORPORATION OR**
19 **LIMITED LIABILITY COMPANY IN WHICH:**

20 **1. THE STOCK OF THE CORPORATION OR INTEREST IN**
21 **THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED**
22 **STATES SECURITIES AND EXCHANGE COMMISSION; OR**

23 **2. A MAJORITY OF THE STOCK OF THE CORPORATION OR**
24 **INTEREST IN THE LIMITED LIABILITY COMPANY IS OWNED OR CONTROLLED**
25 **DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY**
26 **COMPANIES WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED**
27 **STATES SECURITIES AND EXCHANGE COMMISSION.**

28 **(II) A CORPORATION OR LIMITED LIABILITY COMPANY**
29 **PROVIDED FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL MAINTAIN ONE**
30 **APPLICANT AS A MANAGER OR SUPERVISOR PHYSICALLY PRESENT ON A FULL-TIME**
31 **BASIS AT THE LICENSED PREMISES TO CONDUCT THE DAILY BUSINESS INVOLVING**
32 **TRANSACTIONS CONCERNING ALCOHOLIC BEVERAGES SALES.**

1 **(2) THE SCHEDULE REQUIREMENT ESTABLISHED UNDER**
2 **SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:**

3 **(I) A CORPORATION WHOSE STOCK IS AUTHORIZED FOR SALE**
4 **BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

5 **(II) A LIMITED LIABILITY COMPANY WHOSE INTEREST IS**
6 **AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE**
7 **COMMISSION.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 9–101(e)(2) through (4) and, as it related to
10 license transfers, (1).

11 In the introductory language of subsection (a) of this section, the reference to
12 the “applicant” is substituted for the former references to the “qualifying
13 individual” for clarity.

14 Also in the introductory language of subsection (a) of this section, the former
15 reference to certifying that the “following requirements shall be maintained”
16 is deleted as surplusage.

17 Also in the introductory language of subsection (a) of this section, the former
18 reference to an “existing” license is deleted as surplusage.

19 In the introductory language of subsection (b) of this section, the phrase
20 “applicants for a license for a corporation or limited liability company” is
21 substituted for the former phrase “[i]ndividuals applying for a license on
22 behalf of corporations or limited liability companies” for brevity.

23 In subsection (b)(1) of this section, the former phrase “as the case may be” is
24 deleted as surplusage.

25 In subsection (c)(1)(i)2 of this section, the reference to “stock or interest [that]
26 is authorized for sale by the United States Securities and Exchange
27 Commission” is substituted for the former reference to “shares of stock or
28 interest [that] are so traded” for clarity.

29 Defined terms: “Alcoholic beverage” § 1–101
30 “License” § 1–101

31 **23–1704. HEARING AND NOTICE REQUIREMENTS.**

32 **(A) BOARD TO SET HEARING AND POST NOTICE.**

1 **ON RECEIPT OF AN APPLICATION FOR A TRANSFER OF A LICENSE, THE BOARD**
2 **SHALL:**

3 **(1) SCHEDULE A PUBLIC HEARING; AND**

4 **(2) POST A NOTICE OF THE HEARING ON THE PREMISES DESCRIBED**
5 **IN THE APPLICATION.**

6 **(B) NOTICE SPECIFICATIONS.**

7 **THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

8 **(1) BE POSTED BY THE INSPECTOR WITH THE COOPERATION OF THE**
9 **APPLICANT; AND**

10 **(2) REMAIN POSTED FOR AT LEAST 15 DAYS BEFORE THE HEARING.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 10-202(n)(2), (3), and, as it related to license
13 transfers, (1).

14 In subsection (a)(1) of this section, the reference to the requirement that the
15 Board "schedule a public hearing" expressly states what was only implicit in
16 the former law, that the Board is required to hold a public hearing on an
17 application for a transfer.

18 In the introductory language of subsection (b) of this section, the reference to
19 the "notice required under subsection (a) of this section" is substituted for the
20 former reference to the "posting" for clarity and specificity.

21 In subsection (b)(2) of this section, the reference to "remain posted" is
22 substituted for the former reference to "exist" for clarity.

23 Defined terms: "Board" § 23-101

24 "License" § 1-101

25 **23-1705. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

26 **(A) CONDITIONS FOR SUBSTITUTION.**

27 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A**
28 **LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER**
29 **MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE**
30 **NAME OF ANY OFFICER WHO:**

- 1 **(I) HAS DIED;**
2 **(II) HAS RETIRED; OR**
3 **(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR**
4 **CLUB.**

5 **(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY**
6 **THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL**
7 **OFFICER.**

8 **(B) AFFIDAVIT REQUIRED.**

9 **THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT**
10 **CONTAINS:**

11 **(1) THE SUBSTITUTION OF THE OFFICER; AND**

12 **(2) AN EXPLANATION FOR THE SUBSTITUTION.**

13 **(C) CORRECTED LICENSE TO BE ISSUED.**

14 **ON RECEIPT OF THE AFFIDAVIT AND PAYMENT OF A \$5 FEE, THE BOARD**
15 **SHALL:**

16 **(1) AMEND ITS RECORDS; AND**

17 **(2) ISSUE A CORRECTED LICENSE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from the first through fourth sentences of former Art. 2B, §
20 10-301(h)(1), as they related to Howard County.

21 In subsection (a) of this section, the former reference to an officer who has
22 "been removed from office" is deleted as included in the reference to an officer
23 who "no longer holds an office in the corporation or club".

24 In the introductory language of subsection (a)(1) of this section, the reference
25 to "any officer who" is substituted for the former reference to "the deleted
26 officer" for clarity.

27 Also in the introductory language of subsection (a)(1) of this section, the
28 former reference to any "class of alcoholic beverage" license is deleted as
29 surplusage.

1 Also in the introductory language of subsection (a)(1) of this section, the
2 former phrase “during any license year” is deleted as surplusage.

3 Also in the introductory language of subsection (a)(1) of this section, the
4 former phrase “notwithstanding any other provision of this article” is deleted
5 as surplusage.

6 In subsection (a)(2) of this section, the reference to requirements “applicable
7 to the original officer” is substituted for the former reference to requirements
8 “the substitute would have to meet if the substitute were named in the original
9 application” for brevity.

10 Also in subsection (a)(2) of this section, the former reference to a “fit”
11 individual is deleted as implicit in the requirement that the individual be
12 approved by the Board and meet the requirements applicable to the original
13 officer.

14 In subsection (b)(1) of this section, the former reference to “officers” is deleted
15 in light of the reference to “officer” and GP § 1–202, which provides that the
16 singular generally includes the plural.

17 In the introductory language of subsection (c) of this section, the former
18 reference to a payment of \$5 “for this service” is deleted as surplusage.

19 In subsection (c)(2) of this section, the reference to a “corrected license” is
20 substituted for the former reference to a “new license with the corrected names
21 on it” for brevity.

22 Defined terms: “Board” § 23–101

23 “Club” § 1–101

24 “License” § 1–101

25 “License holder” § 1–101

26 **23–1706. TRANSFER OF LICENSES PROHIBITED FOR DRIVE–THROUGHS.**

27 **THE BOARD MAY NOT TRANSFER AN OFF–SALE LICENSE FOR USE IN A**
28 **BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH PURCHASE**
29 **FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND**
30 **DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR**
31 **VEHICLE FOR OFF–PREMISES CONSUMPTION.**

32 REVISOR’S NOTE: This section is new language derived without substantive
33 change from former Art. 2B, § 9–214(c), as it related to the transfer of a license.

34 The former references to a license “of any class” are deleted as surplusage.

1 Former Art. 2B, § 9–214(a), which stated that former Art. 2B, § 9–214 applied
2 only in Howard County, is deleted as unnecessary in light of the organization
3 of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 23–101

6 “License” § 1–101

7 “Off–sale” § 1–101

8 **SUBTITLE 18. RENEWAL OF LICENSES.**

9 **23–1801. APPLICATION OF GENERAL PROVISIONS.**

10 **(A) WITHOUT EXCEPTION OR VARIATION.**

11 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
12 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
13 **EXCEPTION OR VARIATION:**

14 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

15 **(2) § 4–403 (“RENEWAL APPLICATION”);**

16 **(3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**

17 **(4) § 4–406 (“PROTESTS”);**

18 **(5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**

19 **(6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**

20 **(7) § 4–409 (“MULTIPLE LICENSES”); AND**

21 **(8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

22 **(B) VARIATION.**

23 **SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION**
24 **I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 23–1802 OF THIS**
25 **SUBTITLE.**

26 REVISOR’S NOTE: This section is new language added to incorporate by reference
27 general provisions relating to the renewal of local licenses.

1 Defined terms: "County" § 23-101
2 "License" § 1-101

3 **23-1802. LATE FILING.**

4 **IF A LICENSE HOLDER FAILS TO FILE A LICENSE RENEWAL APPLICATION BY**
5 **APRIL 1 OF EACH YEAR, THE BOARD SHALL:**

6 **(1) CONSIDER THE LICENSE TO BE EXPIRED AS OF ITS TERMINATION**
7 **DATE; OR**

8 **(2) IMPOSE A PENALTY ON THE LICENSE HOLDER OF \$50 FOR EACH**
9 **DAY THE APPLICATION IS LATE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-301(h)(2).

12 In the introductory language of this section, the reference to a "license holder"
13 failing to renew a license is added for clarity.

14 Also in the introductory language of this section, the reference requiring "the
15 Board" to take specified action is added for clarity.

16 In item (1) of this section, the reference requiring a license to expire "as of its
17 termination date" is added to state explicitly what formerly only was implied.

18 Also in item (1) of this section, the reference requiring the Board to "consider
19 the license to be expired" is substituted for the former reference establishing
20 that failure to file a renewal application shall "result in nonrenewal of the
21 license" for clarity.

22 In item (2) of this section, the reference requiring the Board to "impose" a
23 penalty is added for clarity.

24 Also in item (2) of this section, the reference requiring the Board to assess a
25 penalty "on the license holder" is added for clarity.

26 Also in item (2) of this section, the former redundant reference to a penalty of
27 \$50 "per day" the application is late is deleted as included in the reference to
28 a penalty of \$50 "for each day" the application is late.

29 Defined terms: "Board" § 23-101
30 "License" § 1-101
31 "License holder" § 1-101

32 **23-1803. HOLDERS OF OUT-OF-STATE LICENSES.**

1 **NOTWITHSTANDING § 23-1502 OF THIS TITLE, THE BOARD MAY RENEW A**
 2 **CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**
 3 **WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
 4 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 9-102(b-3)(8), as it related to the renewal of a
 7 license by a person who holds an out-of-state license.

8 The phrase "[n]otwithstanding § 23-1502 of this title," is added to clarify that
 9 this section is an exception to § 23-1502.

10 The reference to an "out-of-state" license is substituted for the former
 11 reference to a license "in any other state or in Washington, D.C." for brevity.

12 The reference to the authority of "the Board" to "renew" a license "originally
 13 issued to a holder of an out-of-state" license is substituted for the former
 14 reference to the "except[ion] by way of renewal, to a person, corporation, or
 15 limited liability company holding" an out-of-state license for clarity and to
 16 avoid the implication that a licensee can obtain an out-of-state license after
 17 obtaining the original license and continue to renew the original license.

18 Defined terms: "Alcoholic beverage" § 1-101

19 "Beer" § 1-101

20 "Board" § 23-101

21 "State" § 1-101

22 "Wine" § 1-101

23 **23-1804. MULTIPLE LICENSES.**

24 **NOTWITHSTANDING § 23-1504 OF THIS TITLE, A PERSON WHO HAS AN**
 25 **INTEREST IN MORE THAN ONE LICENSE MAY RENEW THE LICENSES.**

26 REVISOR'S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 9-301(4)(i), as it related to the renewal of a
 28 license in Howard County.

29 The phrase "[n]otwithstanding § 23-1504 of this title," is added to clarify that
 30 this section is an exception to § 23-1504.

31 Defined terms: "License" § 1-101

32 "Person" § 1-101

33 **23-1805. CRIMINAL HISTORY RECORDS CHECK APPLICABLE TO LICENSE**
 34 **RENEWALS.**

1 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
2 **4-107 OF THIS ARTICLE APPLIES TO APPLICANTS FOR LICENSE RENEWAL.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10-103(b)(13)(xii)2.

5 Defined term: "License" § 1-101

6 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

7 **23-1901. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
10 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
11 **WITHOUT EXCEPTION OR VARIATION:**

12 (1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");

13 (2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED
14 PREMISES");

15 (3) § 4-506 ("EVIDENCE OF PURCHASER'S AGE"); AND

16 (4) § 4-508 ("DISPLAY OF LICENSE").

17 **(B) VARIATIONS.**

18 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
19 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

20 (1) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS"), SUBJECT
21 TO § 23-1902 OF THIS SUBTITLE;

22 (2) § 4-505 ("ALCOHOL AWARENESS PROGRAM"), SUBJECT TO §
23 23-1903 OF THIS SUBTITLE; AND

24 (3) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"),
25 SUBJECT TO § 23-1904 OF THIS SUBTITLE.

26 REVISOR'S NOTE: This section is new language added to incorporate by reference
27 general provisions relating to the conduct of local license holders.

1 Defined terms: "Alcoholic beverage" § 1-101

2 "County" § 23-101

3 "License" § 1-101

4 "License holder" § 1-101

5 **23-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

6 **A HOLDER OF A CLASS A, CLASS B, OR CLASS C LICENSE MAY EMPLOY AN**
 7 **INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD TO SELL OR SERVE ALCOHOLIC**
 8 **BEVERAGES.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 12-214(c).

11 Defined term: "Alcoholic beverage" § 1-101

12 **23-1903. ALCOHOL AWARENESS PROGRAM.**

13 **(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED**
 14 **PREMISES ALLOWED.**

15 **(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE**
 16 **LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

17 **(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS**
 18 **PROGRAM; AND**

19 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 20 **SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN**
 21 **WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

22 **(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH**
 23 **(1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A**
 24 **PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR**
 25 **NOT MORE THAN 2 HOURS.**

26 **(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A**
 27 **LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY**
 28 **ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE**
 29 **ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

30 **(B) PENALTY.**

1 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

2 **(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

3 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500**
 4 **OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 13-101(d) and (c)(2)(i)1, (iii), and (iv)4 and, as
 7 it related to Howard County, 1.

8 In subsection (a) of this section, the references to an "individual" are
 9 substituted for the former references to a "person" because this section applies
 10 only to human beings.

11 In subsection (a)(1)(ii) of this section, the reference to being present "on the
 12 licensed premises" is added for clarity.

13 Also in subsection (a)(1)(ii) of this section, the defined term "alcoholic
 14 beverage[s]" is substituted for the former reference to "alcohol" to conform to
 15 the terminology used throughout this article.

16 In subsection (a)(2) of this section, the former reference to a "bona fide"
 17 personal or business reason is deleted as surplusage.

18 Defined terms: "Alcoholic beverage" § 1-101

19 "Board" § 23-101

20 "License holder" § 1-101

21 **23-1904. RETAIL DELIVERY.**

22 **A LICENSE HOLDER MAY NOT MAKE A RETAIL DELIVERY OF ALCOHOLIC**
 23 **BEVERAGES UNLESS THE PURCHASER:**

24 **(1) IS PHYSICALLY PRESENT ON THE LICENSED PREMISES WHEN THE**
 25 **PURCHASER ORDERS THE ALCOHOLIC BEVERAGES; AND**

26 **(2) PAYS FOR THE PURCHASE AT THE TIME OF THE ORDER.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 12-301(c)(2).

29 Former Art. 2B, § 12-301(c)(1), which stated that former Art. 2B, §
 30 12-301(c) applied only in Howard County, is deleted as unnecessary in light
 31 of the organization of this revised article.

1 Defined terms: "Alcoholic beverage" § 1-101
2 "License holder" § 1-101

3 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

4 **23-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

5 **(A) IN GENERAL.**

6 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
7 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
8 **PREMISES LICENSED UNDER THIS TITLE.**

9 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
10 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
11 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

12 **(B) PENALTY.**

13 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
14 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 11-304(a)(1) and, as it related to Howard
17 County, (2).

18 In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided
19 under this title" is added for clarity.

20 Also in subsection (a)(1) of this section, the reference to an "individual" is
21 substituted for the former reference to a "person" because the prohibition
22 against consumption applies only to human beings.

23 Also in subsection (a)(1) of this section, the reference to "a premises licensed
24 under this title" is substituted for the former reference to "any premises open
25 to the general public, any place of public entertainment, or any place at which
26 setups or other component parts of mixed alcoholic drinks are sold under any
27 license issued under the provisions of the Business Regulation Article" for
28 brevity.

29 In subsection (a)(2) of this section, the reference to "a premises licensed under
30 this title" is substituted for the former reference to "the premises" for
31 consistency with the terminology used in subsection (a)(1) of this section.

1 In subsection (b) of this section, the reference to a person who “violates this
2 section” is substituted for the former reference to a person who is “found
3 consuming any alcoholic beverage on any premises open to the general public,
4 and any owner, operator or manager of those premises or places who
5 knowingly permits consumption between the hours provided by this section”
6 for brevity.

7 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
8 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
9 section.

10 Also in subsection (b) of this section, the former reference to a fine “not less
11 than \$5” is deleted to conform to the statement of legislative policy in CR §
12 14–102, which sets forth the general rule that, notwithstanding a statutory
13 minimum penalty, a court may impose a lesser penalty of the same character.

14 Defined terms: “Alcoholic beverage” § 1–101
15 “Person” § 1–101

16 **23–2002. BEER LICENSES.**

17 **(A) CLASS A BEER LICENSE.**

18 **EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

19 **(1) A HOLDER OF A 6–DAY CLASS A BEER LICENSE MAY SELL BEER ON**
20 **MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

21 **(2) A HOLDER OF A 7–DAY CLASS A BEER LICENSE MAY SELL BEER ON**
22 **MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

23 **(B) CLASS B BEER LICENSE.**

24 **(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT**
25 **TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER LICENSE**
26 **MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE**
27 **FOLLOWING DAY.**

28 **(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER**
29 **ON SUNDAY.**

30 **(C) CLASS C BEER LICENSE.**

31 **(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT**
32 **TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER LICENSE**

1 MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE
2 FOLLOWING DAY.

3 (2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER
4 ON SUNDAY.

5 (D) CLASS D BEER LICENSE.

6 EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:

7 (1) A HOLDER OF A 6-DAY CLASS D BEER LICENSE MAY SELL BEER ON
8 MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

9 (2) A HOLDER OF A 7-DAY CLASS D BEER LICENSE MAY SELL BEER ON
10 MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, §§ 11-403(a)(1)(ii) and 11-514(a)(1) and (2).

13 Former Art. 2B, § 11-514(b)(1), which stated that "[t]he provisions of this
14 section do not apply to sales made pursuant to § 11-402(o) [hours of sale for
15 New Year's Day]", is deleted as unnecessary in light of the organization of this
16 revised article. Hours of sale for New Year's Day are listed in § 23-2005 of this
17 subtitle.

18 Former Art. 2B, § 11-514(b)(2), which stated that "[t]he provisions of §§
19 11-301, 11-302, and 11-303 of this article do not apply in Howard County", is
20 deleted as unnecessary in light of the organization of this revised article.

21 Defined term: "Board" § 23-101

22 **23-2003. BEER AND LIGHT WINE LICENSES.**

23 (A) CLASS A BEER AND LIGHT WINE LICENSE.

24 EXCEPT AS OTHERWISE RESTRICTED BY THE BOARD:

25 (1) A HOLDER OF A 6-DAY CLASS A BEER AND LIGHT WINE LICENSE
26 MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M.
27 TO 2 A.M. THE FOLLOWING DAY.

28 (2) A HOLDER OF A 7-DAY CLASS A BEER AND LIGHT WINE LICENSE
29 MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO
30 2 A.M. THE FOLLOWING DAY.

1 **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

2 **(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT**
3 **TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND LIGHT**
4 **WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY,**
5 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

6 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AT A**
7 **BAR OR COUNTER ON SUNDAY.**

8 **(C) CLASS B BEER AND LIGHT WINE (B-SBW) (OFF-SALE) LICENSE.**

9 **A HOLDER OF A CLASS B BEER AND LIGHT WINE (B-SBW) (OFF-SALE)**
10 **LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM**
11 **10 A.M. TO MIDNIGHT.**

12 **(D) CLASS C BEER AND LIGHT WINE LICENSE.**

13 **(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT**
14 **TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER AND LIGHT**
15 **WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY,**
16 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

17 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AT A**
18 **BAR OR COUNTER ON SUNDAY.**

19 **(E) CLASS D BEER AND LIGHT WINE LICENSE.**

20 **EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

21 **(1) A HOLDER OF A 6-DAY CLASS D BEER AND LIGHT WINE LICENSE**
22 **MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M.**
23 **TO 2 A.M. THE FOLLOWING DAY; AND**

24 **(2) A HOLDER OF A 7-DAY CLASS D BEER AND LIGHT WINE LICENSE**
25 **MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO**
26 **2 A.M. THE FOLLOWING DAY.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, §§ 7-101(p-1)(2) and (9), 11-403(a)(1)(ii), and
29 11-514(a)(1) and (2).

1 In subsections (a)(2), (b)(1), and (d)(1) of this section, the references to the
2 authority of a holder of a 7-day license to sell alcoholic beverages "Monday
3 through Sunday, from 6 a.m. to 2 a.m. the following day" are substituted for
4 former references to the authority of the license holder to sell alcoholic
5 beverages "between the hours of 6 a.m. and 2 a.m. of the next day, Monday
6 through Saturday, inclusive" and "between 6 a.m. Sunday and 2 a.m. Monday"
7 for clarity and to conform to the terminology used throughout this subtitle.

8 Defined terms: "Beer" § 1-101

9 "Board" § 23-101

10 "Wine" § 1-101

11 **23-2004. BEER, WINE, AND LIQUOR LICENSES.**

12 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

13 **EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

14 **(1) A HOLDER OF A 6-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE**
15 **MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M.**
16 **TO 2 A.M. THE FOLLOWING DAY; AND**

17 **(2) A HOLDER OF A 7-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE**
18 **MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M.**
19 **TO 2 A.M. THE FOLLOWING DAY.**

20 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

21 **(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT**
22 **TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND**
23 **LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH**
24 **SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

25 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
26 **A BAR OR COUNTER ON SUNDAY.**

27 **(C) CLASS BLX (LUXURY RESTAURANT) (ON-SALE) BEER, WINE, AND**
28 **LIQUOR LICENSE.**

29 **(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT**
30 **TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS BLX (LUXURY**
31 **RESTAURANT) (ON-SALE) BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,**
32 **AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE**
33 **FOLLOWING DAY.**

1 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
2 **A BAR OR COUNTER ON SUNDAY.**

3 **(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

4 **(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT**
5 **TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND**
6 **LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH**
7 **SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

8 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
9 **A BAR OR COUNTER ON SUNDAY.**

10 **(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

11 **EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

12 **(1) A HOLDER OF A 6-DAY CLASS D BEER, WINE, AND LIQUOR**
13 **LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY,**
14 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

15 **(2) A HOLDER OF A 7-DAY CLASS D BEER, WINE, AND LIQUOR**
16 **LICENSE MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY, FROM 6**
17 **A.M. TO 2 A.M. THE FOLLOWING DAY.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, §§ 11-403(a)(1)(ii), 11-514(a)(1) and (2), and the
20 first sentence of 8-214(a).

21 Throughout this section, the references to the authorization of license holders
22 to sell "beer, wine, and liquor" are substituted for the former references to
23 "alcoholic beverages authorized by their license" for clarity.

24 Defined terms: "Beer" § 1-101

25 "Board" § 23-101

26 "Wine" § 1-101

27 **23-2005. HOLIDAY HOURS.**

28 **(A) JANUARY 1 HOURS, EXCEPT FOR CLASS A LICENSE HOLDERS.**

1 **A LICENSE HOLDER, OTHER THAN A HOLDER OF A CLASS A LICENSE, MAY**
2 **SELL ALCOHOLIC BEVERAGES AUTHORIZED BY THE LICENSE AT ALL TIMES ON**
3 **JANUARY 1.**

4 **(B) DECEMBER 24 AND DECEMBER 31 HOURS FOR CLASS A BEER, WINE,**
5 **AND LIQUOR LICENSE.**

6 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
7 **WINE, AND LIQUOR ON DECEMBER 24 AND DECEMBER 31, FROM 6 A.M. TO**
8 **MIDNIGHT REGARDLESS OF THE DAY OF THE WEEK ON WHICH DECEMBER 24 AND**
9 **DECEMBER 31 FALL.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 11-402(o)(2) and (3).

12 In subsection (a) of this section, the former phrase “[n]otwithstanding §§
13 11-304(a) and 11-514 of this title and any other restrictions as to hours
14 imposed by this article” is deleted as unnecessary in light of the organization
15 of this revised article.

16 Also in subsection (a) of this section, the former reference to the authority of
17 a license holder to “remain open” is deleted as implicit in the authority to “sell
18 alcoholic beverages”.

19 Also in subsection (a) of this section, the former reference to January 1 “of any
20 year” is deleted as surplusage.

21 In subsection (b) of this section, the former phrase “[n]otwithstanding § 6-101
22 of this article, § 11-403 of this subtitle, and § 11-514 of this title” is deleted
23 as unnecessary in light of the organization of this revised article.

24 Former Art. 2B, § 11-402(o)(1), which stated that former Art. 2B, § 11-402(o)
25 applied only in Howard County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Beer” § 1-101
28 “Wine” § 1-101

29 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

30 **23-2101. APPLICATION OF GENERAL PROVISIONS.**

31 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
2 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
3 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

4 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

5 **(2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**

6 **(3) § 4–606 (“EFFECTS OF REVOCATION”).**

7 **(B) EXCEPTION.**

8 **SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS**
9 **ARTICLE DOES NOT APPLY IN THE COUNTY.**

10 **(C) VARIATION.**

11 **SECTION 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”) OF**
12 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 23–2102 OF**
13 **THIS SUBTITLE.**

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to the revocation and suspension of local licenses.

16 Defined terms: “County” § 23–101

17 “License” § 1–101

18 “Local licensing board” § 1–101

19 **23–2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

20 **IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN § 4–604**
21 **OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A LICENSE IF THE BOARD**
22 **FINDS THAT A LICENSE HOLDER OR AN AGENT OR EMPLOYEE OF A LICENSE HOLDER**
23 **HAS VIOLATED THIS ARTICLE OR A RULE OR REGULATION OF THE BOARD.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10–401(f).

26 The former reference to a “servant” of a license holder is deleted as included
27 in the reference to an “agent or employee” of a license holder.

28 Defined terms: “Board” § 23–101

29 “License” § 1–101

30 “License holder” § 1–101

1 **SUBTITLE 22. EXPIRATION OF LICENSES.**

2 **23–2201. APPLICATION OF GENERAL PROVISIONS.**

3 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
4 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 the general provisions relating to the expiration of local licenses.

7 Defined terms: “County” § 23–101
8 “License” § 1–101

9 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

10 **23–2301. APPLICATION OF GENERAL PROVISIONS.**

11 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
12 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to the death of a local license holder.

15 Defined terms: “County” § 23–101
16 “License holder” § 1–101

17 **SUBTITLE 24. JUDICIAL REVIEW.**

18 **23–2401. APPLICATION OF GENERAL PROVISIONS.**

19 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
20 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to the appeal of the decisions of the Board.

23 Defined term: “County” § 23–101

24 **23–2402. COSTS.**

25 **(A) CLERK TO COLLECT.**

1 **BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4,**
2 **SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY**
3 **SHALL:**

4 **(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

5 **(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT**
6 **THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE**
7 **HEARING BEFORE THE BOARD HAVE BEEN PAID.**

8 **(B) NO ASSESSMENT AGAINST BOARD.**

9 **THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE**
10 **ASSESSED AGAINST THE BOARD.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 16–101(d), as it related to Howard County.

13 In subsection (a) of this section, the references to “an action for judicial review”
14 and “the petitioner” are substituted for the former incorrect references to “an
15 appeal” and “the persons or persons so appealing” to reflect that this section
16 concerns the judicial review of an administration agency – a board of license
17 commissioners – and not a court.

18 Defined terms: “Board” § 23–101
19 “County” § 23–101

20 **23–2403. COURT MAY REMAND.**

21 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
22 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
23 **REMAND THE PROCEEDINGS TO THE BOARD.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 16–101(e)(4)(ii)8.

26 The reference to the “circuit court for the County” is substituted for the former
27 reference to the “court” for clarity.

28 Defined terms: “Board” § 23–101
29 “County” § 23–101

30 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

31 **23–2501. PLACE OF ADULT ENTERTAINMENT.**

1 **(A) "PLACE OF ADULT ENTERTAINMENT" DEFINED.**

2 **IN THIS SUBTITLE, "PLACE OF ADULT ENTERTAINMENT" MEANS AN**
3 **ESTABLISHMENT THAT:**

4 **(1) IS NOT LICENSED BY THE BOARD BUT TO WHICH A CUSTOMER**
5 **BRINGS ALCOHOLIC BEVERAGES THAT THE CUSTOMER HAS PURCHASED**
6 **ELSEWHERE; AND**

7 **(2) ALLOWS AT ITS LOCATION A FORM OF SEXUAL DISPLAY OR ATTIRE**
8 **PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

9 **(B) ALCOHOL AWARENESS REQUIREMENTS FOR EMPLOYEES AND**
10 **SUPERVISORS.**

11 **AN INDIVIDUAL WHO SERVES FOOD, ALCOHOLIC BEVERAGES, OR SETUPS,**
12 **INCLUDING DRINKING CONTAINERS AND ICE, IN A PLACE OF ADULT**
13 **ENTERTAINMENT OR WHO SUPERVISES OR MANAGES A PLACE OF ADULT**
14 **ENTERTAINMENT SHALL:**

15 **(1) RECEIVE ALCOHOL AWARENESS TRAINING AS PROVIDED IN §**
16 **4-508 OF THIS ARTICLE; AND**

17 **(2) REFUSE TO FACILITATE THE CONTINUED CONSUMPTION OF**
18 **ALCOHOLIC BEVERAGES BY A CUSTOMER WHO APPEARS TO BE INEBRIATED.**

19 **(C) HOURS AND DAYS OF OPERATION.**

20 **THE HOURS AND DAYS DURING WHICH A PLACE OF PUBLIC ENTERTAINMENT**
21 **MAY BE OPEN ARE MONDAY THROUGH SATURDAY, FROM 11:30 A.M. TO 1:30 A.M.**
22 **THE FOLLOWING DAY.**

23 **(D) PENALTY.**

24 **(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
25 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000**
26 **FOR EACH VIOLATION.**

27 **(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A**
28 **SEPARATE VIOLATION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 20–107(b) through (e).

3 Throughout this section, the references to a place of “adult” entertainment are
4 substituted for the former references to a place of “public” entertainment for
5 clarity.

6 In subsections (a)(1) and (b)(2) of this section, the references to “customer” are
7 substituted for the former references to “patron” and “patrons” for clarity.

8 In subsection (a)(2) of this section, the reference to “location” is substituted for
9 the former reference to “premises” to avoid the implication that the
10 establishment is licensed.

11 In subsection (b) of this section, the reference to “alcoholic” beverages is added
12 for clarity.

13 Also in subsection (b) of this section, the former reference to “dispenses” is
14 deleted as included in the reference to “serves”.

15 In subsection (b)(2) of this section, the former phrase “in any way” is deleted
16 as surplusage.

17 In subsection (c) of this section, the former reference to open “for business” is
18 deleted as surplusage.

19 Former Art. 2B, § 20–107(a), which stated that former Art. 2B, § 20–107
20 applied only in Howard County, is deleted as unnecessary in light of the
21 organization of this revised article.

22 Defined terms: “Alcoholic beverage” § 1–101

23 “License” § 1–101

24 “Person” § 1–101

25 **23–2502. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

26 **(A) BRINGING, CONSUMING, OR TRANSFERRING ALCOHOLIC BEVERAGES.**

27 **A PERSON MAY NOT BRING INTO A PLACE OF ADULT ENTERTAINMENT AND**
28 **CONSUME OR TRANSFER ALCOHOLIC BEVERAGES, IF THE ENTERTAINMENT IN THE**
29 **PLACE IS ADULT ENTERTAINMENT DESCRIBED IN § 4–605 OF THIS ARTICLE.**

30 **(B) PROHIBITION AGAINST OPERATOR.**

1 **A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT MAY NOT**
2 **ALLOW A FEMALE ENTERTAINER TO EXHIBIT HER BREASTS BELOW THE TOP OF THE**
3 **AREOLA OR EXHIBIT THE CLEFT OF HER BUTTOCKS.**

4 **(C) PENALTY.**

5 **(1) A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT**
6 **WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION IS GUILTY OF A**
7 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000**
8 **FOR EACH VIOLATION.**

9 **(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A**
10 **SEPARATE VIOLATION.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 11-304(o)(2).

13 In subsections (a) and (c) of this section, the references to "adult"
14 entertainment are substituted for the former references to "public"
15 entertainment for clarity.

16 Former Art. 2B, § 11-304(o)(1), which stated that former Art. 2B, § 11-304(o)
17 applied only in Howard County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Defined terms: "Alcoholic beverage" § 1-101

20 "Person" § 1-101

21 **23-2503. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
22 **BEVERAGES IS PROHIBITED.**

23 **(A) PROHIBITION AGAINST INDIVIDUAL.**

24 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
25 **ALCOHOLIC BEVERAGES IN:**

26 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

27 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

28 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
29 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
30 **BUSINESS REGULATION ARTICLE.**

1 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

2 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
3 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
4 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
5 **THIS SECTION.**

6 **(C) PENALTY.**

7 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
8 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
11 (2).

12 In subsections (a) and (b) of this section, the references to an "establishment"
13 are substituted for the former references to "premises" to avoid the implication
14 that the establishment is licensed.

15 In subsection (a) of this section, the former reference to the "general" public is
16 deleted as surplusage.

17 In subsection (b) of this section, the former reference to an "operator" is deleted
18 as included in the reference to a "manager".

19 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
20 to conform to the statement of legislative policy in § 14-102 of the Criminal
21 Law Article, which sets forth the general rule that, notwithstanding a
22 statutory minimum penalty, a court may impose a lesser penalty of the same
23 character.

24 Defined terms: "Alcoholic beverage" § 1-101
25 "Person" § 1-101

26 **SUBTITLE 26. ENFORCEMENT.**

27 **23-2601. APPLICATION OF GENERAL PROVISIONS.**

28 **TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE**
29 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

30 REVISOR'S NOTE: This section is new language added to incorporate by reference
31 general provisions relating to enforcement.

1 Defined term: "County" § 23-101

2 **23-2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

3 **(A) IN GENERAL.**

4 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
5 **ESTABLISHMENT.**

6 **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

7 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
8 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

9 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
10 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
11 **CASE PENDING BEFORE THE COURT.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 16-410(c)(1)(viii), (2), and (3).

14 In subsections (a) and (b)(1) of this section, the former references to "papers"
15 are deleted as included in the references to "records" and "record".

16 In subsection (b)(1) of this section, the phrase "may petition" is substituted for
17 the former phrase "shall report the fact to" for clarity.

18 Also in subsection (b)(1) of this section, the former phrase "for the county" is
19 deleted as surplusage.

20 In subsection (b)(2) of this section, the phrase "may proceed" is substituted for
21 the former phrase "shall proceed" for clarity.

22 Also in subsection (b)(2) of this section, the former phrase "in all respects" is
23 deleted as surplusage.

24 Defined term: "Board" § 23-101

25 **SUBTITLE 27. PROHIBITED ACTS.**

26 **23-2701. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
2 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
3 **VARIATION:**

4 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

5 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
6 **INDIVIDUAL”);**

7 **(3) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR**
8 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
9 **YEARS”);**

10 **(4) § 6–310 (“PROVIDING FREE FOOD”);**

11 **(5) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
12 **DEALER”);**

13 **(6) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

14 **(7) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE**
15 **CONTAINER”);**

16 **(8) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
17 **DETACHABLE METAL TAB”);**

18 **(9) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
19 **REGULAR LABEL PRESUMED ILLICIT”);**

20 **(10) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

21 **(11) § 6–320 (“DISORDERLY INTOXICATION”);**

22 **(12) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN**
23 **PUBLIC”);**

24 **(13) § 6–322 (“POSSESSION OF OPEN CONTAINER”);**

25 **(14) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID**
26 **MACHINE”);**

27 **(15) § 6–326 (“UNLICENSED OUT–OF–STATE SALE OF ALCOHOLIC**
28 **BEVERAGES”);**

1 **(16) § 6-327 (“TAX EVASION”);**

2 **(17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND**

3 **(18) § 6-329 (“PERJURY”).**

4 **(B) VARIATIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
6 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

7 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
8 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 23-2702 OF THIS**
9 **SUBTITLE;**

10 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
11 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 23-2703 OF THIS SUBTITLE; AND**

12 **(3) §§ 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
13 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) AND 6-319**
14 **(“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM**
15 **LICENSE HOLDER”), SUBJECT TO § 23-2704 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to prohibited acts.

18 Defined terms: “Alcoholic beverage” § 1-101

19 “County” § 23-101

20 “License holder” § 1-101

21 “Retail dealer” § 1-101

22 **23-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
23 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

24 **(A) SUMMONS; BAIL.**

25 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
26 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

27 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
28 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
29 **EMPLOYEE; AND**

1 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 2 **COURT IN THE STATE.**

3 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

4 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
 5 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

6 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
 7 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
 8 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
 9 **OF 21 YEARS; AND**

10 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

11 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

12 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
 13 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
 14 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
 15 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

18 In subsection (a)(2) of this section, the former reference to bail "bond" is
 19 deleted as surplusage.

20 In subsection (b)(1) of this section, the reference to the "finder of fact" is
 21 substituted for the former reference to the "jury or the court sitting as a jury"
 22 for brevity.

23 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
 24 as surplusage.

25 Former Art. 2B, § 12-108(f)(1)(vi), which stated that former Art. 2B, §
 26 12-108(f)(2) applied in Howard County, is deleted as unnecessary in light of
 27 the organization of this revised article.

28 Defined terms: "Board" § 23-101

29 "License holder" § 1-101

30 "State" § 1-101

31 **23-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
 32 **INDIVIDUAL — CRIMINAL PROCEDURE.**

1 **(A) SUMMONS; BAIL.**

2 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 3 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

4 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 5 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 6 **EMPLOYEE; AND**

7 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 8 **COURT IN THE STATE.**

9 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

10 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
 11 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS**
 12 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
 13 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 12-108(a)(2) and (f)(2).

16 In subsection (a)(2) of this section, the former reference to bail "bond" is
 17 deleted as surplusage.

18 Defined terms: "Board" § 23-101
 19 "License holder" § 1-101
 20 "State" § 1-101

21 **23-2704. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT**
 22 **PURCHASED FROM LICENSE HOLDER — EXCEPTION FOR VETERANS ORGANIZATION.**

23 **(A) IN GENERAL.**

24 **THE PROHIBITIONS IN §§ 6-308 AND 6-319 OF THIS ARTICLE CONCERNING**
 25 **THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED**
 26 **FROM A LICENSE HOLDER DO NOT APPLY TO A SOCIAL EVENT, INCLUDING A DANCE,**
 27 **WEDDING, OR FUNDRAISER, THAT IS HELD IN A HALL RENTED FROM AND LOCATED**
 28 **ON THE PREMISES OF A VETERANS ORGANIZATION THAT HOLDS A LICENSE.**

29 **(B) VETERANS ORGANIZATION MAY NOT SELL OR PROVIDE ALCOHOLIC**
 30 **BEVERAGES.**

1 **THE VETERANS ORGANIZATION MAY NOT SELL OR PROVIDE ALCOHOLIC**
2 **BEVERAGES TO THE INDIVIDUALS ATTENDING THE SOCIAL EVENT.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 12-107(b)(5).

5 Defined terms: "Alcoholic beverage" § 1-101
6 "License" § 1-101
7 "License holder" § 1-101

8 **23-2705. ALLOWING GAME OF CHANCE OR SKILL TO BE PLAYED ON PREMISES BY**
9 **INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

10 **(A) LICENSE HOLDER PROHIBITED.**

11 **A HOLDER OF AN ON-SALE LICENSE MAY NOT ALLOW AN INDIVIDUAL UNDER**
12 **THE AGE OF 18 YEARS TO PLAY A GAME OF CHANCE OR SKILL, INCLUDING POOL,**
13 **BILLIARDS, SHUFFLEBOARD, OR A PINBALL OR CONSOLE MACHINE, IN THE**
14 **LICENSED ESTABLISHMENT UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A**
15 **PARENT OR GUARDIAN.**

16 **(B) PENALTY.**

17 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
18 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
19 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 12-214(b).

22 Former Art. 2B, § 12-214(a), which stated that former Art. 2B, § 12-214
23 applied only in Howard County, is deleted as unnecessary in light of the
24 organization of this revised article.

25 Defined terms: "License" § 1-101
26 "License holder" § 1-101
27 "On-sale" § 1-101

28 **23-2706. GIFTS TO MEMBER OF BOARD OR HEARING BOARD PROHIBITED.**

29 **(A) PROHIBITED.**

30 **A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC**
31 **BEVERAGES, AN APPLICANT FOR A LICENSE, AND A LICENSE HOLDER MAY NOT,**

1 **DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT OF MORE THAN**
2 **NOMINAL VALUE TO:**

3 **(1) A MEMBER OF THE BOARD OR HEARING BOARD;**

4 **(2) AN EMPLOYEE OF THE MEMBER OF THE BOARD OR HEARING**
5 **BOARD; OR**

6 **(3) AN AGENT ACTING ON BEHALF OF A MEMBER OF THE BOARD OR**
7 **HEARING BOARD OR EMPLOYEE ASSIGNED TO THE BOARD OR HEARING BOARD.**

8 **(B) PENALTY.**

9 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
10 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 15-107.1(q).

13 In the introductory language of subsection (a) of this section, the reference to
14 "offer or make a payment or gift" is substituted for the former reference to
15 "offer to pay a commission, profit, or remuneration or make a gift" for brevity.

16 Defined terms: "Alcoholic beverage" § 1-101

17 "Board" § 23-101

18 "Hearing Board" § 23-101

19 "License" § 1-101

20 "License holder" § 1-101

21 "Person" § 1-101

22 **SUBTITLE 28. PENALTIES.**

23 **23-2801. APPLICATION OF GENERAL PROVISION.**

24 **SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE**
25 **APPLIES IN THE COUNTY.**

26 REVISOR'S NOTE: This section is new language added to incorporate by reference
27 general provisions relating to imposing a penalty for a violation for which no
28 specific penalty is provided.

29 Defined term: "County" § 23-101

30 **23-2802. PENALTY IMPOSED BY BOARD.**

1 **(A) FINE OR SUSPENSION.**

2 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 FOR EACH OFFENSE**
3 **OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION**
4 **OF A LICENSE.**

5 **(B) DISPOSITION OF FINES.**

6 **FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL**
7 **FUND OF THE COUNTY.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 16-507(o)(2).

10 In subsection (a) of this section, the reference to a cause for suspension "of a
11 license" is substituted for the former reference to a cause for suspension
12 "under the alcoholic beverage laws affecting Howard County" for brevity.

13 In subsection (b) of this section, the reference to "[f]ines" is substituted for the
14 former reference to "[a]ll moneys" for clarity.

15 Former Art. 2B, § 16-507(o)(1), which stated that former Art. 2B, § 16-507(o)
16 applied only in Howard County, is deleted as unnecessary in light of the
17 organization of this revised article.

18 Defined terms: "Board" § 23-101

19 "County" § 23-101

20 "License" § 1-101

21 **TITLE 24. KENT COUNTY.**

22 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

23 **24-101. DEFINITIONS.**

24 **(A) IN GENERAL.**

25 **IN THIS TITLE:**

26 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
27 **EXCEPTION OR VARIATION; AND**

28 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

1 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
2 by reference terms defined for the entire article.

3 Item (2) of this subsection is new language added as the standard introductory
4 language to a definition section.

5 **(B) BOARD.**

6 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR KENT**
7 **COUNTY.**

8 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
9 full reference to the “Board of License Commissioners for Kent County”.

10 **(C) COUNTY.**

11 **“COUNTY” MEANS KENT COUNTY.**

12 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
13 full reference to “Kent County”.

14 **24-102. SCOPE OF TITLE.**

15 **THIS TITLE APPLIES ONLY IN KENT COUNTY.**

16 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
17 organization of this revised article.

18 **24-103. COPY OF LEGISLATION.**

19 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
20 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
21 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
22 **MARYLAND 21401.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 18-103.

25 The reference to the “County Commissioners” is substituted for the former
26 reference to the “local governing body” for clarity.

27 The reference to this “title” is substituted for the former reference to this
28 “subtitle” to conform to the organization of this revised article. Under the
29 former law, each local governing body derived its authority to enact alcoholic
30 beverages legislation from a common subtitle. Under this revised article, each

1 local governing body derives its authority from the title dedicated to the
2 jurisdiction of the local governing body.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "County" § 24-101

5 **GENERAL REVISOR'S NOTE TO SUBTITLE**

6 Throughout this title, the references to "wine" are substituted for the former
7 references to "light wine" to reflect that license holders in the County may sell wine
8 with a maximum alcohol content of 22%, which is above the traditional maximum
9 level of 15.5% for light wine.

10 Correspondingly, former Art. 2B, § 4-101(p), which defined "light wine" in the
11 County as a fermented beverage that contains not in excess of 22% of alcohol by
12 volume, is deleted because the definition is not used in this title.

13 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

14 **24-201. ESTABLISHED.**

15 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR KENT COUNTY.**

16 REVISOR'S NOTE: This section is new language added to state expressly what was
17 only implied in the former law, that an entity known as the Board of License
18 Commissioners for Kent County exists.

19 **24-202. MEMBERSHIP; COMPENSATION.**

20 **(A) MEMBERSHIP.**

21 **THE COUNTY COMMISSIONERS SIT AS THE BOARD.**

22 **(B) COMPENSATION.**

23 **EACH MEMBER OF THE BOARD SHALL RECEIVE, IN ADDITION TO A COUNTY**
24 **COMMISSIONER'S SALARY, \$300 ANNUALLY FOR SERVICES IN ACTING AS A MEMBER**
25 **OF THE BOARD.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, §§ 15-109(p) and 15-105(a), as it related to Kent
28 County.

29 In subsection (a) of this section, the reference to the County Commissioners
30 "sit[ting] as" the Board of License Commissioners is substituted for the former

1 reference to the County Commissioners “ex officio constitut[ing]” the Board for
2 clarity.

3 In subsection (b) of this section, the reference to each member of the “Board”
4 is substituted for the former reference to each member of the “Board of County
5 Commissioners” for consistency with similar provisions throughout this
6 article.

7 Defined terms: “Board” § 24–101
8 “County” § 24–101

9 **24–203. STAFF.**

10 **THE BOARD MAY:**

11 **(1) EMPLOY:**

12 **(I) A SECRETARY;**

13 **(II) INSPECTORS, SUBJECT TO § 24–204 OF THIS SUBTITLE; AND**

14 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

15 **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 15–112(a)(2).

18 In item (1)(iii) of this section, the reference to “assistants” is substituted for
19 the former reference to “assistance” for clarity.

20 Defined term: “Board” § 24–101

21 **24–204. INSPECTORS.**

22 **(A) NUMBER OF INSPECTORS.**

23 **THE BOARD:**

24 **(1) SHALL EMPLOY ONE FULL–TIME INSPECTOR; AND**

25 **(2) MAY EMPLOY ONE ADDITIONAL PART–TIME OR FULL–TIME**
26 **INSPECTOR.**

27 **(B) QUALIFICATIONS.**

1 AN INDIVIDUAL MAY NOT QUALIFY OR CONTINUE SERVICE AS AN INSPECTOR
2 IF THE INSPECTOR OR ANY MEMBER OF THE INSPECTOR'S IMMEDIATE FAMILY HAS
3 A PERSONAL OR FINANCIAL INTEREST, DIRECTLY OR INDIRECTLY, IN A LICENSE,
4 LICENSE HOLDER, OR PREMISES LICENSED UNDER THIS ARTICLE.

5 (C) DUTIES.

6 AN INSPECTOR SHALL:

7 (1) INVESTIGATE ALL APPLICANTS FOR A LICENSE OR TRANSFER OF
8 LICENSE;

9 (2) INSPECT AT UNANNOUNCED TIMES EVERY LICENSED PREMISES IN
10 THE COUNTY AT LEAST ONCE EVERY 90 DAYS;

11 (3) ENFORCE ALL ALCOHOLIC BEVERAGES LAWS WITH THE SAME
12 POWER AS A LAW ENFORCEMENT OFFICER OF THE STATE;

13 (4) INVESTIGATE ALL VIOLATIONS OF THE ALCOHOLIC BEVERAGES
14 LAWS AND REPORT THEM TO THE BOARD; AND

15 (5) SUBMIT MONTHLY REPORTS IN WRITING TO THE BOARD OF THE
16 INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS AND LISTING VIOLATIONS
17 THAT THE INSPECTOR OBSERVED OR WERE REPORTED TO THE INSPECTOR.

18 (D) OATH.

19 AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE
20 MARYLAND CONSTITUTION.

21 (E) COMPENSATION AND REIMBURSEMENT FOR TRAVEL EXPENSES.

22 (1) EACH INSPECTOR IS ENTITLED TO COMPENSATION AND
23 REIMBURSEMENT FOR TRAVEL EXPENSES.

24 (2) THE BOARD SHALL SET THE RATE FOR REIMBURSEMENT OF
25 TRAVEL EXPENSES.

26 (3) THE BOARD OF COUNTY COMMISSIONERS SHALL:

27 (I) SET THE COMPENSATION; AND

1 **(II) PAY FOR THE COMPENSATION AND TRAVEL EXPENSES.**

2 **(F) REMOVAL.**

3 **(1) AN INSPECTOR MAY BE REMOVED ONLY FOR CAUSE INVOLVING**
 4 **DISHONESTY, INCOMPETENCE, OR IMMORAL CONDUCT WHILE IN THE**
 5 **PERFORMANCE OF DUTY.**

6 **(2) BEFORE AN INSPECTOR MAY BE REMOVED, THE BOARD, IN**
 7 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT, SHALL GIVE THE**
 8 **INSPECTOR:**

9 **(I) WRITTEN NOTICE OF ALL PENDING CHARGES; AND**

10 **(II) AN OPPORTUNITY TO REPLY IN A PUBLIC HEARING BEFORE**
 11 **THE BOARD IN PERSON OR BY COUNSEL.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 15-112(p)(3) through (8).

14 The former references to "alcoholic beverages" inspectors are deleted as
 15 unnecessary.

16 In subsection (b) of this section, the reference to "any member of" the
 17 inspector's immediate family is added for clarity.

18 Also in subsection (b) of this section, the reference to an "individual" is
 19 substituted for the former overly broad reference to a "person" for clarity.

20 In the introductory language of subsection (c) of this section, the requirement
 21 that an inspector "shall" perform certain functions is substituted for the
 22 former reference to an inspector "ha[ving] the following powers and duties" for
 23 brevity.

24 In subsection (c)(2) of this section, the reference to every licensed premises "in
 25 the County" is added for clarity.

26 In subsection (c)(3) of this section, the former reference to laws "of Kent
 27 County" is deleted as unnecessary.

28 In subsection (c)(5) of this section, the references to violations "that the
 29 inspector" observed or were reported "to the inspector" are added for clarity.

30 In subsection (d) of this section, the requirement that an "inspector" shall take
 31 an oath is substituted for the former requirement that "[b]efore a person

1 qualifies as an alcoholic beverages inspector, the person” shall take an oath
2 for brevity and consistency with other similar provisions of this article.

3 Also in subsection (d) of this section, the reference to the requirement to “take
4 the oath required by Article I, § 9 of the Maryland Constitution” is substituted
5 for the former reference to the requirement to “make an oath to faithfully
6 perform the duties entrusted, as provided in Article I, § 9 of the Constitution
7 of Maryland” for brevity.

8 In subsection (f) of this section, the references to “removed” are substituted for
9 the former references to “discharge[d]” to conform to the terminology used
10 throughout this article.

11 In subsection (f)(1) of this section, the former phrase “[a]fter appointment” is
12 deleted as surplusage.

13 The Alcoholic Beverages Article Review Committee notes, for consideration by
14 the General Assembly, that in subsection (b) of this section, which provides
15 for a prohibition against an inspector or any member of the inspector’s
16 immediate family having a “personal” interest in a license, license holder, or
17 premises licensed under this article, the meaning of “personal” is unclear.

18 The Alcoholic Beverages Article Review Committee also notes, for
19 consideration by the General Assembly, that in subsection (f)(1) of this section,
20 the phrase “while in the performance of duty” is unclear.

21 Defined terms: “Board” § 24–101

22 “County” § 24–101

23 “License” § 1–101

24 “License holder” § 1–101

25 “State” § 1–101

26 **24–205. APPLICATION OF PROVISIONS.**

27 **SECTIONS 24–201 THROUGH 24–203 OF THIS SUBTITLE APPLY IN THE**
28 **COUNTY UNTIL THE BOARD OF COUNTY COMMISSIONERS PASSES THE RESOLUTION**
29 **FOR WHICH PROVISION IS MADE BY CHAPTER 236 OF THE ACTS OF THE GENERAL**
30 **ASSEMBLY OF 1991.**

31 REVISOR’S NOTE: This section is new language derived without substantive
32 change from former Art. 2B, § 15–101(p).

33 Defined term: “County” § 24–101

34 **24–206. REGULATIONS.**

1 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 16–301(a), as it related to the authority of the
4 Board to adopt regulations.

5 The defined term “Board” is substituted for the former reference to “the board
6 of license commissioners from any county or Baltimore City, respectively”
7 because this section applies only to the Board of License Commissioners for
8 Kent County.

9 The reference to the Board “adopt[ing] regulations to carry out” this article is
10 substituted for the former reference to the Board “hav[ing] full power and
11 authority to adopt such reasonable rules and regulations as they may deem
12 necessary to enable them effectively to discharge the duties imposed upon
13 them by” this article for brevity.

14 The former phrase “[i]n addition to the powers otherwise provided by this
15 article,” is deleted as surplusage.

16 Defined term: “Board” § 24–101

17 **SUBTITLE 3. LIQUOR CONTROL.**

18 **24–301. LIQUOR CONTROL — NOT APPLICABLE.**

19 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
20 **IN THE COUNTY.**

21 REVISOR'S NOTE: This section is new language added to clarify that there is no
22 liquor control board or department of liquor control in the County.

23 Former Art. 2B, § 15–210, as it applied the subtitle governing liquor control
24 boards to Kent County is deleted as obsolete in light of Chapter 236, Acts of
25 1991, which repealed the Kent County Liquor Control Board and the County
26 dispensary system.

27 Defined term: “County” § 24–101

28 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

29 **24–401. APPLICATION OF GENERAL PROVISIONS.**

30 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
3 EXCEPTION OR VARIATION:

4 (1) § 2-201 (“ISSUANCE BY COMPTROLLER”);

5 (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);

6 (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);

7 (4) § 2-205 (“CLASS 3 WINERY LICENSE”);

8 (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);

9 (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);

10 (7) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);

11 (8) § 2-211 (“RESIDENCY REQUIREMENT”);

12 (9) § 2-212 (“ADDITIONAL LICENSES”);

13 (10) § 2-213 (“ADDITIONAL FEES”);

14 (11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

15 (12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
16 PROHIBITED”);

17 (13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
18 AND RETAILERS”);

19 (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
20 PROHIBITED PRACTICES”); AND

21 (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
22 RETAILERS — PROHIBITED”).

23 (B) EXCEPTION.

24 SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF
25 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

1 **(C) VARIATIONS.**

2 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
3 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

4 **(1) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”), SUBJECT TO §**
5 **24–403 OF THIS SUBTITLE; AND**

6 **(2) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO §**
7 **24–404 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
9 incorporate by reference general provisions relating to the issuance of
10 manufacturer’s licenses.

11 Subsection (b) of this section is new language derived without substantive
12 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
13 implicit in the former law, that a limited distillery license may not be issued
14 in the County.

15 Defined terms: “County” § 24–101
16 “Manufacturer’s license” § 1–101

17 **24–402. HOURS AND DAYS OF SALE OR DELIVERY.**

18 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
19 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
20 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 11–101(b)(11).

23 Defined terms: “Alcoholic beverage” § 1–101
24 “Manufacturer’s license” § 1–101

25 **24–403. CLASS 6 PUB–BREWERY LICENSE.**

26 **(A) APPLICATION OF SECTION.**

27 **THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE**
28 **COUNTY.**

29 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

30 **SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a
3 Class 6 pub-brewery license in Kent County, and, as it authorized off-sale
4 privileges of beer in refillable containers only in specific jurisdictions, not
5 including Kent County, the introductory language of (g)(1).

6 Defined terms: "County" § 24-101
7 "License" § 1-101

8 **24-404. CLASS 7 MICRO-BREWERY LICENSE.**

9 **(A) AUTHORIZED HOLDER.**

10 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS D LICENSE AS WELL**
11 **AS A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
12 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT.**

13 **(B) HOURS AND DAYS OF SALE.**

14 **THE HOURS AND DAYS OF SALE UNDER A CLASS 7 MICRO-BREWERY LICENSE**
15 **ARE THE SAME AS THOSE FOR A CLASS D LICENSE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 2-208(b)(2)(xv) and (3)(i) and, as it related to
18 Kent County, (ii) and (f)(1)(iii).

19 In subsection (b) of this section, the former phrase "[e]xcept as provided in
20 paragraph (2) of this subsection" is deleted as unnecessary because former
21 paragraph (2) did not apply to Kent County.

22 Defined terms: "Beer" § 1-101
23 "On-sale" § 1-101
24 "Restaurant" § 1-101
25 "Wine" § 1-101

26 **SUBTITLE 5. WHOLESALER'S LICENSES.**

27 **24-501. APPLICATION OF GENERAL PROVISIONS.**

28 **TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS**
29 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

30 REVISOR'S NOTE: This section is new language added to incorporate by reference
31 general provisions relating to the issuance of wholesaler's licenses.

1 Defined terms: "County" § 24-101
 2 "Wholesaler's license" § 1-101

3 **24-502. HOURS AND DAYS OF SALE OR DELIVERY.**

4 **EXCEPT AS PROVIDED IN § 24-503 OF THIS SUBTITLE, A HOLDER OF A**
 5 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
 6 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
 7 **SUNDAY.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 11-102(a).

10 Defined terms: "Alcoholic beverage" § 1-101
 11 "Wholesaler's license" § 1-101

12 **24-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

13 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

14 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
 15 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
 16 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
 17 **RETURNS ON THE SAME DAY.**

18 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

19 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
 20 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
 21 **REQUIRED TO DISPENSE DRAFT BEER.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 11-102(b).

24 In subsection (a) of this section, the reference to a "per diem" license is
 25 substituted for the former reference to a "special 1-day" license to conform to
 26 the terminology used throughout this article.

27 Also in subsection (a) of this section, the reference to a per diem license issued
 28 "under Subtitle 13 of this title" is substituted for the former reference to a
 29 license issued "pursuant to § 7-101 of this article" to reflect the reorganization
 30 of material relating to per diem licenses in titles for each applicable
 31 jurisdiction in this revision.

1 Also in subsection (a) of this section, the reference to delivery of beer on the
2 “effective date of the per diem license” is substituted for the former reference
3 to delivery on the “effective day of the license” for clarity.

4 Also in subsection (a) of this section, the former reference to accepting returns
5 on the same day “of delivery” is deleted as surplusage.

6 In subsection (b) of this section, the language that the “agreement entered into
7 under subsection (a) of this section shall include [the type of equipment to
8 dispense draft beer]” is substituted for the former language that the “parties
9 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

10 Defined terms: “Beer” § 1–101
11 “Wholesaler’s license” § 1–101

12 **SUBTITLE 6. BEER LICENSES.**

13 **24–601. CLASS A BEER LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS A BEER LICENSE.**

16 **(B) SCOPE OF AUTHORIZATION.**

17 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
18 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

19 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
20 **PACKAGE OR CONTAINER.**

21 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
22 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

23 **(C) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$150.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 3–101(p) and (a)(1).

27 In subsection (a) of this section, the former reference to a license being “issued
28 by the license issuing authority of the county in which the place of business is
29 located” is deleted as surplusage.

1 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
2 as implicit in the word “sell”.

3 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
4 deleted as surplusage.

5 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
6 the former reference to “deliver[ing]” for clarity and accuracy.

7 Defined terms: “Beer” § 1–101
8 “Consumer” § 1–101

9 **24–602. CLASS B BEER LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS B BEER LICENSE.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
14 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
15 **ON– AND OFF–PREMISES CONSUMPTION.**

16 **(C) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$300.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 3–201(p) and (a)(1).

20 In subsection (a) of this section, the former reference to a license being “issued
21 by the license issuing authority of the county in which the place of business is
22 located” is deleted as surplusage.

23 In subsection (b) of this section, the reference to “on– and off–premises
24 consumption” is substituted for the former reference to “consumption on the
25 premises or elsewhere” for clarity.

26 Also in subsection (b) of this section, the former phrase “keep for sale” is
27 deleted as implicit in the word “sell”.

28 Defined terms: “Beer” § 1–101
29 “Hotel” § 1–101
30 “Restaurant” § 1–101

1 **24-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

2 **A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 3-301(p).

5 Defined terms: "Beer" § 1-101
6 "County" § 24-101

7 **24-604. CLASS D BEER LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A CLASS D BEER LICENSE.**

10 **(B) SCOPE OF AUTHORIZATION.**

11 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
12 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
13 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

14 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

15 **(C) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$300.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 3-401(p) and (a)(1).

19 In subsection (a) of this section, the former reference to a license being "issued
20 by the license issuing authority of the county in which the place of business is
21 located" is deleted as surplusage.

22 In subsection (b)(1) of this section, the reference to "on- and off-premises"
23 consumption is substituted for the former reference to consumption "on the
24 premises or elsewhere" for clarity.

25 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
26 deleted as implicit in the word "sell".

27 Defined term: "Beer" § 1-101

28 **SUBTITLE 7. WINE LICENSES.**

1 **24-701. CLASS A WINE LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS A WINE LICENSE IN THE COUNTY.

4 (B) AUTHORIZED HOLDER.

5 THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR
6 A CLASS 4 LIMITED WINERY LICENSE.

7 (C) SCOPE OF AUTHORIZATION.

8 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT
9 RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE
10 WINERY.

11 (2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT
12 MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

13 (D) FEE.

14 THE ANNUAL LICENSE FEE IS \$150.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, §§ 4-204(b) and (c) and 4-201(a)(12), (c)(1), and
17 (e)(1)(vi) and (2).

18 Throughout this section, the references to "wine" are substituted for the
19 former references to "light wine" to reflect that license holders in the County
20 may sell wine with an alcohol content of 22%, which is above the traditional
21 maximum level of 15.5% for light wine.

22 In subsection (b) of this section, the reference to a "Class 3 winery license" is
23 substituted for the former reference to a "Class 3 manufacturer's license, who
24 makes wine from agricultural products grown in Maryland" for brevity and to
25 conform to the terminology used throughout this article. Similarly, the
26 reference to a "Class 4 limited winery license" is substituted for the former
27 reference to a "Class 4 manufacturer's license".

28 Also in subsection (b) of this section, the former reference to a license being
29 issued "by the license issuing authority of the county in which the place of
30 business is located" is deleted as surplusage.

1 In subsection (c)(1) of this section, the reference to wine “produced at the
2 winery” is added for clarity and to conform to other similar provisions of this
3 article.

4 Also in subsection (c)(1) of this section, the former phrase “keep for sale” is
5 deleted as implicit in the word “sell”.

6 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
7 any consumer” is deleted as surplusage.

8 In subsection (c)(2) of this section, the word “shall” is substituted for the
9 former word “may” to clarify that the use of a sealed package or container is a
10 requirement.

11 Also in subsection (c)(2) of this section, the reference to “sold” is substituted
12 for the former reference to “delivered” to conform to the terminology used
13 throughout this article.

14 Also in subsection (c)(2) of this section, the reference to the “licensed premises”
15 is substituted for the former reference to the “premises where sold” for clarity
16 and to conform to the terminology used throughout this article.

17 In subsection (d) of this section, the former reference that the annual license
18 fee “shall be paid to the Board before any license is issued” is deleted as
19 unnecessary.

20 Former Art. 2B, § 4–204(a), which stated that the provisions of former §
21 4–204 applied to Kent County, is deleted as unnecessary in light of the
22 organization of this revised article.

23 Defined terms: “County” § 24–101

24 “Wine” § 1–101

25 **SUBTITLE 8. BEER AND WINE LICENSES.**

26 **24–801. CLASS A BEER AND WINE LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS A BEER AND WINE LICENSE.**

29 **(B) SCOPE OF AUTHORIZATION.**

30 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
31 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

1 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
 2 **SEALED PACKAGE OR CONTAINER.**

3 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
 4 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
 5 **SOLD.**

6 **(C) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$350.**

8 REVISOR'S NOTE: This section is new language derived without substantive change
 9 from former Art. 2B, § 5–101(p) and (a)(1).

10 In this section and throughout this subtitle, the references to “wine” are
 11 substituted for the former references to “light wine” to reflect that license
 12 holders in the County may sell wine with an alcohol content of 22%, which is
 13 above the traditional maximum level of 15.5% for light wine.

14 Subsection (a) of this section is revised in standard language used throughout
 15 this article to establish a license.

16 In subsection (a) of this section and throughout this subtitle, the former
 17 references to the license being “issued by the license issuing authority of the
 18 county in which the place of business is located” are deleted as surplusage.

19 In subsection (b)(1) of this section and throughout this subtitle, the former
 20 references to “keep[ing] for sale” are deleted as implicit in the references to
 21 “sell[ing]”.

22 Also in subsection (b)(1) of this section, the former reference to selling beer
 23 and wine “in any quantity to any consumers” is deleted as surplusage.

24 In subsection (b)(2) of this section, the word “sell” is substituted for the former
 25 word “deliver” to conform to the terminology used throughout this article.

26 Defined terms: “Beer” § 1–101
 27 “Wine” § 1–101

28 **24–802. CLASS B BEER AND WINE LICENSE.**

29 **(A) ESTABLISHED.**

30 **THERE IS A CLASS B BEER AND WINE LICENSE.**

31 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT**
2 **APPROVED BY THE BOARD THAT:**

3 **(I) IS FULLY EQUIPPED WITH A PROPER AND ADEQUATE**
4 **DINING ROOM;**

5 **(II) HAS SUFFICIENT FACILITIES FOR PREPARING AND SERVING**
6 **MEALS TO THE PUBLIC; AND**

7 **(III) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD**
8 **TOTALING AT LEAST 60% OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS.**

9 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
10 **AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN**
11 **THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

12 **(C) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$1,000.**

14 REVISOR'S NOTE: This section is new language derived without substantive change
15 from former Art. 2B, §§ 5-201(a)(1) and (p)(2) and (3) and 6-201(p)(2)(ii) and
16 (iii).

17 Subsection (a) of this section is revised in standard language used throughout
18 this article to establish a license.

19 In subsection (b)(1) of this section, the reference to the authority of the Board
20 to "issue" the license is substituted for the former reference to the authority of
21 a restaurant to "apply to" the Board for the license to conform to the
22 terminology used throughout this article and in light of the fact that a
23 restaurant does not apply for a license.

24 In subsection (b)(2) of this section, the reference to "on- and off-premises
25 consumption" is substituted for the former reference to "consumption on the
26 premises or elsewhere" for clarity.

27 Former Art. 2B, § 5-201(p)(1), which stated that former Art. 2B, § 5-201(p)
28 applied only in Kent County, is deleted as unnecessary in light of the
29 organization of this revised article.

30 Defined terms: "Beer" § 1-101

31 "Board" § 24-101

32 "Hotel" § 1-101

1 "Restaurant" § 1-101
2 "Wine" § 1-101

3 **24-803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

4 **A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 5-301(p).

7 Defined terms: "Beer" § 1-101
8 "County" § 24-101
9 "Wine" § 1-101

10 **24-804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

11 **A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 5-401(p).

14 Defined terms: "Beer" § 1-101
15 "County" § 24-101
16 "Wine" § 1-101

17 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

18 **24-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) SCOPE OF AUTHORIZATION.**

22 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
23 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

24 **(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR**
25 **IN A SEALED CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED**
26 **ON THE LICENSED PREMISES.**

27 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

28 **A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

1 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
2 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
3 **THE LICENSE;**

4 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
5 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
6 **APPLIED FOR; OR**

7 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
8 **LEAST 3 YEARS.**

9 **(D) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$1,750.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 6-101(p) and (a)(1) and (3).

13 Subsection (a) of this section is revised in standard language used throughout
14 this title to establish a license.

15 In subsection (b)(1) of this section, the phrase "to sell" is substituted for the
16 former phrase "to keep for sale and to sell" for brevity.

17 Also in subsection (b)(1) of this section, the phrase "in any quantity" is deleted
18 as unnecessary.

19 In subsection (b)(2) of this section, the word "sell" is substituted for the former
20 word "deliver" for clarity.

21 Also in subsection (b)(2) of this section, the phrase "beer, wine, or liquor" is
22 substituted for the former phrase "alcoholic beverages" for accuracy.

23 Defined terms: "Beer" § 1-101

24 "Wine" § 1-101

25 **24-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A RESTAURANT**
2 **THAT:**

3 **(I) IS FULLY EQUIPPED WITH A PROPER AND ADEQUATE**
4 **DINING ROOM;**

5 **(II) HAS SUFFICIENT FACILITIES FOR PREPARING AND SERVING**
6 **MEALS TO THE PUBLIC; AND**

7 **(III) IS APPROVED BY THE BOARD.**

8 **(2) WHEN OPERATING UNDER THE LICENSE, A HOLDER'S AVERAGE**
9 **DAILY RECEIPTS FROM THE SALE OF FOOD SHALL BE AT LEAST 60% OF THE**
10 **AVERAGE DAILY RECEIPTS OF THE BUSINESS.**

11 **(C) SUNDAY SALES.**

12 **ON SUNDAY, THE LICENSE HOLDER MAY SELL:**

13 **(1) BEER, WINE, AND LIQUOR FOR CONSUMPTION ON-PREMISES IF:**

14 **(I) THE CUSTOMER IS SEATED AT A TABLE AND NOT AT A BAR**
15 **OR ON A BAR STOOL;**

16 **(II) THE ALCOHOLIC BEVERAGE IS A SUPPLEMENT TO THE**
17 **CUSTOMER'S MEAL; AND**

18 **(III) THE TOTAL PRICE OF THE ALCOHOLIC BEVERAGES DOES**
19 **NOT EXCEED THE TOTAL PRICE OF THE MEAL; AND**

20 **(2) ONLY BEER AND WINE FOR OFF-PREMISES CONSUMPTION.**

21 **(D) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$2,000.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 6-201(p)(2).

25 Subsection (a) of this section is revised in standard language used throughout
26 this title to establish a license.

27 In subsection (c)(2) of this section, the reference to "wine" is substituted for
28 the former reference to "light wine" to avoid confusion. In Kent County, wine

1 that is sold under a retail license with a wine privilege may have an alcohol
2 content above the traditional maximum level of 15.5% for light wine.

3 Former Art. 2B, § 6–201(p)(1)(i), which stated that former Art. 2B, §
4 6–201(p)(1) applied only in Kent County, is deleted as unnecessary in light of
5 the organization of this revised article.

6 Former Art. 2B, § 6–201(p)(1)(ii), which defined “Board”, is deleted as
7 redundant of the defined term “Board” in § 24–101 of this title.

8 The Alcoholic Beverages Article Review Committee notes, for consideration by
9 the General Assembly, that the question of whether the license holder may
10 sell beer, wine, and liquor for on– and off–premises consumption on Monday
11 through Saturday is not answered in statutory law.

12 Defined terms: “Alcoholic beverage” § 1–101

13 “Beer” § 1–101

14 “Board” § 24–101

15 “Wine” § 1–101

16 **24–903. CLASS C LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS C (ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR**
19 **LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**
22 **ORGANIZATION OR CLUB THAT:**

23 **(1) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND THEIR**
24 **GUESTS WHEN ACCOMPANIED BY MEMBERS;**

25 **(2) MEETS IN A CLUBHOUSE THAT IS USED EXCLUSIVELY FOR ITS**
26 **MEMBERS AND GUESTS; AND**

27 **(3) (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, HAS AT**
28 **LEAST 100 MEMBERS PAYING DUES AS REQUIRED IN THE YEAR IMMEDIATELY**
29 **BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; OR**

30 **(II) IF THE CLUB IS COMPOSED EXCLUSIVELY OF MEMBERS WHO**
31 **SERVED IN THE ARMED FORCES OF THE UNITED STATES AND IS AFFILIATED WITH A**
32 **NATIONAL ORGANIZATION, HAS AT LEAST 50 MEMBERS PAYING THE DUES THAT**

1 WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE FULL YEAR
2 IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.

3 (C) SCOPE OF AUTHORIZATION.

4 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
5 LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR
6 ON- OR OFF-PREMISES CONSUMPTION.

7 (D) FEE.

8 THE ANNUAL LICENSE FEE IS \$500.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 6-301(a)(1) and (p)(2) and (3).

11 In the introductory language of subsection (b)(1) of this section, the former
12 reference to a "bona fide" nonprofit organization or club is deleted as
13 surplusage. Similarly, in subsection (b)(1)(iii)1 and 2 of this section, the former
14 references to "bona fide" members are deleted.

15 Also in the introductory language of subsection (b)(1) of this section, the
16 former reference to a club "composed solely of members" is deleted as
17 surplusage.

18 In subsection (c) of this section, the phrase "for on- or off-premises
19 consumption", which revises the provision specifically applicable to Kent
20 County - former Art. 2B, § 6-301(p)(3)(iv) - supersedes the provision of former
21 Art. 2B, § 6-301(a)(1), which stated in general terms that a Class C license
22 shall be issued "for consumption on the premises only". The revision follows §
23 1-202 of this article, which states that to the extent that a statement of a
24 general rule of law conflicts or is inconsistent with an exception or
25 qualification applicable to a special area, the exception or qualification
26 prevails.

27 Also in subsection (c) of this section, the reference to "beer, wine, and liquor"
28 is substituted for the former references to "alcoholic beverages" for clarity.

29 Also in subsection (c) of this section, the former reference to "keep[ing] for sale"
30 is deleted as implicit in the reference to "sell[ing]".

31 Former Art. 2B, § 6-301(p)(1), which stated that former Art. 2B, § 6-301(p)
32 applied only in Kent County, is deleted as unnecessary in light of the
33 organization of this revised article.

34 Defined terms: "Beer" § 1-101

1 "Board" § 24-101
2 "Club" § 1-101
3 "Wine" § 1-101

4 **24-904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

7 **(B) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
9 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
10 **CONSUMPTION.**

11 **(C) SUNDAY SALES.**

12 **ON SUNDAY, A LICENSE HOLDER MAY SELL ONLY BEER AND WINE FOR**
13 **OFF-PREMISES CONSUMPTION.**

14 **(D) DRUGSTORE PROHIBITION.**

15 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

16 **(E) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$1,500.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 6-401(a)(1) and (p)(2) through (4).

20 Subsection (a) of this section is revised in standard language used throughout
21 this title to establish a license.

22 In subsection (c) of this section, the reference to "wine" is substituted for the
23 former reference to "light wine" to avoid confusion. In Kent County, wine that
24 is sold under a retail license with a wine privilege may have an alcohol content
25 above the traditional maximum level of 15.5% for light wine.

26 Former Art. 2B, § 6-401(p)(1), which stated that former Art. 2B, § 6-401(p)
27 applied only in Kent County, is deleted as unnecessary in light of the
28 organization of this revised article.

29 Defined terms: "Alcoholic beverage" § 1-101

1 "Beer" § 1-101
2 "Wine" § 1-101

3 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

4 **24-1001. BED AND BREAKFAST LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS B (BED AND BREAKFAST) BEER, WINE, AND LIQUOR**
7 **LICENSE.**

8 **(B) AUTHORIZED HOLDER.**

9 **THE BOARD MAY ISSUE THE CLASS B (BED AND BREAKFAST) LICENSE FOR**
10 **THE USE OF A BED AND BREAKFAST THAT:**

11 **(1) IS LICENSED BY THE COUNTY TO OPERATE AS A BED AND**
12 **BREAKFAST; AND**

13 **(2) EXCLUDING THE RESIDENT MANAGEMENT QUARTERS, HAS NOT**
14 **MORE THAN THREE ROOMS THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR**
15 **SLEEPING ACCOMMODATIONS FOR A SPECIFIED TIME.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
18 **LIQUOR TO A GUEST FOR ON-PREMISES CONSUMPTION IF:**

19 **(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE**
20 **REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND**

21 **(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED**
22 **AND BREAKFAST.**

23 **(D) HOURS AND DAYS OF SALE.**

24 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
25 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
26 **UNDER § 24-2004 OF THIS TITLE.**

27 **(E) PROHIBITED SALE.**

1 **THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR**
2 **TO AN INDIVIDUAL WHO IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST**
3 **ONLY TO OBTAIN BEER, WINE, AND LIQUOR.**

4 **(F) END OF OPERATIONS.**

5 **IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND BREAKFAST,**
6 **THE LICENSE IS VOID.**

7 **(G) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$350.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 6–201(p)(3)(i) and (ii)1 through 4 and 6.

11 Throughout this section, the references to “bed and breakfast” are substituted
12 for the former references to an “establishment” to conform to the terminology
13 used throughout this article.

14 In subsection (a) of this section, the former reference to a “7–day” license is
15 deleted for consistency in license names throughout this subtitle.

16 In subsection (b)(2) of this section, the former reference to a “period of” time is
17 deleted as surplusage.

18 In subsection (c) of this section, the first sentence of the former definition of
19 “guest”, used only once in the former law, is revised as a substantive provision
20 in accordance with the stylistic preference in revised articles to avoid
21 “one–shot” definitions.

22 In subsection (d) of this section, the reference to the hours and days of sale
23 that are set out “under § 24–2004 of this title” is added for clarity.

24 In subsection (e) of this section, part of the former defined term “guest” stating
25 that a guest “does not include a person who is registered solely for the purpose
26 of obtaining alcoholic beverages” is revised as a substantive provision stating
27 that the license “does not authorize the sale of beer, wine, and liquor to an
28 individual who is registered as a guest at the bed and breakfast only to obtain
29 beer, wine, and liquor” for clarity.

30 Former Art. 2B, § 6–201(p)(3)(ii)5, which authorized the Board to adopt
31 additional regulations consistent with former Art. 2B, § 6–201(p), is deleted
32 as redundant of the general provision authorizing the Board to adopt
33 regulations in § 24–206 of this title.

1 Defined terms: "Beer" § 1-101
2 "Board" § 24-101
3 "County" § 24-101
4 "Restaurant" § 1-101
5 "Wine" § 1-101

6 **24-1002. COUNTRY INN LICENSE.**

7 (A) ESTABLISHED.

8 THERE IS A CLASS B (COUNTRY INN) BEER, WINE, AND LIQUOR LICENSE.

9 (B) AUTHORIZED HOLDER.

10 THE BOARD MAY ISSUE THE CLASS B (COUNTRY INN) BEER, WINE, AND
11 LIQUOR LICENSE FOR THE USE OF A COUNTRY INN THAT:

12 (1) IS LICENSED BY THE COUNTY TO OPERATE AS A COUNTRY INN;

13 (2) EXCLUDING THE RESIDENT MANAGEMENT QUARTERS, HAS NOT
14 MORE THAN 10 ROOMS THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR
15 SLEEPING ACCOMMODATIONS FOR A SPECIFIED TIME; AND

16 (3) HAS A KITCHEN FACILITY FOR THE GUESTS THAT IS SEPARATE
17 FROM THE KITCHEN FACILITY FOR THE RESIDENT MANAGEMENT QUARTERS.

18 (C) SCOPE OF AUTHORIZATION.

19 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
20 LIQUOR FOR ON-PREMISES CONSUMPTION TO A GUEST IF:

21 (1) THE NAME AND ADDRESS OF THE GUEST APPEAR ON THE
22 REGISTRY THAT THE COUNTRY INN MAINTAINS; AND

23 (2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE
24 COUNTRY INN.

25 (D) HOURS AND DAYS OF SALE.

26 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
27 HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE
28 UNDER § 24-2004 OF THIS TITLE.

29 (E) PROHIBITED SALE.

1 **THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR**
2 **TO AN INDIVIDUAL WHO IS REGISTERED AS A GUEST AT THE COUNTRY INN ONLY TO**
3 **OBTAIN BEER, WINE, AND LIQUOR.**

4 **(F) END OF OPERATIONS.**

5 **IF THE COUNTRY INN CEASES TO BE OPERATED AS A COUNTRY INN, THE**
6 **LICENSE IS VOID.**

7 **(G) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$550.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 6–201(p)(3)(i) and (iii)1 through 4 and 6.

11 Throughout this section, references to a “country inn” are substituted for the
12 former references to an “establishment” to conform to the terminology used
13 throughout this article.

14 In subsection (a) of this section, the former reference to a “7–day” license is
15 deleted for consistency in license names throughout this article.

16 In subsection (b)(2) of this section, the former reference to a “period of” time is
17 deleted as surplusage.

18 In subsection (c) of this section, the first sentence of the former definition of
19 “guest”, used only once in the former law, is revised as a substantive provision
20 for brevity.

21 In subsection (d) of this section, the reference to the hours and days of sale
22 that are set out “under § 24–2004 of this title” is added for clarity.

23 In subsection (e) of this section, part of the former defined term “guest” stating
24 that a guest “does not include a person who is registered solely for the purpose
25 of obtaining alcoholic beverages” is revised as a substantive provision stating
26 that the license “does not authorize the sale of beer, wine, and liquor to an
27 individual who is registered as a guest at the country inn only to obtain beer,
28 wine, and liquor” for clarity.

29 Former Art. 2B, § 6–201(p)(3)(iii)5, which authorized the Board to adopt
30 additional regulations consistent with former Art. 2B, § 6–201(p), is deleted
31 as redundant of the general provision authorizing the Board to adopt
32 regulations in § 24–206 of this title.

1 Defined terms: "Beer" § 1-101
2 "Board" § 24-101
3 "County" § 24-101
4 "Restaurant" § 1-101
5 "Wine" § 1-101

6 **24-1003. WINE SHOP AND LOUNGE LICENSE.**

7 (A) ESTABLISHED.

8 THERE IS A CLASS B WINE SHOP AND LOUNGE LICENSE.

9 (B) SCOPE OF AUTHORIZATION.

10 THE LICENSE AUTHORIZES THE HOLDER TO:

11 (1) SELL WINE FOR ON-PREMISES AND OFF-PREMISES
12 CONSUMPTION; AND

13 (2) SELL OR SERVE:

14 (I) BREAD AND OTHER BAKED GOODS;

15 (II) CHILI;

16 (III) CHOCOLATE;

17 (IV) CRACKERS;

18 (V) CURED MEAT;

19 (VI) FRUITS (WHOLE AND CUT);

20 (VII) SALADS AND VEGETABLES (WHOLE AND CUT);

21 (VIII) HARD AND SOFT CHEESE (WHOLE AND CUT);

22 (IX) ICE CREAM;

23 (X) JAM;

24 (XII) VINEGAR;

25 (XIII) PIZZA;

1 (XIV) PREPACKAGED SANDWICHES AND OTHER PREPACKAGED
2 FOODS READY TO BE EATEN;

3 (XV) SOUP; AND

4 (XVI) CONDIMENTS.

5 (C) HOURS AND DAYS OF SALE.

6 THE LICENSE HOLDER MAY SELL WINE:

7 (1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE
8 FOLLOWING DAY;

9 (2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

10 (3) ON SUNDAY, FROM 9 A.M. TO MIDNIGHT, FOR OFF-PREMISES
11 CONSUMPTION ONLY.

12 (D) NO PERCENTAGE OF AVERAGE DAILY RECEIPTS FROM FOOD REQUIRED.

13 THE LICENSE HOLDER IS NOT SUBJECT TO ANY REQUIREMENT REGARDING
14 THE PERCENTAGE OF AVERAGE DAILY RECEIPTS DERIVED FROM THE SALE OF FOOD.

15 (E) NO AGE LIMITATIONS.

16 AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY ENTER THE LICENSED
17 PREMISES.

18 (F) FEE.

19 THE ANNUAL LICENSE FEE IS \$300.

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, §§ 4-301(b) through (f) and 11-515(c)(1), (2), and
22 (3)(ii).

23 Former Art. 2B, § 4-301(a), which stated that former Art. 2B, § 4-301 applied
24 only in Kent County, is deleted as unnecessary in light of the organization of
25 this revised article.

26 Defined term: "Wine" § 1-101

1 **24-1004. THEATER LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A THEATER BEER, WINE, AND LIQUOR LICENSE.

4 (B) AUTHORIZED HOLDER.

5 THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT FOR THE USE OF A
6 THEATER THAT:

7 (1) IS HOUSED IN A BUILDING;

8 (2) HAS A CAPACITY TO HOLD AT LEAST 150 PERMANENTLY
9 INSTALLED SEATS; AND

10 (3) REGULARLY PRESENTS LIVE ENTERTAINMENT.

11 (C) SCOPE OF AUTHORIZATION.

12 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
13 LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION.

14 (D) HOURS OF SALE.

15 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:

16 (1) FOR 2 HOURS BEFORE THE ENTERTAINMENT BEGINS;

17 (2) DURING THE ENTERTAINMENT; AND

18 (3) FOR 1 HOUR AFTER THE ENTERTAINMENT ENDS.

19 (E) LOCATION TRANSFER PROHIBITED.

20 THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

21 (F) FEE.

22 THE ANNUAL LICENSE FEE IS \$500.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 8-215(b) through (f).

1 In the introductory language of subsection (b) of this section, the reference to
2 a license being issued “to an applicant” for a theater is added for clarity.

3 In subsection (c) of this section, the former reference that the authorization
4 applies “[n]otwithstanding any other provision of this article” is deleted as
5 surplusage.

6 Also in subsection (c) of this section, the reference that “[t]he license
7 authorizes the license holder to” is substituted for the former reference to “a
8 holder may” for consistency with language used throughout this revised
9 article.

10 In subsection (e) of this section, the former phrase “to a location other than
11 the location of original issuance” is deleted as surplusage.

12 Former Art. 2B, § 8–215(a), which defined “Board” as the Kent County Board
13 of License Commissioners, is deleted as unnecessary in light of the definition
14 of “Board” in § 24–101 of this revised title.

15 Defined terms: “Beer” § 1–101
16 “Board” § 24–101
17 “Wine” § 1–101

18 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

19 **24–1101. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
22 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
23 **EXCEPTION OR VARIATION:**

24 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
25 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

26 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
27 **FROM LICENSED PREMISES”).**

28 **(B) EXCEPTIONS.**

29 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
30 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

1 **(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**
 2 **AND**

3 **(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
 5 general provisions relating to additional privileges of license holders.

6 Defined terms: “Beer” § 1-101

7 “County” § 24-101

8 “License” § 1-101

9 “License holder” § 1-101

10 “Wine” § 1-101

11 **24-1102. WINE LICENSE PRIVILEGE.**

12 **(A) ESTABLISHED.**

13 **THE BOARD MAY ISSUE A WINE LICENSE PRIVILEGE.**

14 **(B) AUTHORIZED HOLDER.**

15 **TO QUALIFY FOR THE PRIVILEGE, AN APPLICANT SHALL BE A HOLDER OF A**
 16 **CLASS B (ON-SALE) BEER AND WINE LICENSE OR CLASS B BEER, WINE, AND LIQUOR**
 17 **LICENSE FOR USE ON A PREMISES THAT QUALIFIES AS A RESTAURANT UNDER §**
 18 **24-902 OF THIS TITLE.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **(1) THE PRIVILEGE AUTHORIZES THE HOLDER TO SELL WINE BY THE**
 21 **BOTTLE FOR OFF-PREMISES CONSUMPTION WITHOUT THE COST OF THE WINE**
 22 **COUNTING AS A PART OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS**
 23 **REQUIRED TO MEET THE MINIMUM 60% FOOD SALES REQUIREMENT UNDER §**
 24 **24-902 OF THIS TITLE.**

25 **(2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS**
 26 **PART OF THE EXISTING CLASS B (ON-SALE) BEER AND WINE LICENSE OR CLASS B**
 27 **BEER, WINE, AND LIQUOR LICENSE OF THE HOLDER OF THE PRIVILEGE.**

28 **(D) FEE.**

29 **THE ANNUAL FEE IS \$100.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6-201(p)(4).

3 In subsection (a) of this section, the former reference to a "Maryland" wine
4 license privilege is deleted as surplusage.

5 Defined terms: "Beer" § 1-101
6 "Board" § 24-101
7 "On-sale" § 1-101
8 "Restaurant" § 1-101
9 "Wine" § 1-101

10 SUBTITLE 12. CATERER'S LICENSES.

11 24-1201. LOCAL CATERER'S LICENSE.

12 (A) ESTABLISHED.

13 THERE IS A LOCAL CATERER'S LICENSE.

14 (B) AUTHORIZED HOLDER.

15 THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:

16 (1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE
17 LICENSE; OR

18 (2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND
19 LIQUOR LICENSE.

20 (C) SCOPE OF AUTHORIZATION.

21 THE LICENSE AUTHORIZES A HOLDER TO:

22 (1) (I) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF
23 THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL
24 (ON-SALE) BEER AND WINE LICENSE IS ISSUED; OR

25 (II) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS
26 HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR
27 HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND

28 (2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE
29 HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.

1 **(D) FOOD REQUIREMENT.**

2 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
3 **CATERED EVENT.**

4 **(E) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$100.**

6 **(F) EFFECT OF SECTION.**

7 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
8 **HOTEL (ON-SALE) BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE**
9 **TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR**
10 **WHICH THE CLASS B LICENSE IS ISSUED.**

11 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
12 expressly what was only implied in the former law, that a local caterer's
13 license exists in Kent County.

14 Subsections (b) through (f) of this section are new language derived without
15 substantive change from former Art. 2B, §§ 6-705(b) through (g) and
16 9-102(n).

17 In subsections (b)(1), (c)(1)(i), and (f) of this section, the references to "wine"
18 are substituted for the former references to "light wine" to reflect that license
19 holders in the County may sell wine with an alcohol content of not more than
20 22%, which is above the traditional maximum level of 15.5% for light wine.

21 In subsection (c)(1)(i) of this section, the reference to "beer and wine" is
22 substituted for the former reference to "alcoholic beverages" for clarity.

23 In subsection (c)(1)(ii) of this section, the reference to "beer, wine, and liquor"
24 is substituted for the former reference to "alcoholic beverages" for clarity.

25 In subsection (c)(2) of this section, the reference to "the holder's Class B
26 license" is substituted for the former reference to "a Class B restaurant or
27 hotel (on-sale) beer, wine and liquor license or a Class B restaurant or hotel
28 (on-sale) beer and light wine license" for brevity.

29 Also in subsection (c)(2) of this section, the former reference to the hours and
30 days authorized "under this section" is deleted as surplusage.

1 In subsection (d) of this section, the former reference to providing food “as well
2 as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1)
3 of this section.

4 In subsection (f) of this section, the reference to a “local” caterer’s license is
5 added for clarity.

6 Also in subsection (f) of this section, the reference to the premises for the
7 “Class B” license is substituted for the former reference to the premises for the
8 “existing” license for clarity.

9 Also in subsection (f) of this section, the former references to an “existing”
10 Class B license are deleted as surplusage.

11 Former Art. 2B, § 6–705(a), which stated that former Art. 2B, § 6–705 applied
12 only in Kent County, is deleted as unnecessary in light of the organization of
13 this revised article.

14 Defined terms: “Beer” § 1–101

15 “Board” § 24–101

16 “Hotel” § 1–101

17 “On–sale” § 1–101

18 “Restaurant” § 1–101

19 “Wine” § 1–101

20 SUBTITLE 13. TEMPORARY LICENSES.

21 PART I. IN GENERAL.

22 24–1301. APPLICATION OF GENERAL PROVISIONS.

23 (A) WITHOUT EXCEPTION OR VARIATION.

24 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
25 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
26 EXCEPTION OR VARIATION:

27 (1) § 4–1202 (“PER DIEM LICENSES”);

28 (2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

29 (3) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

30 (4) § 4–1208 (“HOURS AND DAYS OF SALE”); AND

1 **(5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

2 **(B) EXCEPTIONS.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
4 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

5 **(1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
6 **AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 24-1307 OF THIS SUBTITLE;**

7 **(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
8 **LICENSE”), WHICH IS SUPERSEDED BY § 24-1307 OF THIS SUBTITLE; AND**

9 **(3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY §**
10 **24-1308 OF THIS SUBTITLE.**

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
12 the general provisions relating to local temporary licenses.

13 Defined term: “County” § 24-101

14 **24-1302. RESERVED.**

15 **24-1303. RESERVED.**

16 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

17 **24-1304. BEER OR WINE TASTING LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A BEER OR WINE TASTING (BWT) LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE A BEER OR WINE TASTING LICENSE TO THE HOLDER**
22 **OF A CLASS A BEER AND WINE LICENSE OR A CLASS A BEER, WINE, AND LIQUOR**
23 **LICENSE.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE**
26 **ON-PREMISES CONSUMPTION FOR TASTING OF:**

1 (I) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY
2 VOLUME; OR

3 (II) BEER.

4 (2) THE SELECTION OF BEER OR WINE OFFERED AT A TASTING IS NOT
5 LIMITED TO BEER OR WINE PRODUCED IN THE STATE.

6 (3) THE HOLDER OF A LICENSE MAY OFFER FOR SALE BEER ALLOWED
7 FOR TASTING IF:

8 (I) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE
9 SEALED BY THE HOLDER OF THE BWT LICENSE; AND

10 (II) UNSOLD BEER IS RETURNED TO THE PROVIDER.

11 (D) LIMIT ON SERVINGS.

12 A HOLDER OF A LICENSE MAY ALLOW CONSUMPTION BY AN INDIVIDUAL IN 1
13 DAY IN THE QUANTITY OF:

14 (1) NOT MORE THAN 2 OUNCES OF WINE FROM EACH OFFERING AND
15 NOT MORE THAN 4 OUNCES FROM ALL OFFERINGS OF WINE; OR

16 (2) NOT MORE THAN 2 OUNCES OF BEER FROM EACH OFFERING AND
17 NOT MORE THAN 6 OUNCES FROM ALL OFFERINGS OF BEER.

18 (E) COMBINED TASTINGS PROHIBITED.

19 A LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND A BEER TASTING
20 ON THE SAME DAY.

21 (F) FEE.

22 THE ANNUAL LICENSE FEE IS \$200.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 8-408.3(b) through (h).

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

27 In the introductory language of subsection (c)(1) of this section, the reference
28 to the license authorizing "the holder to allow" the consumption of beer or wine

1 is added for clarity and consistency with terminology used throughout this
2 article.

3 In subsection (d) of this section, the references to “each offering” and all
4 “offerings” are substituted for the former references to a “given brand” and all
5 “brands” for consistency with terminology used throughout this article.

6 Former Art. 2B, § 8–408.3(a), which stated that former Art. 2B, § 8–408.3
7 applied only in Kent County, is deleted as unnecessary in light of the
8 organization of this article.

9 Defined terms: “Beer” § 1–101
10 “Board” § 24–101
11 “Wine” § 1–101

12 **24–1305. RESERVED.**

13 **24–1306. RESERVED.**

14 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

15 **24–1307. PER DIEM LICENSES.**

16 **A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND WINE**
17 **LICENSE, AND A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY BE**
18 **ISSUED, FOR A PERIOD NOT EXCEEDING 3 DAYS, TO A:**

19 **(1) RELIGIOUS, FRATERNAL, CIVIC, VETERANS’, OR CHARITABLE**
20 **ORGANIZATION, ASSOCIATION, CLUB, OR SOCIETY; OR**

21 **(2) HOSPITAL SUPPORTING ORGANIZATION.**

22 **REVISOR’S NOTE:** This section is new language derived without substantive
23 change from the first sentence of former Art. 2B, § 7–101(q).

24 The former reference to a “bona fide” religious, fraternal, civic, veterans’,
25 hospital, or charitable club is deleted as surplusage.

26 The reference to a hospital “supporting” organization is added for clarity,
27 reflecting the terminology used in the Internal Revenue Code.

28 **24–1308. FEES.**

29 **THE LICENSE FEES ARE:**

- 1 (1) **\$5 PER DAY FOR A CLASS C PER DIEM BEER LICENSE;**
2 (2) **\$15 PER DAY FOR A CLASS C PER DIEM BEER AND WINE LICENSE;**
3 **AND**
4 (3) **\$25 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR**
5 **LICENSE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from the second sentence of former Art. 2B, § 7-101(q).

8 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

9 **24-1401. APPLICATION OF GENERAL PROVISIONS.**

10 **(A) WITHOUT EXCEPTION OR VARIATION.**

11 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
12 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
13 **WITHOUT EXCEPTION OR VARIATION:**

- 14 (1) **§ 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
15 **BOARD”);**
16 (2) **§ 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
17 (3) **§ 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
18 (4) **§ 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
19 **COMPANY”);**
20 (5) **§ 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
21 (6) **§ 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
22 (7) **§ 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
23 **GENERAL”);**
24 (8) **§ 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
25 **PETITION OF SUPPORT”);**
26 (9) **§ 4-111 (“PAYMENT OF LICENSE FEES”); AND**

1 **(10) § 4–112 (“DISPOSITION OF LICENSE FEES”).**

2 **(B) EXCEPTIONS.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
4 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

5 **(1) § 4–113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY**
6 **§ 24–1408 OF THIS SUBTITLE; AND**

7 **(2) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”),**
8 **WHICH IS SUPERSEDED BY § 24–1409 OF THIS SUBTITLE.**

9 **(C) VARIATION.**

10 **SECTION 4–107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF**
11 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 24–1402 THROUGH 24–1406**
12 **OF THIS SUBTITLE.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to applications for local licenses.

15 Former Art. 2B, § 10–204(p), which stated that former Art. 2B, § 10–204(a),
16 now revised at § 4–112 of this article, applied in the County, is deleted as
17 unnecessary in light of the organization of this revised article.

18 Defined term: “County” § 24–101

19 **24–1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

20 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
21 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10–103(b)(13)(vi)2A and, as it related to Kent
24 County, 1.

25 Defined terms: “Board” § 24–101
26 “Central Repository” § 1–101
27 “License” § 1–101

28 **24–1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED**
29 **ENVELOPE.**

30 **THE BOARD SHALL:**

1 **(1) KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A**
2 **SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR**
3 **DESIGNEES; AND**

4 **(2) ADOPT REGULATIONS TO FURTHER PRESERVE THE**
5 **CONFIDENTIALITY OF CRIMINAL HISTORY RECORDS OBTAINED.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-103(b)(13)(vi)6.

8 The reference to "history record information" is substituted for the former
9 reference to "records" to conform to the terminology in CP § 10-201.

10 Defined term: "Board" § 24-101

11 **24-1404. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE**
12 **RECORDS CHECK.**

13 **THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY**
14 **NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF**
15 **INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK**
16 **BY THE DATE OF THE SCHEDULED HEARING.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10-103(b)(13)(vi)5.

19 Defined term: "License" § 1-101

20 **24-1405. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
21 **APPLICATION PROCESS.**

22 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
23 **OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
24 **PROCESS.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10-103(b)(13)(i)2 and (vi)1, as they related to
27 Kent County.

28 The reference to "criminal history record information" is substituted for the
29 former reference to "records obtained under subparagraph[s] ... (vi) ... of this
30 paragraph" to conform to the terminology used in CP § 10-201.

1 The reference to “the application process” is substituted for the former
2 reference to “its necessary use” for clarity.

3 Defined term: “Board” § 24–101

4 **24–1406. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
5 **CHECK RESULTS.**

6 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING**
7 **THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
8 **CRIMINAL HISTORY RECORDS CHECK.**

9 REVISOR’S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10–103(b)(13)(vi)3.

11 The reference to the Board’s ability to set “and charge” a fee is added to
12 expressly state what was only implied in the former law.

13 The reference to the “applicant’s” fingerprints is added for clarity.

14 Defined terms: “Board” § 24–101
15 “State” § 1–101

16 **24–1407. TERMS OF LICENSES.**

17 **(A) 6– OR 12–MONTH TERM.**

18 **(1) A LICENSE SHALL BE ISSUED FOR 6 OR 12 MONTHS.**

19 **(2) THE TERM OF A LICENSE BEGINS ON MAY 1.**

20 **(B) VOID LICENSE.**

21 **IF A LICENSE IS NOT CLAIMED BY THE APPLICANT WITHIN 30 DAYS AFTER**
22 **ISSUE OR RENEWAL, THE LICENSE IS VOID.**

23 **(C) FEE FOR 6–MONTH LICENSE.**

24 **WHEN A 6–MONTH LICENSE IS ISSUED, ONLY ONE–HALF OF THE ANNUAL FEE**
25 **SHALL BE CHARGED.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10–207(c).

1 In subsection (a) of this section, the former reference to six or twelve month
2 “periods” is deleted as surplusage.

3 In subsection (b) of this section, the former language stating that a license
4 “shall be claimed by the applicant within 30 days after renewal or issue” is
5 deleted as implicit in the language stating that if a license is not claimed 30
6 days after issue or renewal, the license is void.

7 Also in subsection (b) of this section, the former reference to “null and” void is
8 deleted as surplusage.

9 In subsection (c) of this section, the former language stating that “[n]othing in
10 this [s]ection may be construed to prevent a holder of a six month license from
11 applying for a renewal of that license pursuant to the procedure set forth in
12 [Subtitle 18] of this title” is deleted as an unnecessary statement of statutory
13 construction.

14 Defined term: “License” § 1–101

15 **24–1408. REFUND OF LICENSE FEES.**

16 **(A) CALCULATION OF REFUND.**

17 **IF A LICENSE HOLDER VOLUNTARILY SURRENDERS THE LICENSE BEFORE ITS**
18 **EXPIRATION DATE, THE BOARD SHALL GRANT A REFUND:**

19 **(1) BASED ON THE NUMBER OF WHOLE MONTHS REMAINING BEFORE**
20 **THE LICENSE EXPIRATION DATE; AND**

21 **(2) CALCULATED AS 1/12 OF 95% OF THE LICENSE FEE PAID FOR**
22 **EACH WHOLE MONTH REMAINING BEFORE THE LICENSE EXPIRATION DATE.**

23 **(B) DEADLINE FOR PAYMENT OF REFUND.**

24 **A REFUND SHALL BE PAID NOT LATER THAN 3 WEEKS AFTER THE LICENSE IS**
25 **SURRENDERED TO THE BOARD.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10–205(g)(1).

28 In subsection (b) of this section, the reference to “not later than” 3 weeks after
29 the license is surrendered is added for clarity.

30 Defined terms: “Board” § 24–101

31 “License” § 1–101

1 "License holder" § 1-101

2 **24-1409. PRO RATA FEE.**

3 **IF A LICENSE IS ISSUED FOR LESS THAN THE FULL RENEWAL PERIOD, THE FEE**
4 **SHALL BE PRORATED BASED ON THE NUMBER OF WHOLE MONTHS REMAINING IN**
5 **THAT RENEWAL PERIOD.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-205(g)(2).

8 Defined term: "License" § 1-101

9 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

10 **24-1501. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
13 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
14 **WITHOUT EXCEPTION OR VARIATION:**

15 **(1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**

16 **(2) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

17 **(3) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

18 **(4) § 4-207 ("LICENSES ISSUED TO MINORS");**

19 **(5) § 4-208 ("NOTICE OF LICENSE APPLICATION REQUIRED");**

20 **(6) § 4-209 ("HEARING");**

21 **(7) § 4-210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");**

22 **(8) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**

23 **(9) § 4-212 ("LICENSE NOT PROPERTY"); AND**

24 **(10) § 4-213 ("REPLACEMENT LICENSES").**

25 **(B) EXCEPTION.**

1 **SECTION 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
2 **APPLICATIONS”)** OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY
3 **AND IS SUPERSEDED BY § 24-1503 OF THIS SUBTITLE.**

4 **(C) VARIATIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
6 **OF LOCAL LICENSES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

7 **(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
8 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 24-1502 OF THIS SUBTITLE;**
9 **AND**

10 **(2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
11 **FOR SAME PREMISES”), SUBJECT TO § 24-1502 OF THIS SUBTITLE.**

12 REVISOR’S NOTE: This section is new language added to incorporate by reference
13 general provisions relating to the issuance of local licenses.

14 Defined terms: “County” § 24-101

15 “License” § 1-101

16 “Local licensing board” § 1-101

17 **24-1502. BOWLING ESTABLISHMENTS.**

18 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
19 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
20 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

21 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
22 **LICENSES; AND**

23 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
24 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 9-102(b-1)(1)(i).

27 In item (1) of this section, the reference to “Class D beer or Class D beer and
28 wine licenses” is substituted for the former reference to licenses issued
29 “[u]nder § 3-401 or § 5-401 of this article” for clarity.

1 In item (2) of this section, the former reference to the premises “operated as”
2 a bowling establishment is deleted as surplusage.

3 Defined terms: “Beer” § 1–101
4 “License” § 1–101
5 “Wine” § 1–101

6 **24–1503. WAITING PERIOD AFTER DENIALS.**

7 **(A) IN GENERAL.**

8 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

9 **(1) IF A LICENSE APPLICATION IS DENIED, THE BOARD MAY NOT**
10 **ISSUE A LICENSE FOR THE SAME LOCATION FOR 1 YEAR AFTER THE DENIAL; AND**

11 **(2) IF A SUBSEQUENT APPLICATION FOR THE SAME LOCATION IS**
12 **DENIED, THE BOARD MAY NOT ISSUE A LICENSE FOR THAT LOCATION FOR 2 YEARS**
13 **AFTER THE SECOND DENIAL.**

14 **(B) EXCEPTIONS.**

15 **THIS SECTION DOES NOT APPLY TO A LICENSE APPLICATION THAT IS DENIED:**

16 **(1) BECAUSE OF A LEGAL DEFECT OR OMISSION;**

17 **(2) SOLELY BECAUSE THE BOARD DETERMINED EXPRESSLY THAT**
18 **THE APPLICANT IS NOT A PROPER PERSON TO WHOM THE LICENSED APPLIED FOR**
19 **SHOULD BE ISSUED; OR**

20 **(3) FOR LICENSE TRANSFERS.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10–208(j).

23 The references to the “location” are substituted for the former references to
24 the “premises” for consistency with terminology used throughout this article.

25 In subsection (a) of this section, the former references to “the date of” the
26 refusal are deleted as surplusage.

27 In subsection (b)(2) of this section, the reference to the “Board” is added to
28 clarify that the Board determines whether an applicant is an improper person
29 to be issued a license.

1 Also in subsection (b)(2) of this section, the former reference to the “prior”
2 applicant is deleted as unnecessary.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that the reference in subsection (b)(2) of this section to
5 a determination whether the applicant was “not a proper person” to be issued
6 the license is unclear as to whether the applicant was not fit, *i.e.* having
7 committed an immoral act, or the applicant did not meet technical
8 requirements. The General Assembly may want to clarify the requirements
9 necessary for a determination that an applicant is “not a proper person”.

10 Defined terms: “Board” § 24–101
11 “License” § 1–101
12 “Person” § 1–101

13 **24–1504. ADDITIONAL BARS AND SERVING COUNTERS.**

14 **(A) IN GENERAL.**

15 **THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL**
16 **BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN**
17 **BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE**
18 **HOLDER.**

19 **(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

20 **THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN**
21 **ADDITIONAL BAR OR SERVING COUNTER.**

22 **(C) ADDITIONAL LICENSE NOT REQUIRED.**

23 **AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR**
24 **SERVING COUNTER.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 9–102(b–9)(2).

27 In subsections (a) and (b) of this section, the references to the defined term
28 “Board” are substituted for the former broad references to “alcoholic beverages
29 licensing authority” and “licensing authority” because only the Board can act
30 as a licensing authority under this title.

31 In subsection (a) of this section, the reference to the main building “of the
32 premises served by the license holder” is added for clarity.

1 Also in subsection (a) of this section, the former phrase “[n]otwithstanding any
2 other provisions of this article,” is deleted as surplusage.

3 In subsections (b) and (c) of this section, the references to “an additional bar
4 or service counter” are added for clarity.

5 In subsection (c) of this section, the former phrase “, if the authorization is
6 granted,” is deleted as surplusage.

7 Former Art. 2B, § 9–102(b–9)(1)(ii), which stated that former Art. 2B, §
8 9–102(b–9) applied in Kent County, is deleted as unnecessary in light of the
9 organization of this revised article.

10 Defined terms: “Board” § 24–101
11 “License” § 1–101

12 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

13 **PART I. LICENSING CONDITIONS.**

14 **24–1601. RESERVED.**

15 **24–1602. RESERVED.**

16 **PART II. MULTIPLE LICENSING PLANS.**

17 **24–1603. RESERVED.**

18 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

19 **24–1701. APPLICATION OF GENERAL PROVISIONS.**

20 **TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF**
21 **NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY**
22 **WITHOUT EXCEPTION OR VARIATION.**

23 **REVISOR’S NOTE:** This section is new language derived without substantive
24 change from former Art. 2B, § 10–503(p).

25 The reference to the application of this section “without exception or variation”
26 is added to conform to the terminology used in similar provisions throughout
27 this article.

28 Defined terms: “County” § 24–101
29 “License” § 1–101

1 **SUBTITLE 18. RENEWAL OF LICENSES.**

2 **24-1801. APPLICATION OF GENERAL PROVISIONS.**

3 **TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF**
4 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to the renewal of local licenses.

7 Defined terms: “County” § 24-101
8 “License” § 1-101

9 **24-1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
10 **RENEWALS.**

11 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
12 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from the second sentence of former Art. 2B, § 10-103(b)(13)(vi)2C.

15 Defined term: “License” § 1-101

16 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

17 **24-1901. APPLICATION OF GENERAL PROVISIONS.**

18 **(A) WITHOUT EXCEPTION OR VARIATION.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
20 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
21 **WITHOUT EXCEPTION OR VARIATION:**

22 **(1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

23 **(2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
24 **PREMISES”);**

25 **(3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**

26 **(4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

1 **(5) § 4-508 (“DISPLAY OF LICENSE”).**

2 **(B) VARIATIONS.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
4 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

5 **(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT**
6 **TO § 24-1902 OF THIS SUBTITLE; AND**

7 **(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §**
8 **24-1903 OF THIS SUBTITLE.**

9 REVISOR’S NOTE: This section is new language added to incorporate by reference
10 general provisions relating to the conduct of local license holders.

11 Defined terms: “Alcoholic beverage” § 1-101

12 “County” § 24-101

13 “License” § 1-101

14 “License holder” § 1-101

15 **24-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

16 **(A) SCOPE OF SECTION.**

17 **THIS SECTION APPLIES TO THE HOLDER OF:**

18 **(1) A CLASS A (OFF-SALE) LICENSE;**

19 **(2) A CLASS B (ON-SALE) LICENSE; OR**

20 **(3) A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

22 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
23 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED TO SELL,**
24 **DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

25 **(2) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED TO:**

26 **(I) STOCK ALCOHOLIC BEVERAGES IN A PREMISES FOR WHICH**
27 **A CLASS A LICENSE IS ISSUED;**

1 **(II) SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER**
2 **ON THE LICENSED PREMISES OTHER THAN A PREMISES FOR WHICH A CLASS A**
3 **LICENSE IS ISSUED; AND**

4 **(III) OPERATE A LOTTERY TICKET TERMINAL IN A PREMISES FOR**
5 **WHICH A CLASS A LICENSE IS ISSUED.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 12-302(c)(1), (2), and, as it related to Kent
8 County, (3).

9 Throughout this section, the references to an "individual" are substituted for
10 the former references to a "person" because this section applies only to human
11 beings.

12 In the introductory language of subsection (a) of this section, the former
13 phrase "[n]otwithstanding any other provision of law" is deleted as
14 surplusage.

15 In subsection (b)(2) of this section, the references to a "premises for which a
16 Class A license is issued" are substituted for former references to a "Class A
17 establishment" for clarity.

18 In subsection (b)(2)(ii) of this section, the reference to a "server" is substituted
19 for the former reference to a "waiter or waitress" for brevity.

20 Former Art. 2B, § 12-302(b)(9), which stated that former Art. 2B, §
21 12-302(c) applied in Kent County, is deleted as unnecessary in light of the
22 organization of this revised article.

23 Defined terms: "Alcoholic beverage" § 1-101

24 "Beer" § 1-101

25 "Off-sale" § 1-101

26 "On-sale" § 1-101

27 "Wine" § 1-101

28 **24-1903. ALCOHOL AWARENESS PROGRAM.**

29 **(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED**
30 **PREMISES ALLOWED.**

31 **(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE**
32 **LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

1 **(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS**
 2 **PROGRAM; AND**

3 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 4 **SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN**
 5 **WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

6 **(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH**
 7 **(1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A**
 8 **PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR**
 9 **NOT MORE THAN 2 HOURS.**

10 **(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A**
 11 **LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY**
 12 **ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE**
 13 **ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

14 **(B) PENALTY.**

15 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

16 **(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

17 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500**
 18 **OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 13-101(d) and (c)(2)(i)3, (iii), and (iv)4 and, as
 21 it related to Kent County, 1.

22 In subsection (a) of this section, the references to an "individual" are
 23 substituted for the former references to a "person" because this section applies
 24 only to human beings.

25 In subsection (a)(1)(ii) of this section, the reference to being present "on the
 26 licensed premises" is added for clarity.

27 Also in subsection (a)(1)(ii) of this section, the defined term "alcoholic
 28 beverage[s]" is substituted for the former reference to "alcohol" to conform to
 29 the terminology used throughout this article.

30 In subsection (a)(2) of this section, the former reference to a "bona fide"
 31 personal or business reason is deleted as surplusage.

32 Defined terms: "Alcoholic beverage" § 1-101

1 “Board” § 24-101
2 “License holder” § 1-101

3 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

4 **24-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

5 **(A) IN GENERAL.**

6 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
7 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
8 **PREMISES LICENSED UNDER THIS TITLE.**

9 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
10 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
11 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

12 **(B) PENALTY.**

13 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
14 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 11-304(a)(1) and, as it related to Kent County,
17 (2).

18 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in
19 this title” is added for clarity.

20 Also in subsection (a)(1) of this section, the reference to an “individual” is
21 substituted for the former reference to a “person” because the prohibition
22 against consumption applies only to human beings.

23 Also in subsection (a)(1) of this section, the reference to “a premises licensed
24 under this title” is substituted for the former reference to “any premises open
25 to the general public, any place of public entertainment, or any place at which
26 setups or other component parts of mixed alcoholic drinks are sold under any
27 license issued under the provisions of the Business Regulation Article” for
28 brevity.

29 In subsection (a)(2) of this section, the reference to “a premises licensed under
30 this title” is substituted for the former reference to “the premises” for
31 consistency with the terminology used in subsection (a)(1) of this section.

1 In subsection (b) of this section, the reference to a person who “violates this
2 section” is substituted for the former reference to a person who is “found
3 consuming any alcoholic beverage on any premises open to the general public,
4 and any owner, operator or manager of those premises or places who
5 knowingly permits consumption between the hours provided by this section”
6 for brevity.

7 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
8 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
9 section.

10 Also in subsection (b) of this section, the former reference to a fine “not less
11 than \$5” is deleted to conform to the statement of legislative policy in §
12 14–102 of the Criminal Law Article, which sets forth the general rule that,
13 notwithstanding a statutory minimum penalty, a court may impose a lesser
14 penalty of the same character.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “Person” § 1–101

17 **24–2002. BEER LICENSES.**

18 **(A) CLASS A BEER LICENSE.**

19 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

20 **(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE**
21 **FOLLOWING DAY;**

22 **(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

23 **(3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

24 **(B) CLASS B BEER LICENSE.**

25 **A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

26 **(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE**
27 **FOLLOWING DAY;**

28 **(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

29 **(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY,**
30 **FROM 9 A.M. TO MIDNIGHT.**

1 (C) CLASS C BEER LICENSE.

2 RESERVED.

3 (D) CLASS D BEER LICENSE.

4 A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:

5 (1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE
6 FOLLOWING DAY;

7 (2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND

8 (3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 11-515(c)(1), (2), and (3)(i), (ii), and (iv).

11 In the introductory language of subsections (a), (b)(1), and (d)(1) of this section,
12 the references to the authority of a license holder to "sell beer" are substituted
13 for the former references to "[a]ny class of retail on- or off-sale alcoholic
14 beverages license issued by the Board of License Commissioners ... to sell
15 alcoholic beverages" for brevity and specificity.

16 Former Art. 2B, §§ 11-301(d)(3) and 11-403(b)(2)(iv), which stated that the
17 hours of sale in Kent County are as provided in former Art. 2B, § 11-515, are
18 deleted as unnecessary in light of the organization of this revised article.

19 Former Art. 2B, § 11-515(a), which stated that former Art. 2B, § 11-515
20 applied only in Kent County, is deleted as unnecessary in light of the
21 organization of this revised article.

22 Former Art. 2B, § 11-515(b), which stated that former Art. 2B, § 11-515 did
23 not apply to any special or temporary license issued under former Art. 2B, §
24 7-101, is deleted as unnecessary in light of the organization of this revised
25 article.

26 Defined term: "Beer" § 1-101

27 24-2003. BEER AND WINE LICENSES.

28 (A) CLASS A BEER AND WINE LICENSE.

29 A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:

1 **(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE**
2 **FOLLOWING DAY;**

3 **(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

4 **(3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

5 **(B) CLASS B BEER AND WINE LICENSE.**

6 **(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER**
7 **AND WINE:**

8 **(I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE**
9 **FOLLOWING DAY;**

10 **(II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY;**
11 **AND**

12 **(III) ON SUNDAY, FROM 9 A.M. TO MIDNIGHT ONLY.**

13 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
14 **COUNTER ON SUNDAY.**

15 **(C) CLASS C BEER AND WINE LICENSE.**

16 **RESERVED.**

17 **(D) CLASS D BEER AND WINE LICENSE.**

18 **RESERVED.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, §§ 11-302(g), 11-515(c)(1), (2), and (3)(i) and (ii),
21 and, as it related to the Class B license, 11-403(a)(1)(ii).

22 In the introductory language of subsections (a) and (b)(1) of this section, the
23 references to the authority of a license holder to "sell beer and wine" are
24 substituted for the former references to "[a]ny class of retail on- or off-sale
25 alcoholic beverages license issued by the Board of License Commissioners ...
26 to sell alcoholic beverages" for brevity and specificity.

27 Defined terms: "Beer" § 1-101

28 "Wine" § 1-101

1 **24-2004. BEER, WINE, AND LIQUOR LICENSES.**

2 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

3 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
4 **WINE, AND LIQUOR:**

5 **(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE**
6 **FOLLOWING DAY;**

7 **(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

8 **(3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

9 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

10 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY**
11 **SELL BEER, WINE, AND LIQUOR:**

12 **(I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE**
13 **FOLLOWING DAY; AND**

14 **(II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

15 **(2) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY**
16 **SELL BEER, WINE, AND LIQUOR ON SUNDAY FROM 9 A.M. TO MIDNIGHT IF:**

17 **(I) THE CUSTOMER IS SEATED AT A TABLE AND NOT AT A BAR**
18 **OR ON A BAR STOOL;**

19 **(II) THE ALCOHOLIC BEVERAGE IS A SUPPLEMENT TO THE**
20 **CUSTOMER'S MEAL; AND**

21 **(III) THE TOTAL PRICE OF THE ALCOHOLIC BEVERAGE DOES NOT**
22 **EXCEED THE TOTAL PRICE OF THE MEAL.**

23 **(3) THE LICENSE HOLDER MAY SELL ONLY BEER AND WINE FOR**
24 **OFF-PREMISES CONSUMPTION.**

25 **(4) A HOLDER OF A SPECIAL SUNDAY (ON-SALE) BEER, WINE, AND**
26 **LIQUOR PRIVILEGE MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FROM NOON TO**
27 **MIDNIGHT AT A RESTAURANT THAT DOES NOT MEET THE REQUIREMENTS OF**
28 **PARAGRAPH (2) OF THIS SUBSECTION IF THE RESTAURANT:**

1 (I) IS FULLY EQUIPPED WITH A PROPER AND ADEQUATE
2 DINING ROOM;

3 (II) HAS SUFFICIENT FACILITIES FOR PREPARING AND SERVING
4 MEALS TO THE PUBLIC; AND

5 (III) IS APPROVED BY THE BOARD.

6 (5) THE ANNUAL FEE FOR THE PRIVILEGE IS \$100, WHICH IS IN
7 ADDITION TO THE ANNUAL FEE FOR THE CLASS B (ON-SALE) BEER, WINE, AND
8 LIQUOR RESTAURANT LICENSE.

9 (6) THE PRIVILEGE IS PART OF THE CLASS B BEER, WINE, AND
10 LIQUOR LICENSE AND NOT A SEPARATE CLASS OF LICENSE.

11 (C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

12 (1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY
13 SELL BEER, WINE, AND LIQUOR:

14 (I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE
15 FOLLOWING DAY;

16 (II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY;
17 AND

18 (III) ON SUNDAY, FROM 11 A.M. TO MIDNIGHT.

19 (2) (I) THE BOARD MAY ISSUE A SPECIAL SUNDAY BEER, WINE,
20 AND LIQUOR LICENSE TO A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR
21 LICENSE.

22 (II) NOT MORE THAN FIVE SPECIAL SUNDAY LICENSES MAY BE
23 ISSUED TO A SINGLE HOLDER IN THE CLASS C LICENSE YEAR.

24 (III) THE SPECIAL SUNDAY LICENSE AUTHORIZES THE HOLDER
25 TO SERVE BEER, WINE, AND LIQUOR FROM 7 A.M. TO MIDNIGHT ON SUNDAY FOR
26 ON-PREMISES CONSUMPTION.

27 (3) THE LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES AT
28 A BAR OR COUNTER ON SUNDAY.

1 **(4) THE LICENSE FEE IS \$15.**

2 **(5) THE PROHIBITION UNDER § 4-204 OF THIS ARTICLE AGAINST THE**
3 **ISSUANCE OF TWO LICENSES FOR THE SAME PREMISES DOES NOT APPLY TO THE**
4 **LICENSE.**

5 **(6) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
6 **SUBSECTION.**

7 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

8 **(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY**
9 **SELL BEER, WINE, AND LIQUOR:**

10 **(I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE**
11 **FOLLOWING DAY;**

12 **(II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY;**
13 **AND**

14 **(III) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

15 **(2) ON SUNDAY, THE LICENSE HOLDER MAY SELL FOR OFF-PREMISES**
16 **CONSUMPTION ONLY BEER AND WINE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 11-515.1, 11-515(c), 6-201(p)(2)(ii) and (v),
19 and, as it related to the Class C license, 11-403(a)(1)(ii).

20 In the introductory language of subsection (a), (b)(1), (c), and (d) of this section,
21 the references to the authority of a license holder to "sell beer, wine, and
22 liquor" are substituted for the former references to "[a]ny class of retail on- or
23 off-sale alcoholic beverages license issued by the Board of License
24 Commissioners ... to sell alcoholic beverages" for brevity and specificity.

25 In subsection (b)(2) of this section, the references to the requirements of a
26 restaurant are substituted for the former reference to a "premises that qualify
27 as a restaurant under § 6-201(p) of this article" for clarity.

28 In the introductory language of subsection (b)(4) of this section, the reference
29 to a restaurant "that does not meet the requirements of paragraph (2) of this
30 subsection" is substituted for the former phrase "without being subject to the
31 meal and seating restrictions provided under § 6-201(p) of this article" for
32 clarity.

1 In subsection (b)(6) of this section, the former phrase “if it is granted” is
2 deleted as surplusage.

3 Former Art. 2B, §§ 11–303(a)(2)(vi) and (c)(3) and 11–304(p), which stated that
4 the hours of sale in Kent County are as provided in former Art. 2B, § 11–515,
5 are deleted as unnecessary in light of the organization of this revised article.

6 Defined terms: “Beer” § 1–101
7 “Board” § 24–101
8 “License” § 1–101

9 **24–2005. HOURS OF SALE ON JANUARY 1.**

10 **A LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FROM MIDNIGHT TO 4**
11 **A.M. ON JANUARY 1.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11–402(p)(2), as it related to the sale of alcoholic
14 beverages.

15 The former references to a license “issued under this article” is deleted in light
16 of the defined term “license”.

17 The former references prohibiting a license holder from selling alcoholic
18 beverages “under any class of license” are deleted as surplusage.

19 The former reference to the sale of alcoholic beverages “between the hours of
20 7 p.m. and 12 midnight, on December 31 in any year when December 31 falls
21 on a Sunday” is deleted as obsolete in light of hours of sale provided for
22 Sundays under former Art. 2B, §§ 11–515 and 11–515.1, revised under §§
23 24–2002 through 24–2004 of this subtitle. Similarly, former Art. 2B, §
24 11–402(p)(2), which made it unlawful to sell alcoholic beverages between 4
25 a.m. and 2 p.m. on January 1 when January 1 falls on a Sunday, is deleted as
26 obsolete.

27 Former Art. 2B, § 11–402(p)(1), which stated that former Art. 2B, § 11–402(p)
28 applied only in Kent County, is deleted as unnecessary in light of the
29 organization of this revised article.

30 Defined terms: “Alcoholic beverage” § 1–101
31 “License” § 1–101
32 “License holder” § 1–101

33 **24–2006. CONSUMPTION ON JANUARY 1.**

1 **AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES ON ANY LICENSED**
2 **PREMISES FROM MIDNIGHT TO 4 A.M. ON JANUARY 1.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 11-402(p)(2), as it related to the consumption
5 of alcoholic beverages.

6 The references to a "licensed premises" are substituted for the former
7 references to a premises "licensed under this article" for brevity.

8 The former reference to the consumption of alcoholic beverages "between the
9 hours of 7 p.m. and 12 midnight, on December 31 in any year when December
10 31 falls on a Sunday" is deleted as obsolete in light of hours of sale provided
11 for Sundays under former Art. 2B, §§ 11-515 and 11-515.1, revised under §§
12 24-2002 through 24-2004 of this subtitle. Similarly, former Art. 2B, §
13 11-402(p)(2), which made it unlawful to consume alcoholic beverages between
14 4 a.m. and 2 p.m. on January 1 when January 1 falls on a Sunday, is deleted
15 as obsolete.

16 Defined term: "Alcoholic beverage" § 1-101

17 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

18 **24-2101. APPLICATION OF GENERAL PROVISIONS.**

19 **TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES")**
20 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
21 **VARIATION.**

22 REVISOR'S NOTE: This section is new language added to incorporate by reference
23 general provisions relating to the revocation and suspension of local licenses.

24 Former Art. 2B, § 10-405(a)(12), which stated that former Art. 2B,
25 § 10-405, which related to nudity and sexual displays, applied in Kent County,
26 is deleted as unnecessary in light of the organization of this revised article.

27 Defined terms: "County" § 24-101
28 "License" § 1-101

29 **24-2102. SUSPENSION PENALTY.**

30 **(A) ALLOWABLE TERM OF SUSPENSION.**

31 **THE BOARD MAY SUSPEND A LICENSE FOR A VIOLATION OF THIS ARTICLE FOR**
32 **NOT LESS THAN 15 OR MORE THAN 90 DAYS.**

1 **(B) PETITION FOR REVIEW.**

2 **A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE ORDER OF THE**
 3 **BOARD SUSPENDING A LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, §§ 10–403(a)(2)(iii) and 15–112(p)(2).

6 In subsection (a) of this section, the former phrase “[n]othing contained in this
 7 section shall prevent the immediate suspension” of a license is deleted as
 8 included in the reference to the power of the Board to suspend a license.

9 Also in subsection (a) of this section, the former phrase “[n]otwithstanding §§
 10 10–401 and 10–403 of this article” is deleted as unnecessary in light of the
 11 organization of this revised article.

12 In subsection (b) of this section, the reference to a “petition for judicial review”
 13 is substituted for the former reference to an “appeal” to conform to the
 14 terminology used throughout this article.

15 Former Art. 2B, § 15–112(p)(1), which stated that former Art. 2B,
 16 § 15–112(p) applied in Kent County, is deleted as unnecessary in light of the
 17 organization of this revised article.

18 Defined terms: “Board” § 24–101
 19 “License” § 1–101

20 **SUBTITLE 22. EXPIRATION OF LICENSES.**

21 **24–2201. APPLICATION OF GENERAL PROVISIONS.**

22 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
 23 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

24 REVISOR'S NOTE: This section is new language added to incorporate by reference
 25 the general provisions relating to the expiration of local licenses.

26 Defined terms: “County” § 24–101
 27 “License” § 1–101

28 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

29 **24–2301. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
2 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the death of a local license holder.

5 Defined terms: “County” § 24–101
6 “License holder” § 1–101

7 **SUBTITLE 24. JUDICIAL REVIEW.**

8 **24–2401. APPLICATION OF GENERAL PROVISIONS.**

9 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
10 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
12 general provisions relating to the appeal of the decisions of the Board.

13 Defined term: “County” § 24–101

14 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

15 **24–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

16 **(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
17 **BEVERAGES.**

18 **A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND**
19 **ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR**
20 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT**
21 **ENTERTAINMENT THAT:**

22 **(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

23 **(2) ALLOWS AT ITS LOCATION A FORM OF SEXUAL DISPLAY OR ATTIRE**
24 **PROHIBITED UNDER § 4–605 OF THIS ARTICLE.**

25 **(B) PROHIBITION AGAINST OPERATOR.**

26 **A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT**
27 **LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
28 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

1 **(C) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
3 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
4 **NOT EXCEEDING \$10,000 OR BOTH.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 20–107.1(a), (c), and (d).

7 In the introductory language of subsection (a) of this section, the references to
8 “serve” are substituted for the former references to “dispense” for clarity.

9 In subsection (a) of this section, the references to a place of “adult
10 entertainment” are substituted for the former references to a place of public
11 entertainment that “allows on its premises any form of attire or sexual display
12 prohibited under § 10–405 of this article” for clarity.

13 In subsection (a)(2) of this section, the reference to “location” is substituted for
14 the former reference to “premises” to avoid the implication that the
15 establishment is licensed.

16 In subsection (b) of this section, the former reference to a “business”
17 establishment is deleted as surplusage.

18 Former Art. 2B, § 20–107.1(b), which stated that former Art. 2B, §
19 20–107.1 applied only in Kent County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
22 the General Assembly, that in subsection (a) of this section, a place of adult
23 entertainment is not allowed to serve or provide setups, including drinking
24 containers and ice, or other component parts of mixed drinks. This broad
25 prohibition would include such items as ice cubes and ginger ale.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “License” § 1–101

28 “Person” § 1–101

29 **24–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
30 **BEVERAGES IS PROHIBITED.**

31 **(A) PROHIBITION AGAINST INDIVIDUAL.**

32 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
33 **ALCOHOLIC BEVERAGES IN:**

1 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

2 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

3 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
4 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
5 **BUSINESS REGULATION ARTICLE.**

6 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

7 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
8 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
9 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
10 **THIS SECTION.**

11 **(C) PENALTY.**

12 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
13 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 11–304(a)(1) and the introductory language of
16 (2).

17 In subsections (a) and (b) of this section, the references to an “establishment”
18 are substituted for the former references to “premises” to avoid the implication
19 that the establishment is licensed.

20 In subsection (a) of this section, the former reference to the “general” public is
21 deleted as surplusage.

22 In subsection (b) of this section, the former reference to an “operator” is deleted
23 as included in the reference to a “manager”.

24 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
25 to conform to the statement of legislative policy in § 14–102 of the Criminal
26 Law Article, which sets forth the general rule that, notwithstanding a
27 statutory minimum penalty, a court may impose a lesser penalty of the same
28 character.

29 The Alcoholic Beverages Article Review Committee notes, for consideration by
30 the General Assembly, that under § 24–2501 of this subtitle, a person who
31 operates an unlicensed business establishment who knowingly allows a
32 customer to bring alcoholic beverages for consumption into the establishment
33 is subject to imprisonment not exceeding 2 years or a fine not exceeding

1 \$10,000 or both, while under this section, an owner or a manager of an
2 unlicensed establishment who allows the consumption of alcoholic beverages
3 in the establishment is subject only to a fine not exceeding \$50.

4 Defined terms: "Alcoholic beverage" § 1-101
5 "Person" § 1-101

6 **SUBTITLE 26. ENFORCEMENT.**

7 **24-2601. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
10 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
11 **VARIATION:**

12 **(1) § 6-202 ("INSPECTIONS");**

13 **(2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND**
14 **QUALITY OF ALCOHOLIC BEVERAGES");**

15 **(3) § 6-205 ("PEACE OFFICERS");**

16 **(4) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
17 **ALCOHOLIC BEVERAGE");**

18 **(5) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
19 **EVIDENCE OF SALE");**

20 **(6) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF**
21 **ALCOHOL IN PUBLIC PLACES"); AND**

22 **(7) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
23 **CONSUMPTION").**

24 **(B) EXCEPTION.**

25 **SECTION 6-210 ("STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
26 **LAWS") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

27 **(C) VARIATIONS.**

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
2 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

3 **(1) § 6–204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO §**
4 **24–2602 OF THIS SUBTITLE; AND**

5 **(2) § 6–211 (“FINES AND FORFEITURES”), SUBJECT TO § 24–2603 OF**
6 **THIS SUBTITLE.**

7 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
8 incorporate by reference general provisions relating to enforcement.

9 Subsection (b) of this section is new language derived without substantive
10 change from former Art. 2B, § 19–103(b)(1).

11 Defined terms: “Alcoholic beverage” § 1–101

12 “County” § 24–101

13 “State” § 1–101

14 **24–2602. SERVICE OF SUMMONS.**

15 **IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204**
16 **OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A**
17 **SUMMONS.**

18 REVISOR’S NOTE: This section is new language derived without substantive change
19 from former Art. 2B, § 16–410(b)(2)(i)7.

20 Defined term: “Board” § 24–101

21 **24–2603. DISTRIBUTION OF FINES.**

22 **ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED**
23 **AS PROVIDED IN § 7–507 OF THE COURTS ARTICLE.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 16–502(c), as it related to Kent County.

26 Defined term: “County” § 24–101

27 **SUBTITLE 27. PROHIBITED ACTS.**

28 **24–2701. APPLICATION OF GENERAL PROVISIONS.**

29 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
2 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
3 **VARIATION:**

4 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

5 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
6 **INDIVIDUAL”);**

7 **(3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF**
8 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

9 **(4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR**
10 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
11 **YEARS”);**

12 **(5) § 6–310 (“PROVIDING FREE FOOD”);**

13 **(6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
14 **DEALER”);**

15 **(7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

16 **(8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE**
17 **CONTAINER”);**

18 **(9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
19 **DETACHABLE METAL TAB”);**

20 **(10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
21 **REGULAR LABEL PRESUMED ILLICIT”);**

22 **(11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

23 **(12) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC**
24 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

25 **(13) § 6–320 (“DISORDERLY INTOXICATION”);**

26 **(14) § 6–323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID**
27 **MACHINE”);**

1 (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
2 BEVERAGES”);

3 (16) § 6-327 (“TAX EVASION”);

4 (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

5 (18) § 6-329 (“PERJURY”).

6 (B) EXCEPTIONS.

7 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
8 OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

9 (1) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
10 PUBLIC”); AND

11 (2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).

12 (C) VARIATIONS.

13 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
14 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

15 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
16 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 24-2702 OF THIS
17 SUBTITLE; AND

18 (2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
19 INTOXICATED INDIVIDUAL”), SUBJECT TO § 24-2703 OF THIS SUBTITLE.

20 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
21 incorporate by reference general provisions relating to prohibited acts.

22 Subsection (b) of this section is new language derived without substantive
23 change from former Art. 2B, § 19-201(b), as it related to Kent County.

24 Defined terms: “Alcoholic beverage” § 1-101

25 “County” § 24-101

26 “License holder” § 1-101

27 “Retail dealer” § 1-101

28 **24-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
29 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

1 **(A) SUMMONS; BAIL.**

2 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 3 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

4 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 5 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 6 **EMPLOYEE; AND**

7 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 8 **COURT IN THE STATE.**

9 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

10 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
 11 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

12 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
 13 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
 14 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
 15 **OF 21 YEARS; AND**

16 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

17 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

18 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
 19 **EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE**
 20 **DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE**
 21 **LICENSE HOLDER FOR THE VIOLATION.**

22 **REVISOR'S NOTE:** This section is new language derived without substantive
 23 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

24 In subsection (a)(2) of this section, the former reference to bail "bond" is
 25 deleted as surplusage.

26 In subsection (b)(1) of this section, the reference to the "finder of fact" is
 27 substituted for the former reference to the "jury or the court sitting as a jury"
 28 for brevity.

29 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
 30 as surplusage.

1 Former Art. 2B, § 12-108(f)(1)(vii), which stated that former Art. 2B, §
2 12-108(f)(2) applied in Kent County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: "Board" § 24-101

5 "License holder" § 1-101

6 "State" § 1-101

7 **24-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
8 **INDIVIDUAL — CRIMINAL PROCEDURE.**

9 **(A) SUMMONS; BAIL.**

10 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
11 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

12 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
13 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
14 **EMPLOYEE; AND**

15 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
16 **COURT IN THE STATE.**

17 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

18 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
19 **EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE**
20 **DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE**
21 **LICENSE HOLDER FOR THE VIOLATION.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 12-108(a)(2) and (f)(2).

24 In subsection (a)(2) of this section, the former reference to bail "bond" is
25 deleted as surplusage.

26 Defined terms: "Board" § 24-101

27 "License holder" § 1-101

28 "State" § 1-101

29 **24-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL**
30 **DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

31 **(A) "KNOWINGLY" DEFINED.**

1 IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE
2 INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE
3 HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

4 **(B) PROHIBITED.**

5 A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT
6 KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

7 **(1) A HABITUAL DRUNKARD;**

8 **(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

9 **(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN**
10 **WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER**
11 **NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE**
12 **OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND**
13 **MIND.**

14 **(C) PENALTY.**

15 A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A
16 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

17 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

18 **(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT**
19 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 12–110(a) and, as it related to Kent County, the
22 first sentence of (b).

23 In subsection (a) of this section, the former reference to the definition of
24 knowingly applying “as to habitual drunkards” is deleted as surplusage.

25 In subsection (b) of this section, the defined term “alcoholic beverage” is
26 substituted for the former references to “intoxicating beverages” for clarity
27 and consistency with the terminology used throughout this article.

28 Also in subsection (b) of this section, the former references to “barter” and
29 “furnish” are deleted as included in the references to “sell” and “provide”.

1 In subsection (b)(2) of this section, the reference to an individual with an
2 “intellectual disability” is substituted for the former reference to a “mentally
3 deficient” person to conform to the requirements of Chapter 119 of the Acts of
4 2009. Chapter 119 requires the substitution of the term “mentally retarded”
5 in the Code with “intellectual disability”.

6 In subsection (b)(3) of this section, the reference to a “family member or
7 guardian” is substituted for the former reference to “parent or parents,
8 guardian, husband, wife, son, daughter, brother, or sister” for brevity.

9 Also in subsection (b)(3) of this section, the reference to an “employee of the
10 license holder” is added for consistency within this subsection.

11 In subsection (c) of this section, the former reference to imprisonment “in the
12 county jail” and to both fine and imprisonment “in the discretion of the court”
13 are deleted as surplusage and to conform to standard language for imposition
14 of a penalty for a criminal conviction.

15 The Alcoholic Beverages Article Review Committee notes, for consideration by
16 the General Assembly, that the penalty stated in subsection (c) of this section
17 applies only to a license holder who violates this section and not to an
18 employee of a license holder, even though, under subsection (b) of this section,
19 both a license holder and the license holder’s employee are prohibited from
20 selling or providing an alcoholic beverage to a habitual drunkard, an
21 individual with an intellectual disability, or an individual whose relative has
22 given notice. The employee would, presumably, be subject to the general
23 penalty for a violation of this article under § 6–402 of this article.

24 Defined terms: “Alcoholic beverage” § 1–101
25 “License holder” § 1–101

26 **24–2705. INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

27 **(A) PROHIBITED.**

28 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:**

29 **(1) ENTER THE LICENSED PREMISES; OR**

30 **(2) KNOWINGLY MAKE A FALSE STATEMENT CONCERNING THE**
31 **INDIVIDUAL’S AGE TO GAIN ENTRANCE TO THE ESTABLISHMENT.**

32 **(B) PENALTY.**

33 **AN INDIVIDUAL WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION:**

1 **(1) SHALL BE ISSUED A CITATION UNDER § 10–119 OF THE CRIMINAL**
 2 **LAW ARTICLE BY A POLICE OFFICER OR ALCOHOLIC BEVERAGES INSPECTOR; AND**

3 **(2) IS SUBJECT TO THE PENALTIES PROVIDED IN § 10–119 OF THE**
 4 **CRIMINAL LAW ARTICLE.**

5 REVISOR’S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 6–401(p)(5) and (6).

7 In subsection (a)(1) of this section, the former reference to the licensed
 8 premises “of an establishment which has a license issued pursuant to this
 9 section” is deleted as surplusage.

10 Defined term: “Alcoholic beverage” § 1–101

11 **24–2706. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON**
 12 **PREMISES.**

13 **(A) PROHIBITED.**

14 **(1) A LICENSE HOLDER OR AN AGENT OR AN EMPLOYEE OF THE**
 15 **LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO**
 16 **LOITER ABOUT THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS**
 17 **ISSUED.**

18 **(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT LOITER**
 19 **OR BE A NUISANCE ON THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER**
 20 **LICENSE IS ISSUED.**

21 **(B) PENALTY.**

22 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 23 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
 24 **NOT EXCEEDING \$200 OR BOTH.**

25 REVISOR’S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 12–303(b) and, as it related to Kent County, (a).

27 In subsection (a) of this section, the former reference to “loaf[ing]” is deleted
 28 as included in the reference to “loiter[ing]”.

29 Also in subsection (a) of this section, the references to an “individual under
 30 the age of 21 years” are substituted for the former references to a “person not
 31 designated in § 1–102(a)(6) of this article” for clarity and consistency with
 32 other similar provisions of this article.

1 In subsection (b) of this section, the reference to being “guilty of a
2 misdemeanor” is added to state expressly that which was only implied in the
3 former law. In this State, any crime that was not a felony at common law and
4 has not been declared a felony by statute is considered to be a misdemeanor.
5 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
6 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
7 123 Md. 373, 378 (1914).

8 Defined terms: “Beer” § 1–101
9 “License holder” § 1–101
10 “Person” § 1–101

11 SUBTITLE 28. PENALTIES.

12 24–2801. APPLICATION OF GENERAL PROVISION.

13 SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE
14 APPLIES IN THE COUNTY.

15 REVISOR’S NOTE: This section is new language added to incorporate by reference
16 general provisions relating to imposing a penalty for a violation for which no
17 specific penalty is provided.

18 Defined term: “County” § 24–101

19 24–2802. HEARING AND PENALTY FOR VIOLATION.

20 (A) BOARD HEARING.

21 (1) THE BOARD SHALL HEAR A CASE WITHIN 30 DAYS AFTER THE
22 VIOLATION IS REPORTED BY AN INSPECTOR OR LAW ENFORCEMENT OFFICER.

23 (2) THE BOARD SHALL MAKE A DETERMINATION OF THE CASE
24 WITHIN 15 DAYS AFTER THE CONCLUSION OF THE HEARING.

25 (B) PENALTY.

26 (1) UNLESS ANOTHER PENALTY IS PROVIDED, FOR A VIOLATION OF
27 THIS ARTICLE, THE BOARD MAY IMPOSE:

28 (I) FOR THE FIRST OFFENSE:

29 1. A FINE NOT EXCEEDING \$1,000;

- 1 **2. SUSPENSION OF THE LICENSE; AND**
- 2 **3. CLOSURE OF THE PLACE OF BUSINESS NOT**
3 **EXCEEDING 15 DAYS;**

4 **(II) FOR THE SECOND OFFENSE:**

- 5 **1. A FINE NOT EXCEEDING \$2,000;**
- 6 **2. SUSPENSION OF THE LICENSE; AND**
- 7 **3. CLOSURE OF THE PLACE OF BUSINESS NOT**
8 **EXCEEDING 30 DAYS;**

9 **(III) FOR A THIRD OR SUBSEQUENT OFFENSE THAT IS**
10 **DIFFERENT FROM EITHER OF THE TWO PREVIOUS OFFENSES:**

- 11 **1. A FINE NOT EXCEEDING \$2,500;**
- 12 **2. SUSPENSION OF THE LICENSE; AND**
- 13 **3. CLOSURE OF THE PLACE OF BUSINESS NOT**
14 **EXCEEDING 90 DAYS; AND**

15 **(IV) FOR A THIRD OFFENSE THAT IS THE SAME AS EITHER OF THE**
16 **TWO PREVIOUS OFFENSES:**

- 17 **1. REVOCATION OF THE LICENSE;**
- 18 **2. PROHIBITION OF LICENSURE OF THE VIOLATOR; AND**
- 19 **3. PROHIBITION OF LICENSURE OF THE PREMISES FOR A**
20 **PERIOD NOT EXCEEDING 1 YEAR AFTER THE REVOCATION.**

21 **(2) THE PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS**
22 **SUBSECTION:**

23 **(I) DO NOT LIMIT, BUT ARE IN ADDITION TO, OTHER SPECIFIC**
24 **OR GENERAL PENALTIES FOR THE SAME VIOLATION UNDER THIS ARTICLE; AND**

25 **(II) ARE INDEPENDENT OF ANY RELATED COURT ACTION BASED**
26 **ON THE SAME VIOLATION.**

1 **(C) PETITION FOR JUDICIAL REVIEW.**

2 **A PETITION SEEKING JUDICIAL REVIEW MAY NOT STAY AN ORDER OF THE**
3 **BOARD TO SUSPEND A LICENSE OR CLOSE A PLACE OF BUSINESS.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 16-507(p)(2) through (5).

6 In subsection (b)(1)(iii) of this section, the reference to a third or subsequent
7 offense "that is different from either of the two previous offenses" is added for
8 clarity.

9 In subsection (b)(1)(iv)1 of this section, the former reference to the revocation
10 "of the license" is deleted as surplusage.

11 In subsection (c) of this section, the reference to a "petition seeking judicial
12 review" is substituted for the former reference to an "appeal from the Board's
13 decision" for brevity.

14 Former Art. 2B, § 16-507(p)(1), which stated that the provisions of former Art.
15 2B, § 16-507(p) applied only in Kent County, is deleted as unnecessary in light
16 of the organization of this revised article.

17 Defined terms: "Board" § 24-101
18 "License" § 1-101

19 **24-2803. EXPUNGEMENT OF RECORD OF VIOLATION.**

20 **THE BOARD SHALL EXPUNGE THE RECORD OF A VIOLATION OF THIS ARTICLE**
21 **OR A REGULATION ADOPTED UNDER THIS ARTICLE 7 YEARS AFTER THE DATE THE**
22 **VIOLATION OCCURRED.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 16-508(b).

25 Former Art. 2B, § 16-508(a), which stated that former Art. 2B, § 16-508
26 applied only in Kent County, is deleted as unnecessary in light of the
27 reorganization of this revised article.

28 Defined term: "Board" § 24-101

29 **TITLE 25. MONTGOMERY COUNTY.**

30 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

1 **25-101. DEFINITIONS.**

2 (A) **IN GENERAL.**

3 **IN THIS TITLE:**

4 (1) **THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
5 **EXCEPTION OR VARIATION; AND**

6 (2) **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

7 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
8 by reference terms defined for the entire article.

9 Item (2) of this subsection is new language added as the standard introductory
10 language to a definition section.

11 (B) **BOARD.**

12 **"BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS FOR**
13 **MONTGOMERY COUNTY.**

14 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
15 full reference to the "Board of License Commissioners for Montgomery
16 County".

17 (C) **COUNTY.**

18 **"COUNTY" MEANS MONTGOMERY COUNTY.**

19 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
20 full reference to "Montgomery County".

21 **25-102. SCOPE OF TITLE.**

22 **THIS TITLE APPLIES ONLY IN MONTGOMERY COUNTY.**

23 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
24 organization of this revised article.

25 **25-103. COPY OF LEGISLATION.**

26 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
27 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**

1 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
2 **MARYLAND 21401.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 18–103.

5 The reference to this “title” is substituted for the former reference to this
6 “subtitle” to conform to the organization of this revised article. Under the
7 former law, each local governing body derived its authority to enact alcoholic
8 beverages legislation from a common subtitle. Under this revised article, each
9 local governing body derives its authority from the title dedicated to the
10 jurisdiction of the local governing body.

11 Defined terms: “Alcoholic beverage” § 1–101
12 “County” § 25–101

13 **GENERAL REVISOR'S NOTE TO SUBTITLE**

14 Throughout this title, the references to “wine” are substituted for the former
15 references to “light wine” to reflect that license holders in the County may sell wine
16 with a maximum alcohol content of 22%, which is above the traditional maximum
17 level of 15.5% for light wine.

18 Correspondingly, former Art. 2B, § 4–101(q), which defined “light wine” in the
19 County as a fermented beverage that contains not in excess of 22% of alcohol by
20 volume, including naturally fermented and fortified wines, is deleted because the
21 definition is not used in this title.

22 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

23 **25–201. ESTABLISHED.**

24 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR MONTGOMERY**
25 **COUNTY.**

26 REVISOR'S NOTE: This section is new language added to state expressly what was
27 only implied in the former law, that an entity known as the Board of License
28 Commissioners for Montgomery County exists.

29 **25–202. MEMBERSHIP.**

30 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

31 **THE COUNTY EXECUTIVE SHALL APPOINT FIVE MEMBERS TO THE BOARD,**
32 **SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.**

1 **(3) (I) SUBJECT TO THE MONTGOMERY COUNTY PUBLIC ETHICS**
2 **LAW AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MEMBER OF THE BOARD MAY**
3 **BE AN EMPLOYEE OF THE FEDERAL, STATE, OR LOCAL GOVERNMENT.**

4 **(II) A MEMBER OF THE BOARD MAY NOT BE AN EMPLOYEE OF**
5 **THE COUNTY DEPARTMENT OF LIQUOR CONTROL.**

6 **(D) TENURE.**

7 **(1) THE TERM OF A MEMBER IS 4 YEARS.**

8 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
9 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

10 **(E) VACANCIES.**

11 **A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR**
12 **THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

13 **(F) REMOVAL.**

14 **WITH THE APPROVAL OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE**
15 **MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR**
16 **WILLFUL NEGLIGENCE OF DUTY.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 15–104(c)(1), (2), (3), and (6), 15–112(q)(3) and,
19 as it related to members of the Board, (4)(i), and the second sentence of
20 15–110(b).

21 In subsection (c)(2) and (3) of this section, the references to a “member” of the
22 Board are substituted for the former references to a “commissioner” of the
23 Board to conform to the terminology used throughout this title.

24 In subsection (c)(2)(v) of this section, the former reference to any gift
25 “whatsoever” is deleted as surplusage.

26 In subsection (c)(2)(v)1 of this section, the former references to a “corporation”
27 are deleted as included in the defined term “person”.

28 Also in subsection (c)(2)(v)1 of this section, the former reference to “beer or
29 other” alcoholic beverages is deleted as included in the defined term “alcoholic
30 beverage”.

1 In subsection (c)(2)(v)2 of this section, the reference to a “license holder” is
 2 substituted for the former reference to a “[l]icensee licensed under the
 3 provisions of this article” to conform to the terminology used throughout this
 4 article.

5 In subsection (d)(2) of this section, the former reference to the requirement
 6 that one of the terms of office expiring in 1983 be for 3 years and then for 4
 7 years thereafter is deleted in light of the reference that the terms of the
 8 members of the Board be staggered as required on July 1, 2016. This
 9 substitution is not intended to alter the term of any member of the Board of
 10 License Commissioners for Montgomery County.

11 Subsection (e) of this section is standard language added to avoid gaps in
 12 membership by indicating that a member serves until a successor takes office.
 13 *See Benson v. Mellor*, 152 Md. 481 (1927), and *Grooms v. LaVale Zoning*
 14 *Board*, 27 Md. App. 266 (1975).

15 In subsection (f) of this section, the reference to “misconduct in office,
 16 incompetence, or willful neglect of duty” is substituted for the former reference
 17 to “the causes in this section prescribed” for clarity.

18 Also in subsection (f) of this section, the former reference to a member “of the
 19 Board of License Commissioners” is deleted as surplusage.

20 Former Art. 2B, § 15–101(q), which provided a cross–reference to provisions
 21 applicable to Montgomery County, is deleted as unnecessary in light of the
 22 organization of this revised article.

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Board” § 25–101

25 “County” § 25–101

26 “License holder” § 1–101

27 “Person” § 1–101

28 “State” § 1–101

29 **25–203. CHAIR.**

30 **FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A CHAIR.**

31 REVISOR’S NOTE: This section is new language derived without substantive
 32 change from former Art. 2B, § 15–104(c)(4).

33 The reference to a “chair” is substituted for the former reference to a
 34 “chairman” because SG § 2–1238 requires the use of words that are neutral as
 35 to gender to the extent practicable.

36 Defined term: “Board” § 25–101

1 **25-204. QUORUM; COMPENSATION; STAFF.**

2 (A) **QUORUM.**

3 **THREE MEMBERS OF THE BOARD ARE A QUORUM FOR TRANSACTING**
4 **BUSINESS.**

5 (B) **COMPENSATION.**

6 (1) **THE CHAIR OF THE BOARD SHALL RECEIVE \$10,000 ANNUALLY.**

7 (2) **EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$9,000**
8 **ANNUALLY.**

9 (C) **STAFF.**

10 (1) **THE BOARD MAY:**

11 (I) **EMPLOY:**

12 1. **A SECRETARY;**

13 2. **INSPECTORS; AND**

14 3. **CLERICAL AND OTHER ASSISTANTS AS ARE**
15 **NECESSARY; AND**

16 (II) **SET THE COMPENSATION OF THE EMPLOYEES.**

17 (2) **THE OFFICE OF THE COUNTY ATTORNEY AND OTHER COUNTY**
18 **DEPARTMENTS SHALL BE MADE AVAILABLE TO THE BOARD.**

19 (3) **A COUNTY EMPLOYEE MADE AVAILABLE TO THE BOARD UNDER**
20 **PARAGRAPH (2) OF THIS SUBSECTION MAY NOT SOLICIT OR RECEIVE, DIRECTLY OR**
21 **INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

22 (I) **A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF**
23 **ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

24 (II) **A LICENSE HOLDER.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 15–109(q), 15–112(a)(2) and (q)(2) and, as it
3 related to County employees, (4)(i), and the first sentence of 15–104(c)(5).

4 In subsection (b)(1) of this section, the reference to the “chair” is substituted
5 for the former reference to the “chairman” because SG, § 2–1238 requires the
6 use of words that are neutral as to gender to the extent practicable.

7 In subsection (c)(1)(i)3 of this section, the reference to “assistants” is
8 substituted for the former reference to “assistance” for clarity.

9 In the introductory language of subsection (c)(3) of this section, the reference
10 to a County employee “made available to the Board under paragraph (2) of
11 this subsection” is added for clarity.

12 Also in the introductory language of subsection (c)(3) of this section, the former
13 reference to any gift “whatsoever” is deleted as surplusage.

14 In subsection (c)(3)(i) of this section, the former references to a “corporation”
15 are deleted as included in the defined term “person”.

16 Also in subsection (c)(3)(i) of this section, the former reference to “beer or
17 other” alcoholic beverages is deleted as included in the defined term “alcoholic
18 beverage”.

19 In subsection (c)(3)(ii) of this section, the reference to a “license holder” is
20 substituted for the former reference to a “[l]icensee licensed under the
21 provisions of this article” to conform to the terminology used throughout this
22 article.

23 The second sentence of former Art. 2B, § 15–104(c)(5), which stated that at
24 least three members who are present at the voting session must concur in the
25 approval, denial, revocation, suspension, or reclassification of a license, is
26 deleted as unnecessary in light of subsection (a) of this section.

27 Defined terms: “Alcoholic beverage” § 1–101

28 “Board” § 25–101

29 “County” § 25–101

30 “License holder” § 1–101

31 “Person” § 1–101

32 **25–205. INSPECTORS; CIVIL CITATIONS.**

33 **AN INSPECTOR MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 25–2602 OF**
34 **THIS TITLE.**

1 REVISOR'S NOTE: This section is new language added for clarity and informational
2 purposes.

3 **25–206. REGULATIONS.**

4 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 16–301(a), as it related to the authority of the
7 Board to adopt regulations.

8 The defined term “Board” is substituted for the former reference to “the board
9 of license commissioners from any county or Baltimore City, respectively”
10 because this section applies only to the Board of License Commissioners for
11 Montgomery County.

12 The reference to the Board “adopt[ing] regulations to carry out” this article is
13 substituted for the former reference to the Board “hav[ing] full power and
14 authority to adopt such reasonable rules and regulations as they may deem
15 necessary to enable them effectively to discharge the duties imposed upon
16 them by” this article for brevity.

17 The former phrase “[i]n addition to the powers otherwise provided by this
18 article,” is deleted as surplusage.

19 Defined term: “Board” § 25–101

20 **SUBTITLE 3. DEPARTMENT OF LIQUOR CONTROL.**

21 **25–301. DEFINITIONS.**

22 **(A) IN GENERAL.**

23 **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

24 REVISOR'S NOTE: This subsection is new language added as the standard
25 introductory language to a definition section.

26 **(B) DEPARTMENT.**

27 **“DEPARTMENT” MEANS THE COUNTY DEPARTMENT OF LIQUOR CONTROL.**

28 REVISOR'S NOTE: This subsection is new language added to provide a convenient
29 reference to the County Department of Liquor Control.

1 Defined term: “County” § 25–101

2 **(C) DIRECTOR.**

3 **“DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT.**

4 REVISOR’S NOTE: This subsection is new language added to provide a convenient
5 reference to the Director of the Department of Liquor Control.

6 Defined term: “Department” § 25–301

7 **(D) DISPENSARY.**

8 **“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE**
9 **DEPARTMENT FOR THE SALE OF ALCOHOLIC BEVERAGES.**

10 REVISOR’S NOTE: This subsection is new language added to provide a convenient
11 reference to a County liquor dispensary.

12 Defined terms: “Alcoholic beverage” § 1–101
13 “Department” § 25–301

14 **25–302. ESTABLISHED.**

15 **THERE IS A DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY**
16 **GOVERNMENT, WHICH FUNCTIONS AS A LIQUOR CONTROL BOARD.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 15–201(a)(2)(i), except as it related to the
19 Department being under the supervision of the chief administrative officer,
20 and, as it related to Montgomery County, 15–210.

21 The phrase “which functions as a liquor control board” is substituted for the
22 former phrase “which shall have the powers of a liquor control board as
23 defined in § 15–205 of this subtitle” for brevity.

24 The former phrase “hereby constituted and established” is deleted as
25 surplusage.

26 The former reference to the Department being “effective July 1, 1951” is
27 deleted as obsolete.

28 Former Art. 2B, § 15–201(a)(2)(ii), which stated that “‘liquor control board’ or
29 ‘board’ shall be construed to apply to the Department of Liquor Control in

1 Montgomery County whenever such construction would be reasonable” is
2 deleted as unnecessary in light of the defined term “Department”.

3 Defined term: “County” § 25–101

4 **25–303. DIRECTOR.**

5 **(A) ESTABLISHED.**

6 **THERE IS A DIRECTOR OF THE DEPARTMENT, WHO SHALL BE THE CHIEF**
7 **ADMINISTRATIVE OFFICER OF AND EXERCISE GENERAL SUPERVISION OVER THE**
8 **DEPARTMENT.**

9 **(B) APPOINTMENT.**

10 **THE COUNTY EXECUTIVE SHALL APPOINT THE DIRECTOR WITH THE**
11 **CONSENT OF THE COUNTY COUNCIL.**

12 **(C) QUALIFICATIONS.**

13 **THE COUNTY EXECUTIVE SHALL DETERMINE THE QUALIFICATIONS OF THE**
14 **DIRECTOR.**

15 **(D) TENURE.**

16 **THE DIRECTOR:**

17 **(1) SERVES AT THE PLEASURE OF THE COUNTY EXECUTIVE; AND**

18 **(2) SHALL DEVOTE FULL TIME TO THE DUTIES OF THE DEPARTMENT.**

19 **(E) SALARY.**

20 **THE COUNTY EXECUTIVE SHALL SET THE SALARY OF THE DIRECTOR WITH**
21 **THE APPROVAL OF THE COUNTY COUNCIL.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 15–201(b)(1)(iii), (h)(4), (i)(4), the first and
24 second sentences of (c)(7), the third sentence of (f), and, as it related to the
25 Director of the Montgomery County Department of Liquor Control, (a)(2)(i).

26 In subsection (b) of this section, the reference to the appointment of the
27 Director with the “consent” of the Montgomery County Council is substituted
28 for the former reference to the appointment with the “approval” of the County

1 Council for clarity and consistency with other provisions of this revised article
2 requiring consent of an appointment by a legislative body.

3 In subsection (d)(2) of this section, the reference requiring the Director to
4 devote “full” time to Department duties is substituted for the former reference
5 requiring the Director to devote “all his” time to Department duties for clarity
6 and because SG, § 2–1238 requires the use of terms that are neutral as to
7 gender to the extent practicable.

8 Former Art. 2B, § 15–201(d)(2), which provided for members of the now
9 defunct Liquor Control Board to continue in office until July 1, 1951, is deleted
10 as obsolete.

11 Defined terms: “County” § 25–101

12 “Department” § 25–301

13 “Director” § 25–301

14 **25–304. STAFF.**

15 **(A) IN GENERAL.**

16 **(1) WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE**
17 **DIRECTOR MAY APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY**
18 **SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL**
19 **PERFORMANCE OF EMPLOYEE DUTIES.**

20 **(2) EXCEPT FOR THE DIRECTOR, EACH DEPARTMENT EMPLOYEE**
21 **SHALL BE APPOINTED AND EMPLOYED IN ACCORDANCE WITH REGULATIONS OF THE**
22 **MERIT SYSTEM PROTECTION BOARD.**

23 **(B) LEGAL COUNSEL.**

24 **THE OFFICE OF THE COUNTY ATTORNEY SHALL PROVIDE LEGAL SERVICES**
25 **TO THE DEPARTMENT.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 15–205(a)(1)(i), the third and fourth sentences
28 of (a)(1)(ii), and the first clause of (k)(1).

29 In subsection (a)(1) of this section, the phrase “[w]ith the approval of the
30 County Executive, the Director” may appoint employees is substituted for the
31 former reference to the “liquor control board ... hav[ing] full power and
32 authority” to appoint employees in light of former Art. 2B, §
33 15–201(a)(2)(ii), which stated that “liquor control board” shall be construed to
34 mean the Department of Liquor Control, when that construction would be

1 reasonable, and in light of the first clause of former Art. 2B, §
2 15–205(k)(1), which stated that, with the approval of the County Executive,
3 the Director has powers “in addition to the powers already enumerated in this
4 section [Art. 2B, § 15–205]”.

5 Also in subsection (a)(1) of this section, the reference to employees who are
6 necessary to “operate” a dispensary system is substituted for the former
7 reference to employees necessary to “conduct” a dispensary system for clarity.

8 Also in subsection (a)(1) of this section, the reference to the “dispensary
9 system” is substituted for the former reference to “such county liquor
10 dispensary or branch dispensaries” for brevity.

11 Also in subsection (a)(1) of this section, the former phrase “[s]ubject to §
12 16–407.1 of this article” is deleted as unnecessary in light of the organization
13 of this revised article.

14 Also in subsection (a)(1) of this section, the former reference authorizing the
15 Director to require employee bonding “as the [Director] may in each case
16 determine” is deleted as surplusage.

17 In subsection (a)(2) of this section, the reference to a Department employee
18 being appointed and “employed” is substituted for the former reference to an
19 employee being appointed and “hold[ing] their positions” for brevity.

20 Also in subsection (a)(2) of this section, the reference to the regulations “of the
21 Merit System Protection Board” is substituted for the former reference to “the”
22 regulations for clarity.

23 The first and second sentences of former Art. 2B, § 15–205(a)(1)(ii), which
24 abolished the positions of General Manager and Treasurer of the Liquor
25 Control Board as of July 1, 1951, and stated that all other existing employees
26 of the Board are entitled to continue to be employed subject to certain
27 conditions, are deleted as obsolete.

28 Defined terms: “County” § 25–101

29 “Department” § 25–301

30 “Director” § 25–301

31 “Dispensary” § 25–301

32 **25–305. RESTRICTIONS ON FINANCIAL INTERESTS.**

33 **(A) COUNTY COUNCIL MEMBERS AND COUNTY EXECUTIVE.**

34 **A MEMBER OF THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE MAY NOT**
35 **HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE SALE, MANUFACTURE,**

1 BLENDING, BREWING, DISTILLING, RECTIFYING, OR WHOLESALING OF ANY
2 ALCOHOLIC BEVERAGE PURCHASED OR SOLD UNDER THIS ARTICLE.

3 (B) DEPARTMENTAL EMPLOYEES.

4 EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN EMPLOYEE OF
5 THE DEPARTMENT MAY NOT:

6 (1) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE SALE,
7 MANUFACTURE, BLENDING, BREWING, DISTILLING, RECTIFYING, OR WHOLESALING
8 OF ANY ALCOHOLIC BEVERAGE PURCHASED OR SOLD UNDER THIS ARTICLE;

9 (2) HAVE AN INTEREST IN A LICENSE;

10 (3) DIRECTLY OR INDIRECTLY SOLICIT OR RECEIVE ANY FEE,
11 COMMISSION, GRATUITY, EMOLUMENT, REMUNERATION, REWARD, PRESENT, OR
12 ALCOHOLIC BEVERAGE SAMPLE, AND ANY OTHER CONSIDERATION FROM:

13 (I) A PERSON WHO SELLS, MANUFACTURES, BLENDS, BREWS,
14 DISTILLS, RECTIFIES, WHOLESALERS, OR DISTRIBUTES ALCOHOLIC BEVERAGES; OR

15 (II) A LICENSE HOLDER; OR

16 (4) DERIVE ANY PROFIT OR REMUNERATION FROM THE PURCHASE OR
17 SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY PAID BY THE COUNTY
18 FOR THE DISCHARGE OF THE EMPLOYEE'S DUTIES.

19 (C) EXCEPTION — DUAL EMPLOYMENT.

20 SUBJECT TO THE COUNTY PUBLIC ETHICS LAW, THE DEPARTMENT MAY
21 ALLOW A DEPARTMENTAL EMPLOYEE TO BE EMPLOYED BY A LICENSE HOLDER IF
22 THE EMPLOYMENT DIRECTLY RELATES TO THE PERFORMING ARTS.

23 (D) FEE AND GIFTS PROHIBITED.

24 (1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A
25 PERSON LISTED IN PARAGRAPH (2) OF THIS SUBSECTION MAY NOT DIRECTLY OR
26 INDIRECTLY OFFER, PAY, OR GIVE A FEE, REWARD, PRESENT, COMMISSION, GIFT, OR
27 SAMPLE OF ALCOHOLIC BEVERAGES TO AN EMPLOYEE OF THE DEPARTMENT, A
28 MEMBER OF THE COUNTY COUNCIL, OR THE COUNTY EXECUTIVE.

29 (2) THIS SUBSECTION APPLIES TO:

1 **(I) A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE**
2 **HOLDER; OR**

3 **(II) A PERSON OR AN AGENT OR EMPLOYEE OF A PERSON**
4 **ENGAGED IN THE MANUFACTURE, SALE, BLENDING, BREWING, DISTILLING,**
5 **RECTIFYING, WHOLESALING, OR DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

6 **(E) ALCOHOLIC BEVERAGES SAMPLING ALLOWED.**

7 **(1) THIS SECTION DOES NOT PROHIBIT A MANUFACTURER, BREWER,**
8 **WHOLESALER, OR DEALER THAT SELLS OR ATTEMPTS TO SELL ALCOHOLIC**
9 **BEVERAGES TO THE DEPARTMENT FROM PROVIDING SAMPLES OF ALCOHOLIC**
10 **BEVERAGES TO THE DEPARTMENT.**

11 **(2) A PERSON THAT PROVIDES SAMPLES OF ALCOHOLIC BEVERAGES**
12 **TO THE DEPARTMENT SHALL OBTAIN A RECEIPT, SIGNED BY THE DIRECTOR,**
13 **STATING IN DETAIL THE AMOUNT AND A DESCRIPTION OF THE SAMPLES.**

14 **(3) WHEN RECEIVED, SAMPLES OF ALCOHOLIC BEVERAGES**
15 **PROVIDED UNDER THIS SUBSECTION SHALL BE INVENTORIED AND SOLD IN THE**
16 **SAME MANNER AS OTHER BEVERAGES THAT THE DEPARTMENT PURCHASES.**

17 **(F) PENALTY.**

18 **A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR**
19 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 12 YEARS OR**
20 **A FINE NOT EXCEEDING \$5,000 OR BOTH.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 15-208(b).

23 In subsection (b)(3)(i) of this section, the former reference prohibiting
24 solicitation or receipt of consideration from a "partnership, firm or
25 corporation, agents, servants or employees" is deleted as included in the
26 reference prohibiting solicitation or receipt of consideration from a "person".
27 Similarly, in subsection (e)(2) of this section, the former reference to "firm or
28 corporation" is deleted in light of the defined term "person". Similarly, in
29 subsection (f) of this section, the former reference to "firm, association,
30 corporation or licensee" is deleted.

31 In subsection (b)(4) of this section, the former reference to an employee's
32 "wages" is deleted as included in the reference to an employee's "salary".

33 Also in subsection (b)(4) of this section, the former reference to duties "as
34 herein prescribed or authorized" is deleted as surplusage.

1 In subsection (c) of this section, the reference to the authority of the
2 Department to “allow” a Departmental employee also to be an employee of a
3 license holder is substituted for the former reference to the authority of the
4 Department to “grant exceptions to the restrictions of this subsection relating
5 to dual employment” for brevity and clarity.

6 In subsection (d)(1) of this section, the former references to “emolument” and
7 “remuneration” are deleted in light of the references to “fee” and “commission”.

8 Also in subsection (d)(1) of this section, the former reference to “gratuity” is
9 deleted in light of the reference to “gift”.

10 In subsection (d)(2)(ii) of this section, the former reference to “firm, association
11 or corporation” is deleted as included in the defined term “person”.

12 Also in subsection (d)(2)(ii) of this section, the former reference to “servant” is
13 deleted as included in the reference to “employee”.

14 In subsection (e)(1) of this section, the reference that this section does not
15 “prohibit” the provision of samples is substituted for the former reference that
16 this section does not “prevent” the provision of samples for clarity and
17 consistency within this subtitle.

18 Also in subsection (e)(1) of this section, the reference to “providing” samples is
19 substituted for the former reference to “giving and delivering” samples for
20 clarity and brevity. Similarly, in subsection (e)(2) of this section, the reference
21 to “provide[s]” is substituted for the former reference to “deliver[s]”.

22 Also in subsection (e)(1) of this section, the reference to a person “that sells or
23 attempts to sell” alcoholic beverages is substituted for the former reference to
24 a person “now selling or in the future attempting to sell or selling” alcoholic
25 beverages for brevity.

26 In subsection (e)(2) of this section, the former reference to an “official” receipt
27 is deleted as surplusage.

28 In subsection (f) of this section, the reference to being “guilty of a
29 misdemeanor” is added to state expressly what was only implied in the former
30 law. In this State, any crime that is not a felony at common law and has not
31 been declared a felony by statute is considered to be a misdemeanor. *See State*
32 *v. Canova*, 278 Md. 483, 490 (1976), *Bowser v. State*, 136 Md. 342, 345 (1960),
33 and *Williams v. State*, 4 Md. App. 342, 347 (1968).

34 The Alcoholic Beverages Article Review Committee notes, for consideration by
35 the General Assembly, that in subsection (a) of this section a member of the
36 County Council or the County Executive may not have any financial interest,

1 directly or indirectly, in the sale, manufacture, blending, brewing, distilling,
2 rectifying, or wholesaling of any alcoholic beverage purchased or sold under
3 this article. The General Assembly may wish to transfer these provisions to
4 Title 5, Subtitle 8 of the General Provisions Article.

5 Defined terms: "Alcoholic beverage" § 1-101

6 "County" § 25-101

7 "Department" § 25-301

8 "Director" § 25-301

9 "License" § 1-101

10 "License holder" § 1-101

11 "Person" § 1-101

12 "Wholesaler" § 1-101

13 **25-306. ADVISORY BOARD.**

14 **(A) ESTABLISHED.**

15 **THERE IS AN ADVISORY BOARD IN THE DEPARTMENT.**

16 **(B) COMPOSITION; APPOINTMENT OF MEMBERS.**

17 **THE ADVISORY BOARD CONSISTS OF THE FOLLOWING EIGHT MEMBERS:**

18 **(1) THE DIRECTOR;**

19 **(2) THE DIRECTOR OF THE COUNTY DEPARTMENT OF POLICE;**

20 **(3) THE CHAIR OF THE BOARD OF LICENSE COMMISSIONERS; AND**

21 **(4) FIVE MEMBERS WHO ARE COUNTY RESIDENTS APPOINTED BY THE**
22 **COUNTY EXECUTIVE WITH THE CONSENT OF THE COUNTY COUNCIL.**

23 **(C) QUALIFICATIONS.**

24 **OF THE MEMBERS OF THE ADVISORY BOARD APPOINTED UNDER SUBSECTION**
25 **(B)(4) OF THIS SECTION:**

26 **(1) ONLY ONE SHALL BE A HOLDER OF A CLASS B OR A CLASS C BEER,**
27 **WINE, AND LIQUOR LICENSE IN THE COUNTY; AND**

28 **(2) ONLY ONE SHALL BE A HOLDER OF A LICENSE OF ANY OTHER**
29 **CLASS IN THE COUNTY.**

1 **(D) TENURE.**

2 **(1) THIS SUBSECTION APPLIES TO MEMBERS OF THE ADVISORY**
3 **BOARD APPOINTED UNDER SUBSECTION (B)(4) OF THIS SECTION.**

4 **(2) THE TERM OF A MEMBER IS 4 YEARS.**

5 **(3) A MEMBER APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY**
6 **FOR THE REMAINDER OF THE TERM.**

7 **(4) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
8 **THE TERMS PROVIDED FOR MEMBERS ON JULY 1, 2016.**

9 **(E) REMOVAL.**

10 **WITH THE CONSENT OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE MAY**
11 **REMOVE A MEMBER WHOM THE COUNTY EXECUTIVE APPOINTED TO THE ADVISORY**
12 **BOARD.**

13 **(F) DUTIES.**

14 **THE ADVISORY BOARD SHALL REPORT AT LEAST QUARTERLY TO THE**
15 **COUNTY EXECUTIVE ON RECOMMENDATIONS FOR THE IMPROVEMENT OF:**

16 **(1) THE ALCOHOLIC BEVERAGES CONTROL AND ENFORCEMENT**
17 **ACTIVITIES OF THE COUNTY; AND**

18 **(2) THE OPERATIONS OF THE DISPENSARY AND DISTRIBUTION**
19 **SYSTEMS FROM THE STANDPOINT OF EFFICIENCY, SERVICE PROVIDED, AND**
20 **CONVENIENCE TO THE PUBLIC.**

21 **(G) COMPENSATION.**

22 **A MEMBER OF THE ADVISORY BOARD:**

23 **(1) MAY NOT RECEIVE COMPENSATION; BUT**

24 **(2) IS ENTITLED TO NECESSARY EXPENSES IN CONNECTION WITH THE**
25 **PERFORMANCE OF THE DUTIES OF THE ADVISORY BOARD.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from the third through eighth sentences of former Art. 2B, §
28 15-201(c)(7).

1 In subsection (a) of this section, the reference to an Advisory Board “in the
2 Department” is added for clarity.

3 In subsection (b) of this section, the former reference designating specified
4 members of the Advisory Board as “ex officio” members is deleted as
5 unnecessary.

6 In subsection (b)(2) of this section, the reference to the “Director of the County
7 Department of Police” is substituted for the former reference to the
8 “superintendent of police” in light of § 2–43 of the Montgomery County Code,
9 which states that “[a]ny reference in this Code ... or other document to
10 ‘superintendent of police’ means ‘Director of [County] Police’”.

11 In subsection (c)(1) of this section, the former references to “bona fide” license
12 holders are deleted as unnecessary.

13 In subsection (d)(1) of this section, the reference to the application of this
14 subsection “to members of the Advisory Board appointed under subsection
15 (b)(4) of this section” is substituted for the former reference to the members
16 who were “appointed” for clarity.

17 In subsection (d)(4) of this section, the reference to the terms of office being
18 “staggered as required by the terms provided for members on July 1, 2016” is
19 substituted for the former obsolete reference to the terms of office for the
20 initial appointed members of the Advisory Board who began their terms on
21 June 1, 1976. This substitution is not intended to alter the term of any
22 appointed member of the Advisory Board.

23 In the introductory language of subsection (f) of this section, the former
24 reference to reporting “periodically” is deleted as implicit in the reference to
25 reporting “at least quarterly”.

26 In subsection (f)(2) of this section, the reference to service “provided” is added
27 for clarity.

28 In subsection (g)(2) of this section, the reference to expenses in connection with
29 “the performance of” Advisory Board duties is added for clarity.

30 Defined terms: “Alcoholic beverage” § 1–101

31 “Beer” § 1–101

32 “County” § 25–101

33 “Department” § 25–301

34 “Director” § 25–301

35 “Dispensary” § 25–301

36 “License” § 1–101

37 “Wine” § 1–101

1 **25-307. MONOPOLY CONTROL.**

2 (A) SCOPE OF SECTION.

3 THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS F LICENSE.

4 (B) IN GENERAL.

5 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (8) OF THIS
6 SUBSECTION:

7 (I) THE DEPARTMENT HAS A MONOPOLY ON THE WHOLESALE
8 DISTRIBUTION OF BEER, WINE, AND LIQUOR AND RETAIL DISTRIBUTION OF
9 OFF-SALE LIQUOR IN THE COUNTY, SUBJECT TO § 1-309 OF THIS ARTICLE; AND

10 (II) A PERSON MAY SELL ONLY ALCOHOLIC BEVERAGES THAT
11 ARE PURCHASED FROM THE DEPARTMENT.

12 (2) THE HOLDERS OF THE FOLLOWING WHOLESALER'S LICENSES MAY
13 SELL OR DELIVER ALCOHOLIC BEVERAGES FOR RESALE TO A DISPENSARY:

14 (I) A CLASS 1 BEER, WINE, AND LIQUOR LICENSE;

15 (II) A CLASS 2 WINE AND LIQUOR LICENSE;

16 (III) A CLASS 3 BEER AND WINE LICENSE;

17 (IV) A CLASS 4 BEER LICENSE; OR

18 (V) A CLASS 5 WINE LICENSE.

19 (3) THE HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER'S
20 LICENSE OR NONRESIDENT WINERY PERMIT MAY SELL OR DELIVER WINE DIRECTLY
21 TO A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE COUNTY.

22 (4) THE HOLDER OF A CLASS 7 LIMITED BEER WHOLESALER'S
23 LICENSE OR NONRESIDENT BREWERY PERMIT MAY SELL OR DELIVER ITS OWN BEER
24 TO A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE COUNTY.

25 (5) A HOLDER OF A DIRECT WINE SHIPPER'S PERMIT MAY SHIP WINE
26 DIRECTLY TO A CONSUMER IN THE COUNTY.

1 **(6) A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE**
 2 **COUNTY MAY PURCHASE WINE DIRECTLY FROM A HOLDER OF A CLASS 6 LIMITED**
 3 **WINE WHOLESALER’S LICENSE OR OF A NONRESIDENT WINERY PERMIT.**

4 **(7) A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE**
 5 **COUNTY MAY PURCHASE BEER DIRECTLY FROM A HOLDER OF A CLASS 7 LIMITED**
 6 **BEER WHOLESALER’S LICENSE OR OF A NONRESIDENT BREWERY PERMIT.**

7 **(8) A HOLDER OF A CHARITY WINE AUCTION PERMIT IN THE COUNTY**
 8 **MAY RECEIVE AND SELL WINE OBTAINED FROM ANY SOURCE LISTED UNDER § 2-137**
 9 **OF THIS ARTICLE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 15-204(a) and (b).

12 In subsection (b)(1)(i) of this section, the defined term “Department” is
 13 substituted for the former reference to “the liquor control board in each
 14 county” for clarity. Consequently, the second sentence of former Art. 2B, §
 15 15-201(a), which stated that the words “liquor control board” apply to the
 16 Department whenever such construction would be reasonable, is deleted.

17 In subsection (b)(1)(ii) of this section, the former reference to a “firm, or
 18 corporation” is deleted as included in the defined term “person”.

19 In subsection (b)(2) of this section, the former exception from the Department’s
 20 monopoly control authority that applied to holders of certain wholesaler’s
 21 licenses in the County is revised as an affirmative grant of authority to sell or
 22 deliver alcoholic beverages for resale to a dispensary for clarity.

23 Former Art. 2B, § 2-101(i)(6), which stated that in the County the alcoholic
 24 beverage purchasing power shall be as described in former Art. 2B, §§
 25 15-204(b) and 15-205(k), is deleted as unnecessary in light of the organization
 26 of this revised article.

27 Defined terms: “Alcoholic beverage” § 1-101

28 “Beer” § 1-101

29 “Consumer” § 1-101

30 “County” § 25-101

31 “Department” § 25-301

32 “Dispensary” § 25-301

33 “Person” § 1-101

34 “Restaurant” § 1-101

35 “Retail dealer” § 1-101

36 “Wholesaler’s license” § 1-101

37 “Wine” § 1-101

1 **25-308. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

2 (A) **DELIVERY ON EFFECTIVE DATE OF LICENSE.**

3 **THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A**
 4 **PER DIEM LICENSE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM**
 5 **LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

6 (B) **DISPENSING DRAFT BEER — AGREEMENT REQUIRED.**

7 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
 8 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
 9 **REQUIRED TO DISPENSE DRAFT BEER.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 11-102(b).

12 In subsection (a) of this section, the defined term "Department" is substituted
 13 for the former reference to "in each county of the State and in Baltimore City,
 14 the holder of a wholesale license" because the Department acts as the
 15 exclusive wholesaler in the County.

16 Also in subsection (a) of this section, the reference to a "per diem" license is
 17 substituted for the former reference to a "special 1-day" license to conform to
 18 the terminology used throughout this article.

19 Also in subsection (a) of this section, the reference to delivery of beer on the
 20 "effective date of the per diem license" is substituted for the former reference
 21 to delivery on the "effective day of the license" for clarity.

22 Also in subsection (a) of this section, the former reference to accepting returns
 23 on the same day "of delivery" is deleted as surplusage.

24 In subsection (b) of this section, the phrase "[t]he agreement entered into
 25 under subsection (a) of this section shall include" is substituted for the former
 26 phrase "[t]he parties shall agree upon" for clarity.

27 Defined terms: "Beer" § 1-101
 28 "Department" § 25-301

29 **25-309. OTHER POWERS.**

30 (A) **IN GENERAL.**

1 WITH THE APPROVAL OF THE COUNTY EXECUTIVE AND SUBJECT TO §
2 1-309 OF THIS ARTICLE, THE DIRECTOR MAY:

3 (1) PURCHASE FROM A HOLDER OF A WHOLESALER'S LICENSE OR
4 MANUFACTURER'S LICENSE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS
5 AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5-102 OF THE
6 TAX - GENERAL ARTICLE IS PAID;

7 (2) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT
8 DEALER'S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE
9 DEPARTMENT IS AUTHORIZED TO SELL, AND RESELL THE ALCOHOLIC BEVERAGES
10 ONCE THE EXCISE TAX IS PAID;

11 (3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES
12 THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;

13 (4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN
14 THE DEPARTMENT'S JUDGMENT, IS NOT SUITABLE TO PURCHASE OR CONSUME THE
15 ALCOHOLIC BEVERAGES;

16 (5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC
17 BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER
18 AT OR DURING ANY TIME;

19 (6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY
20 OR DESIRABLE TO CARRY OUT THIS ARTICLE;

21 (7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR
22 PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT
23 PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED; AND

24 (8) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF
25 WHICH A DISPENSARY MAY NOT REMAIN OPEN.

26 (B) ACQUISITION OF PROPERTY.

27 (1) WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE
28 DIRECTOR, BY RENTAL, LEASE, PURCHASE, OR OTHERWISE, MAY ACQUIRE:

29 (I) REAL OR PERSONAL PROPERTY DETERMINED BY THE
30 DIRECTOR TO BE NECESSARY TO OPERATE DISPENSARIES, STORES, OR
31 WAREHOUSES; AND

1 **(II) ALCOHOLIC BEVERAGES FROM ANY SOURCE FOR RESALE.**

2 **(2) EXCEPT FOR PURCHASES OF MERCHANDISE FOR RESALE, THE**
3 **DEPARTMENT SHALL MAKE ALL PURCHASES THROUGH THE COUNTY OFFICE OF**
4 **PROCUREMENT.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, §§ 15–205(b), (c), (d), (f), (g), (h), (e)(1), and (k)(1),
7 and, as it related to the powers of the Montgomery County Department of
8 Liquor Control, 15–201(a)(2)(i).

9 In the introductory language of subsection (a) of this section, the reference to
10 the “Director” is substituted for the former reference to a “liquor control board”
11 in light of former Art. 2B, § 15–201(a)(2)(i), which stated that the Department
12 has the powers of a liquor control board, and former Art. 2B, § 15–205(k)(1),
13 which stated that the Director has powers “in addition to the powers already
14 enumerated in this section”. The “section” referred to in the former law is now
15 revised as subsection (a) of this section.

16 Also in the introductory language of subsection (a) of this section, the reference
17 stating that the Director “may” perform certain functions is substituted for
18 the former reference stating that the Director “shall have full power and
19 authority” to perform these functions for clarity and brevity.

20 In subsection (a)(1) of this section, the former reference authorizing the
21 purchase of “any sparkling or fortified wine” is deleted as included in the
22 reference authorizing the purchase of “alcoholic beverages”.

23 In subsection (a)(2) of this section, the reference to the resale of alcoholic
24 beverages “that the Department is authorized to sell” is added to state
25 expressly what was only implied in the former law.

26 Also in subsection (a)(2) of this section, the former reference to the sale of
27 alcoholic beverages “as hereinafter provided” is deleted as unnecessary.
28 Similarly, in subsection (a)(3) of this section, the former reference to the sale
29 of alcoholic beverages “as above provided” is deleted as unnecessary.

30 In subsection (a)(3) of this section, the reference to “dispensaries” is
31 substituted for the former reference to “stores” in the county for consistency
32 within this subtitle.

33 Also in subsection (a)(3) of this section, the former phrase “in the said county”
34 is deleted as included in the defined term “dispensary”.

1 In subsection (a)(5) of this section, the reference to restricting the sale of
2 alcoholic beverages “during” any time is substituted for the former reference
3 to any “given ... period” for brevity.

4 Also in subsection (a)(5) of this section, the former reference to the authority
5 of the Director to “limit” the sale of alcoholic beverages is deleted as included
6 in the reference to the authority of the Director to “restrict” the sale of
7 alcoholic beverages.

8 Also in subsection (a)(5) of this section, the former reference to a “system” of
9 restricting the sale of alcoholic beverages is deleted as included in the
10 reference to a “method” of restricting the sale of alcoholic beverages.

11 Also in subsection (a)(5) of this section, the former reference to a method of
12 restricting the sale of alcoholic beverages “as may be prescribed by the liquor
13 control board” is deleted as implicit in the authority of the Director to restrict
14 alcoholic beverages sales.

15 In subsection (a)(6) of this section, the references to the authority of the
16 Director to “enter” a contract or “adopt” a regulation are substituted for the
17 former reference to the authority of the Director to “make” a contract or
18 regulation for clarity and to conform to the terminology used elsewhere in the
19 revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

20 Also in subsection (a)(6) of this section, the former reference to “rules” is
21 deleted as included in the reference to “regulations”.

22 Also in subsection (a)(6) of this section, the former reference to “the powers
23 conferred upon [the Director] by” this article is deleted as unnecessary.

24 In subsection (a)(7) of this section, the former reference to a prohibited act
25 “applicable” by law in a specified place is deleted as unnecessary.

26 In subsection (a)(8) of this section, the reference authorizing a liquor control
27 board to “establish” hours of sale for county dispensaries is substituted for the
28 former reference authorizing a liquor control board to “fix” hours of sale for
29 county dispensaries for clarity.

30 Also in subsection (a)(8) of this section, the reference to hours “of sale” is
31 substituted for the former reference to hours “for opening and closing” for
32 clarity.

33 Also in subsection (a)(8) of this section, the former reference prohibiting the
34 sale of alcoholic beverages at specific times is deleted as implicit in the
35 establishment of hours of sale.

1 In subsection (b)(2) of this section, the reference to “the County Office of
2 Procurement” is substituted for the former obsolete reference to “the county
3 purchasing office” for accuracy. *See* § 2–30 of the Montgomery County Code.

4 Former Art. 2B, § 15–205(k)(2), which, effective July 1, 1951, vested in the
5 County the title to all real and personal property used by or in the name of the
6 Liquor Control Board, including money in banks, credits, accounts receivable,
7 trucks, automobiles, equipment, stock in trade, leases, franchises, contracts,
8 and the title to the liquor dispensary building located in Silver Spring,
9 Maryland, and stated that any outstanding contracts or obligations of the
10 Liquor Control Board were not impaired by this vesting, is deleted as obsolete.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “Consumer” § 1–101

13 “County” § 25–101

14 “Department” § 25–301

15 “Director” § 25–301

16 “Dispensary” § 25–301

17 “License holder” § 1–101

18 “Manufacturer’s license” § 1–101

19 “Person” § 1–101

20 “Wholesaler’s license” § 1–101

21 **25–310. DISPENSARIES.**

22 **(A) ESTABLISHMENT.**

23 **WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE DIRECTOR MAY**
24 **ESTABLISH A DISPENSARY AT ONE OR MORE LOCATIONS THAT THE DIRECTOR**
25 **DETERMINES.**

26 **(B) SALE OF INVENTORY.**

27 **(1) THE DEPARTMENT MAY SELL ITS INVENTORY THROUGH:**

28 **(I) DISPENSARIES SELLING AT WHOLESALE AND RETAIL; AND**

29 **(II) SUBJECT TO SUBSECTION (C) OF THIS SECTION, RETAIL**
30 **OUTLETS OPERATED BY INDIVIDUALS WITH WHOM THE DEPARTMENT CONTRACTS.**

31 **(2) NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY SELL**
32 **AT WHOLESALE OR RETAIL ALCOHOLIC BEVERAGES IN WHOLE CASES OR IN**
33 **INDIVIDUAL BOTTLES THROUGH DISPENSARIES TO A LICENSE HOLDER IN THE**
34 **COUNTY.**

1 **(3) THE DEPARTMENT MAY NOT SELL ALCOHOLIC BEVERAGES AT**
2 **DIFFERENT PRICES TO DIFFERENT LICENSE HOLDERS OR CLASSES OF LICENSE**
3 **HOLDERS.**

4 **(C) OPERATION OF DISPENSARY OR OUTLET BY CONTRACTOR.**

5 **(1) THE DIRECTOR MAY NOT CONTRACT WITH A PERSON TO**
6 **OPERATE:**

7 **(I) A DISPENSARY; OR**

8 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
9 **SUBSECTION, A RETAIL OUTLET FOR THE SALE OF BEER, WINE, AND LIQUOR.**

10 **(2) THE DIRECTOR MAY ENTER INTO A CONTRACT WITH A PERSON TO**
11 **OPERATE A RETAIL OUTLET FOR THE SALE OF BEER, WINE, AND LIQUOR IF:**

12 **(I) THE BOARD OF LICENSE COMMISSIONERS DETERMINES**
13 **THAT THE PERSON IS FIT TO OPERATE THE RETAIL OUTLET; AND**

14 **(II) THE DIRECTOR HAD A CONTRACT WITH A PERSON TO**
15 **OPERATE THE RETAIL OUTLET ON JANUARY 1, 1997.**

16 **(D) AUTHORIZED SALE ITEMS.**

17 **A DISPENSARY OR A RETAIL OUTLET OPERATED UNDER CONTRACT WITH THE**
18 **DIRECTOR:**

19 **(1) MAY SELL ONLY:**

20 **(I) FOR OFF-PREMISES CONSUMPTION, NONCHILLED BEER,**
21 **WINE, AND LIQUOR;**

22 **(II) ICE;**

23 **(III) BOTTLED WATER; AND**

24 **(IV) ITEMS COMMONLY ASSOCIATED WITH THE SERVING OR**
25 **CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BOTTLE OPENERS,**
26 **CORKSCREWS, DRINK MIXES, AND LIME JUICE; AND**

27 **(2) MAY NOT SELL SNACK FOODS OR SOFT DRINKS.**

1 **(E) HOURS AND DAYS OF SALE.**

2 **THE DEPARTMENT MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
3 **RETAIL LICENSE HOLDER FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
4 **SUNDAY.**

5 **(F) ENFORCEMENT FOR UNLAWFUL SALES TO INDIVIDUALS UNDER THE**
6 **AGE OF 21 YEARS.**

7 **A MANAGER OF A DISPENSARY, AN INDIVIDUAL WHO CONTRACTS TO OPERATE**
8 **A RETAIL OUTLET AS AUTHORIZED UNDER SUBSECTION (C) OF THIS SECTION, OR AN**
9 **EMPLOYEE OF A DISPENSARY OR RETAIL OUTLET WHO COMMITS A PROHIBITED ACT**
10 **RELATED TO THE SALE OR PROVIDING OF ALCOHOLIC BEVERAGES TO INDIVIDUALS**
11 **UNDER THE AGE OF 21 YEARS UNDER THIS ARTICLE OR THE CRIMINAL LAW**
12 **ARTICLE IS SUBJECT TO:**

13 **(1) ANY PENALTY AUTHORIZED BY LAW, INCLUDING A CIVIL CITATION**
14 **ISSUED UNDER § 10–119 OF THE CRIMINAL LAW ARTICLE; AND**

15 **(2) A FINE AND SUSPENSION OR REVOCATION OF EMPLOYMENT BY**
16 **THE BOARD IN THE SAME MANNER AS A LICENSE HOLDER OR EMPLOYEE OF A**
17 **LICENSE HOLDER WOULD BE SUBJECT TO A FINE AND SUSPENSION OR REVOCATION**
18 **OF THE LICENSE FOR THE VIOLATION.**

19 **(G) ISSUANCE OR DENIAL OF LICENSE PROVISIONS NOT APPLICABLE.**

20 **TITLE 4, SUBTITLE 2 OF THIS ARTICLE DOES NOT APPLY TO THIS SECTION.**

21 **REVISOR'S NOTE:** This section is new language derived without substantive
22 change from former Art. 2B, §§ 2–301(g)(2), (3), and (4), 9–102(e),
23 11–102(e), and 15–203(a)(1) and (2) and (d)(2) through (6).

24 In subsection (d)(1)(i) of this section, the former references authorizing the
25 sale of “sparkling or fortified wine and any other alcoholic beverages
26 containing more than 14 percent of alcohol by volume” and “any alcoholic
27 beverages” in County dispensaries are deleted as included in the reference
28 authorizing the sale of “nonchilled beer, wine, and liquor”.

29 In the introductory language of subsection (f) of this section, the reference to
30 the commission of “a prohibited act” related to the sale of alcoholic beverages
31 to underage individuals is added for clarity.

32 Also in the introductory language of subsection (f) of this section, the reference
33 to prohibited acts related to “providing” alcoholic beverages is added for

1 consistency with § 6–304 of this article and Title 10, Subtitle 1, Part II of the
2 Criminal Law Article.

3 Also in the introductory language of subsection (f) of this section, the reference
4 to “individuals under the age of 21 years” is substituted for the former
5 reference to “minors” for accuracy and consistency with the Criminal Law
6 Article.

7 Also in the introductory language of subsection (f) of this section, the reference
8 to “[a] manager of a dispensary, an individual who contracts to operate a retail
9 outlet as authorized under subsection (c) of this section, or an employee of a
10 dispensary or retail outlet” is substituted for the former reference establishing
11 the legal fiction that specific persons are to be considered to be alcoholic
12 beverages license holders or employees of license holders for specific purposes
13 for clarity.

14 Also in the introductory language of subsection (f) of this section, the former
15 reference stating that the “purposes” of the former provisions were to
16 “enforc[e] the provisions of this article relating to the sale of alcoholic
17 beverages to minors and Title 10, Subtitle 1, Part II of the Criminal Law
18 Article” is deleted as unnecessary.

19 Also in the introductory language of subsection (f) of this section, the former
20 cross–reference to “Title 10, Subtitle 1, Part II” of the Criminal Law Article is
21 deleted as surplusage.

22 In subsection (f)(1) of this section, the former redundant cross–reference to “§
23 16–408 of this article”, relating to civil citations, is deleted as unnecessary.

24 Former Art. 2B, § 2–301(g)(1), which stated that former Art. 2B, § 2–301(g)
25 applied only in Montgomery County, is deleted as unnecessary in light of the
26 organization of this revised article. Similarly, former Art. 2B, §
27 15–203(d)(1), which stated that former Art. 2B, § 15–203(d) applied only in
28 Montgomery County, is deleted.

29 Defined terms: “Alcoholic beverage” § 1–101

30 “Beer” § 1–101

31 “County” § 25–101

32 “Department” § 25–301

33 “Director” § 25–301

34 “Dispensary” § 25–301

35 “License” § 1–101

36 “License holder” § 1–101

37 “Person” § 1–101

38 “Wine” § 1–101

39 **25–311. DISTRIBUTION OF PROCEEDS.**

1 **(A) DEPOSIT OF REVENUE.**

2 **REVENUE DERIVED FROM THE SALE OF ALCOHOLIC BEVERAGES SHALL BE:**

3 **(1) DEPOSITED IN A BANK LOCATED IN THE COUNTY IN THE NAME OF**
 4 **MONTGOMERY COUNTY, MARYLAND; AND**

5 **(2) DISBURSED BY THE DIRECTOR OF FINANCE IN THE SAME MANNER**
 6 **AS OTHER COUNTY FUNDS.**

7 **(B) LIQUOR CONTROL FUND.**

8 **(1) THERE IS A LIQUOR CONTROL FUND IN THE COUNTY.**

9 **(2) THE PROCEEDS DERIVED FROM THE SALE OF ALCOHOLIC**
 10 **BEVERAGES SHALL BE CREDITED INTO THE LIQUOR CONTROL FUND TO MAINTAIN**
 11 **AN ADEQUATE BALANCE OF WORKING CAPITAL, AS DETERMINED BY THE DIRECTOR**
 12 **AND THE DIRECTOR OF FINANCE AND SUBJECT TO THE APPROVAL OF THE COUNTY**
 13 **EXECUTIVE, FOR THE CONTINUED OPERATION OF THE DISPENSARY SYSTEM.**

14 **(3) AFTER PROVIDING ADEQUATE WORKING CAPITAL FOR THE**
 15 **LIQUOR CONTROL FUND, THE NET PROCEEDS SHALL BE DEPOSITED TO THE**
 16 **GENERAL FUND OF THE COUNTY.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 15-207(e).

19 In the introductory language of subsection (a) of this section, the reference to
 20 "[r]evenue" derived from the sale of alcoholic beverages is substituted for the
 21 former references to "[a]ll moneys" and "such money" derived from the sale of
 22 alcoholic beverages for clarity.

23 In subsection (b)(2) of this section, the former reference to "net" proceeds is
 24 deleted as surplusage.

25 Also in subsection (b)(2) of this section, the reference requiring proceeds to be
 26 "credited" into the Liquor Control Fund is substituted for the former reference
 27 that the net proceeds be "applied" for the purposes of the Fund for clarity and
 28 consistency within this section.

29 Also in subsection (b)(2) of this section, the former requirement that
 30 Department revenue first be applied to repayment of interest and principal on
 31 debt instruments issued by the Department is deleted as erroneous and
 32 obsolete. Neither the Department nor the County on its behalf has ever had

1 the authority to issue debt instruments. Also, according to the Department,
2 all debt instruments issued before the creation of the Department in 1951
3 have long since been retired.

4 Former Art. 2B, § 15–207(a), which stated that “[p]rofits and reserves shall be
5 accounted for as follows”, is deleted as surplusage.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “County” § 25–101

8 “Director” § 25–301

9 “Dispensary” § 25–301

10 **25–312. IMMUNITY.**

11 **THE DEPARTMENT SHALL HAVE THE IMMUNITY FROM LIABILITY**
12 **ESTABLISHED UNDER § 5–504 OF THE COURTS ARTICLE.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 15–209.

15 Defined term: “Department” § 25–301

16 **25–313. RECORDS AND REPORTS.**

17 **THE DEPARTMENT OF FINANCE SHALL:**

18 **(1) KEEP ACCURATE RECORDS OF ALL PURCHASES OF ALCOHOLIC**
19 **BEVERAGES; AND**

20 **(2) PREPARE AND FORWARD TO THE COUNTY EXECUTIVE AND**
21 **COUNTY COUNCIL AN ANNUAL REPORT FOR THE PREVIOUS FISCAL YEAR.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 15–206(d).

24 Defined terms: “Alcoholic beverage” § 1–101

25 “County” § 25–101

26 **25–314. STALE MALT BEVERAGES.**

27 **(A) AGREEMENT TO REPLACE MALT BEVERAGES AUTHORIZED.**

28 **A SUPPLIER MAY ENTER INTO AN AGREEMENT WITH A WHOLESALER OR AN**
29 **AUTHORIZED REPRESENTATIVE OF A WHOLESALER TO REPLACE, DIRECTLY OR**

1 **INDIRECTLY, STALE OR OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL**
 2 **LICENSED PREMISES:**

3 **(1) ON A CASE FOR CASE BASIS;**

4 **(2) AT THE SUPPLIER'S EXPENSE; AND**

5 **(3) UNDER A PLAN THAT THE COMPTROLLER APPROVES.**

6 **(B) UNILATERAL REPLACEMENT PLAN.**

7 **(1) IF A WHOLESALER REFUSES TO REPLACE STALE OR**
 8 **OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES UNDER**
 9 **THE PLAN DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION, THE SUPPLIER MAY**
 10 **UNILATERALLY SUBMIT A REPLACEMENT PLAN TO THE COMPTROLLER FOR**
 11 **APPROVAL.**

12 **(2) THE REPLACEMENT PLAN THAT THE SUPPLIER UNILATERALLY**
 13 **SUBMITS TO THE COMPTROLLER MAY INCLUDE THE DESIGNATION OF AN**
 14 **AUTHORIZED REPRESENTATIVE OR WHOLESALER OUTSIDE THE TERRITORY OF THE**
 15 **WHOLESALER WHO REFUSES TO PARTICIPATE IN THE PLAN.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 12-102(c)(2) through (4).

18 In the introductory language of subsection (a) and in subsection (b)(2) of this
 19 section, the former phrase "[n]otwithstanding any other provision of this
 20 section" is deleted as unnecessary in light of the organization of this revised
 21 article.

22 In subsection (a)(3) of this section, the former reference to a plan "submitted
 23 to" the Comptroller is deleted as included in the reference to a plan that the
 24 Comptroller "approves".

25 Former Art. 2B, § 12-102(c)(1), which stated that former Art. 2B, §
 26 12-102(c) applied only to those counties whose liquor control boards establish
 27 and maintain county liquor dispensaries, is deleted as unnecessary in light of
 28 the organization of this revised article.

29 Defined terms: "Comptroller" § 1-101

30 "Wholesaler" § 1-101

31 **GENERAL REVISOR'S NOTE TO SUBTITLE**

1 Former Art. 2B, § 15–202(d), which stated that certain provisions that allowed a
2 board of county commissioners to advance money to the liquor control board of the
3 same county did not apply to Montgomery County, provided that any previous
4 obligations incurred by the Liquor Control Board of Montgomery County were not
5 affected, is deleted as obsolete. The Liquor Control Board of Montgomery County
6 ended operations in 1951, and none of the Board’s debt is outstanding.

7 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

8 **25–401. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
11 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
12 **EXCEPTION OR VARIATION:**

13 **(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**

14 **(2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**

15 **(3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**

16 **(4) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**

17 **(5) § 2–207 (“CLASS 5 BREWERY LICENSE”);**

18 **(6) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**

19 **(7) § 2–211 (“RESIDENCY REQUIREMENT”);**

20 **(8) § 2–212 (“ADDITIONAL LICENSES”);**

21 **(9) § 2–213 (“ADDITIONAL FEES”);**

22 **(10) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**

23 **(11) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES**
24 **AND RETAILERS”);**

25 **(12) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
26 **PROHIBITED PRACTICES”); AND**

1 **(13) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
 2 **RETAILERS — PROHIBITED”).**

3 **(B) EXCEPTIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 5 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

6 **(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND**

7 **(2) § 2–215 (“BEER SALE ON CREDIT TO RETAILER DEALER**
 8 **PROHIBITED”).**

9 **(C) VARIATIONS.**

10 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 11 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

12 **(1) § 2–205 (“CLASS 3 WINERY LICENSE”), SUBJECT TO § 25–403 OF**
 13 **THIS SUBTITLE;**

14 **(2) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”), SUBJECT TO §**
 15 **25–404 OF THIS SUBTITLE; AND**

16 **(3) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO §**
 17 **25–405 OF THIS SUBTITLE.**

18 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
 19 incorporate by reference general provisions relating to the issuance of
 20 manufacturer’s licenses.

21 Subsection (b)(1) of this section is new language derived without substantive
 22 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
 23 implicit in the former law, that a limited distillery license may not be issued
 24 in the County.

25 Subsection (b)(2) of this section is new language derived without substantive
 26 change from the introductory language of former Art. 2B, § 12–112(a), as it
 27 limited to specific jurisdictions, not including Montgomery County, the
 28 application of the general prohibition against beer sale on credit to retail
 29 dealers revised in § 2–215 of Division I of this article. No substantive change
 30 is intended.

31 Defined terms: “County” § 25–101
 32 “Manufacturer’s license” § 1–101

1 **25-402. HOURS AND DAYS OF SALE OR DELIVERY.**

2 **A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER**
3 **ALCOHOLIC BEVERAGES TO THE DEPARTMENT OF LIQUOR CONTROL FROM 6 A.M.**
4 **TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 11-101(c).

7 Defined terms: "Alcoholic beverage" § 1-101
8 "Manufacturer's license" § 1-101

9 **25-403. CLASS 3 WINERY LICENSE.**

10 **THE BOARD MAY ISSUE A CLASS D BEER AND WINE LICENSE TO A HOLDER OF**
11 **A CLASS 3 WINERY LICENSE THAT PRODUCES NOT MORE THAN 20,000 GALLONS IN**
12 **A YEAR.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 2-204(b).

15 The reference to a Class 3 "winery" license is substituted for the former
16 reference to a Class 3 "manufacturer's" license for clarity.

17 Defined terms: "Beer" § 1-101
18 "Board" § 25-101
19 "Wine" § 1-101

20 **25-404. CLASS 6 PUB-BREWERY LICENSE.**

21 **(A) APPLICATION OF SECTION.**

22 **THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE**
23 **COUNTY.**

24 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

25 **SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

26 **(C) OTHER OFF-SALE OF MALT BEVERAGE.**

1 **A HOLDER OF THE LICENSE SHALL ENTER INTO A WRITTEN AGREEMENT WITH**
 2 **THE DEPARTMENT OF LIQUOR CONTROL FOR THE SALE AND RESALE OF MALT**
 3 **BEVERAGES BREWED UNDER THE LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 2-207(h), (a)(4), as it related to the availability
 6 of a Class 6 pub-brewery license in Montgomery County, and, as it authorized
 7 off-sale privileges of beer in refillable containers only in specific jurisdictions,
 8 not including Montgomery County, the introductory language of (g)(1).

9 In subsection (c) of this section, the former reference to the Department of
 10 Liquor Control "for Montgomery County" is deleted as unnecessary.

11 Defined terms: "County" § 25-101

12 "License" § 1-101

13 **25-405. CLASS 7 MICRO-BREWERY LICENSE.**

14 **(A) APPLICATION OF SECTION.**

15 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY (ON- AND OFF-SALE)**
 16 **LICENSE IN THE COUNTY.**

17 **(B) AUTHORIZED HOLDER.**

18 **THE LICENSE MAY BE ISSUED TO THE HOLDER OF:**

19 **(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
 20 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY;**

21 **(2) A CLASS I BEER AND WINE LICENSE; OR**

22 **(3) A CLASS H BEER AND WINE LICENSE.**

23 **(C) WRITTEN AGREEMENT WITH DEPARTMENT OF LIQUOR CONTROL**
 24 **REQUIRED.**

25 **A HOLDER OF THE LICENSE SHALL ENTER INTO A WRITTEN AGREEMENT WITH**
 26 **THE DEPARTMENT OF LIQUOR CONTROL FOR THE SALE AND RESALE OF MALT**
 27 **BEVERAGES BREWED UNDER THE LICENSE.**

28 REVISOR'S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 2-208(a), (b)(2)(xvi), (3)(i), and (4), and (g).

30 Defined terms: "Beer" § 1-101

1 “County” § 25-101
2 “License” § 1-101
3 “Off-sale” § 1-101
4 “On-sale” § 1-101
5 “Restaurant” § 1-101
6 “Wine” § 1-101

7 **SUBTITLE 5. WHOLESALER’S LICENSES.**

8 **25-501. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
11 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
12 **EXCEPTION OR VARIATION:**

13 **(1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);**

14 **(2) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**

15 **(3) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**

16 **(4) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM**
17 **WHOLESALER’S VEHICLE”);**

18 **(5) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**

19 **(6) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);**

20 **(7) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**

21 **(8) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF**
22 **LICENSE OR PERMIT”);**

23 **(9) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND**
24 **RETAILERS”);**

25 **(10) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
26 **PROHIBITED PRACTICES”); AND**

27 **(11) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS**
28 **AND RETAILERS — PROHIBITED”).**

1 (B) EXCEPTION.

2 SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)
3 OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

4 (C) VARIATIONS.

5 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S
6 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY SUBJECT TO §
7 25-502 OF THIS SUBTITLE:

8 (1) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S
9 LICENSE”);

10 (2) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);

11 (3) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);

12 (4) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”); AND

13 (5) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”).

14 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
15 incorporate by reference general provisions relating to the issuance of
16 wholesaler’s licenses.

17 Subsection (b) of this section is new language derived without substantive
18 change from the introductory language of former Art. 2B, § 12-112(a), as it
19 limited to specific jurisdictions, not including Montgomery County, the
20 application of the general prohibition against beer sale on credit to retail
21 dealers revised in § 2-314 of this article. No substantive change is intended.

22 Defined terms: “County” § 25-101

23 “Wholesaler’s license” § 1-101

24 **25-502. RESTRICTION ON SALES.**

25 A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR, CLASS 2 WINE AND
26 LIQUOR, CLASS 3 BEER AND WINE, CLASS 4 BEER, OR CLASS 5 WINE WHOLESALER’S
27 LICENSE MAY NOT SELL OR DELIVER ANY ALCOHOLIC BEVERAGE IN THE COUNTY
28 FOR RESALE EXCEPT TO A COUNTY DISPENSARY.

29 REVISOR’S NOTE: This section is new language revised without substantive change
30 from the second clause of former Art. 2B, § 15-204(b)(1), as it related to a
31 holder of a wholesaler’s license of any class.

1 The former reference to a “liquor” dispensary is deleted as surplusage.

2 Defined terms: “Alcoholic beverage” § 1–101

3 “County” § 25–101

4 “Wholesaler’s license” § 1–101

5 **25–503. HOURS AND DAYS OF SALE OR DELIVERY.**

6 **ALCOHOLIC BEVERAGES MAY BE SOLD OR DELIVERED FROM 6 A.M. TO**
7 **MIDNIGHT, ON EVERY DAY EXCEPT SUNDAY:**

8 **(1) BY A HOLDER OF A BEER, WINE, AND LIQUOR, WINE AND LIQUOR,**
9 **BEER AND WINE, BEER, OR WINE WHOLESALER’S LICENSE TO A COUNTY**
10 **DISPENSARY; AND**

11 **(2) BY A HOLDER OF A LIMITED WINE WHOLESALER’S LICENSE TO A**
12 **HOLDER OF A RETAIL LICENSE OR A COUNTY DISPENSARY.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 11–102(a).

15 In item (1) of this section, the reference to a “beer, wine, and liquor, wine and
16 liquor, beer and wine, beer, or wine wholesaler’s license” is substituted for the
17 former reference to “holders of wholesalers’ licenses” and the reference to a
18 “County dispensary” is substituted for the former reference to “retail license
19 holders” for accuracy. Under § 25–502 of this subtitle, a holder of a
20 wholesaler’s license is restricted to selling or delivering alcoholic beverages to
21 a County dispensary.

22 In item (2) of this section, the reference to a “holder of a limited wine
23 wholesaler’s license” is substituted for the former reference to “holders of
24 wholesalers’ licenses” because only a holder of a limited wine wholesaler’s
25 license may sell or deliver alcoholic beverages to a retail license holder in the
26 County.

27 Defined terms: “Alcoholic beverage” § 1–101

28 “County” § 25–101

29 **SUBTITLE 6. BEER LICENSES.**

30 **25–601. CLASS A BEER LICENSE.**

31 **(A) ESTABLISHED.**

1 **THERE IS A CLASS A BEER LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
 4 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT**
 5 **THE PLACE DESCRIBED IN THE LICENSE.**

6 **(2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION**
 7 **WITH, OR ON THE PREMISES OF:**

8 **(I) A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A**
 9 **RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

10 **(II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT**
 11 **PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A**
 12 **RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

13 **(3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
 14 **PACKAGE OR CONTAINER.**

15 **(4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
 16 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

17 **(C) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$200.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 3-101(q) and (a)(1).

21 In subsection (a) of this section, the former reference to a license being "issued
 22 by the license issuing authority of the county in which the place of business is
 23 located" is deleted as surplusage.

24 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
 25 as implicit in the word "sell".

26 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
 27 deleted as surplusage.

28 In subsection (b)(2)(ii) of this section, the former reference to a "door, archway,
 29 [or] opening" is deleted as included in the reference to a "passageway".

1 In subsection (b)(3) of this section, the reference to “sell[ing]” is substituted for
2 the former reference to “deliver[ing]” for clarity and accuracy.

3 Defined terms: “Beer” § 1–101

4 “Consumer” § 1–101

5 “Restaurant” § 1–101

6 **25–602. CLASS B BEER LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS B BEER LICENSE.**

9 **(B) SCOPE OF AUTHORIZATION.**

10 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
11 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR**
12 **RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND**
13 **OFF-PREMISES CONSUMPTION.**

14 **(2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION**
15 **WITH, OR ON THE PREMISES OF:**

16 **(I) A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A**
17 **RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

18 **(II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT**
19 **PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A**
20 **RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

21 **(C) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$250.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 3–201(q) and (a)(1).

25 In subsection (a) of this section, the former reference to a license being “issued
26 by the license issuing authority of the county in which the place of business is
27 located” is deleted as surplusage.

28 In subsection (b)(1) of this section, the reference to “on- and off-premises
29 consumption” is substituted for the former reference to “consumption on the
30 premises or elsewhere” for clarity.

1 Also in subsection (b)(1) of this section, the former phrase “keep for sale” is
2 deleted as implicit in the word “sell”.

3 In subsection (b)(2)(ii) of this section, the former reference to a “door, archway,
4 [or] opening” is deleted as included in the reference to a “passageway”.

5 Defined terms: “Beer” § 1–101
6 “Hotel” § 1–101
7 “Restaurant” § 1–101

8 **25–603. CLASS C BEER LICENSE.**

9 (A) **ESTABLISHED.**

10 **THERE IS A CLASS C BEER LICENSE.**

11 (B) **SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
13 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
14 **LICENSE FOR ON–PREMISES CONSUMPTION.**

15 (C) **FEE.**

16 **THE ANNUAL LICENSE FEE IS \$50.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 3–301(q) and (a)(1).

19 In subsection (a) of this section, the former reference to a license being “issued
20 by the local licensing authority of the county in which the place of business is
21 located” is deleted as surplusage.

22 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
23 implicit in the word “sell”.

24 Also in subsection (b) of this section, the former reference to “bona fide”
25 members is deleted as surplusage.

26 Defined terms: “Beer” § 1–101
27 “Club” § 1–101

28 **25–604. CLASS D BEER LICENSE.**

29 (A) **ESTABLISHED.**

1 **THERE IS A CLASS D BEER LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
4 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
5 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

6 **(2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION**
7 **WITH, OR ON THE PREMISES OF:**

8 **(I) A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A**
9 **RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

10 **(II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT**
11 **PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A**
12 **RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

13 **(C) FEE.**

14 **THE ANNUAL LICENSE FEE IS \$250.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 3-401(q) and (a)(1).

17 In subsection (a) of this section, the former reference to a license being "issued
18 by the license issuing authority of the county in which the place of business is
19 located" is deleted as surplusage.

20 In subsection (b)(1) of this section, the reference to "on- and off-premises"
21 consumption is substituted for the former reference to consumption "on the
22 premises or elsewhere" for clarity.

23 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
24 deleted as implicit in the word "sell".

25 In subsection (b)(2)(ii) of this section, the former reference to a "door, archway,
26 [or] opening" is deleted as included in the reference to a "passageway".

27 Defined terms: "Beer" § 1-101

28 "Restaurant" § 1-101

29 **25-605. CLASS H BEER LICENSE.**

1 (A) ESTABLISHED.

2 THERE IS A CLASS H BEER LICENSE.

3 (B) SCOPE OF AUTHORIZATION.

4 (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS
5 SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT
6 RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE
7 FOR ON-PREMISES CONSUMPTION.

8 (2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION
9 WITH, OR ON THE PREMISES OF:

10 (I) A RESTAURANT LOCATED IN A DRUGSTORE; OR

11 (II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT
12 PUBLIC ACCESS TO A DRUGSTORE.

13 (3) A LICENSE MAY BE ISSUED FOR A BOWLING ALLEY IF THE
14 BOWLING ALLEY HAS AT LEAST 24 LANES AND IS EQUIPPED WITH AUTOMATIC PIN
15 SETTERS.

16 (4) A LICENSE MAY BE ISSUED FOR A PUBLIC GOLF COURSE UNDER §
17 25-1101 OF THIS TITLE.

18 (C) FEE.

19 THE ANNUAL LICENSE FEE IS \$400.

20 (D) CLASS H LICENSE — TAKOMA PARK.

21 (1) THERE IS ONE CLASS H LICENSE THAT SHALL BE ISSUED TO A
22 PERSON WHO, ON JUNE 30, 1997, HELD A CLASS B BEER LICENSE AND OPERATED A
23 LICENSED PREMISES THAT WAS LOCATED IN THAT PORTION OF THE CITY OF
24 TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE'S COUNTY.

25 (2) THE CLASS H LICENSE HOLDER MAY EXERCISE ALL OF THE
26 PRIVILEGES THAT THE LICENSE HOLDER WAS AUTHORIZED TO EXERCISE ON JUNE
27 30, 1997.

28 (3) THE ANNUAL LICENSE FEE IS \$400.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 3–202(d) through (g) and (c)(1) and
3 9–102.2(a)(1)(i) and (2)(i).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (b) of this section, the former reference to selling beer “[d]uring
7 the hours and days established for this license” is deleted as unnecessary.

8 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
9 as implicit in the word “sell”.

10 In subsection (b)(2)(ii) of this section, the former reference to a “door, archway,
11 [or] opening” is deleted as included in the reference to a “passageway”.

12 In subsection (b)(3) of this section, the references to a bowling “alley” are
13 substituted for the former references to a bowling “establishment” for
14 consistency with terminology used throughout this subtitle.

15 In subsection (b)(4) of this section, the reference to “a public golf course under
16 § 25–1101 of this title” is substituted for the former phrase “[s]ubject to §
17 9–102.2 of this article” for clarity.

18 In subsection (d) of this section, the references to a “Class H” license are
19 substituted for the former obsolete references to a “Class H–TP” license to
20 conform to the nomenclature enacted in Chapter 85 of the Acts of 2015, which
21 repealed the authority of the Board to issue most “TP” licenses.

22 Also in subsection (d) of this section, the former provision that “[a] Class
23 H–TP licensee may not be charged for such a license until May 1, 1998” is
24 deleted as obsolete.

25 In subsection (d)(1) of this section, the former reference to “both” holding a
26 license and operating a premises is deleted as surplusage.

27 Subsection (d)(2) is added to state expressly what was only implicit in the
28 former law, that the holder of a Class H license may continue to exercise all of
29 the privileges of the former Class B beer license held by the holder on June
30 30, 1997.

31 Former Art. 2B, § 3–202(a), which stated that former Art. 2B, § 3–202 applied
32 only in Montgomery County, is deleted as unnecessary in light of the
33 organization of this revised article.

1 Former Art. 2B, § 3–202(b), which defined “Board” to mean the Board of
 2 License Commissioners, is deleted because that defined term is not used in
 3 this revision.

4 Former Art. 2B, § 3–202(c)(2), which stated that the license fee shall be paid
 5 before the license is issued, is deleted because it merely states the common
 6 practice of the Board.

7 Defined terms: “Beer” § 1–101
 8 “Hotel” § 1–101
 9 “Person” § 1–101
 10 “Restaurant” § 1–101

11 SUBTITLE 7. WINE LICENSES.

12 25–701. CLASS A WINE LICENSE.

13 (A) ESTABLISHED.

14 THERE IS A CLASS A WINE LICENSE IN THE COUNTY.

15 (B) AUTHORIZED HOLDER.

16 THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY
 17 LICENSE.

18 (C) SCOPE OF AUTHORIZATION.

19 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT
 20 RETAIL AT THE PLACE DESCRIBED IN THE LICENSE NOT MORE THAN 20,000
 21 GALLONS OF WINE PRODUCED AT THE WINERY EACH YEAR.

22 (2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT
 23 MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

24 (D) FEE.

25 THE ANNUAL LICENSE FEE IS \$100.

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 4–201(a)(13), (b)(2), (c)(1), and (d)(1) and (2).

28 Throughout this section, the references to “wine” are substituted for the
 29 former references to “light wine” to reflect that license holders in the County

1 may sell wine with an alcohol content of 22%, which is above the traditional
2 maximum level of 15.5% for light wine.

3 In subsection (b) of this section, the reference to a “Class 4 limited winery
4 license” is substituted for the former reference to a “Class 4 manufacturer’s
5 license” to conform to the terminology used throughout this article.

6 Also in subsection (b) of this section, the former reference to a license being
7 issued “by the license issuing authority of the county in which the place of
8 business is located” is deleted as surplusage.

9 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
10 as implicit in the word “sell”.

11 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
12 any consumer” is deleted as surplusage.

13 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
14 former reference to “delivered” to conform to the terminology used throughout
15 this article.

16 Defined terms: “County” § 25–101
17 “Wine” § 1–101

18 **SUBTITLE 8. BEER AND WINE LICENSES.**

19 **25–801. CLASS A BEER AND WINE LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS A BEER AND WINE LICENSE.**

22 **(B) SCOPE OF AUTHORIZATION.**

23 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
24 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

25 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
26 **SEALED PACKAGE OR CONTAINER.**

27 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
28 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
29 **SOLD.**

30 **(C) RESTRICTIONS.**

1 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 2 **THE LICENSE MAY NOT BE ISSUED TO OR USED IN CONJUNCTION WITH:**

3 **(I) AN ESTABLISHMENT THAT IS A BOWLING ALLEY, BILLIARD**
 4 **HALL, OR DRUGSTORE, OR A RESTAURANT IN THE ESTABLISHMENT; OR**

5 **(II) A PLACE WITH A DOOR, AN ARCHWAY, AN OPENING, OR ANY**
 6 **OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO AN ESTABLISHMENT**
 7 **LISTED UNDER ITEM (I) OF THIS PARAGRAPH.**

8 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE**
 9 **RENEWAL OF THE LICENSE FOR USE BY A SUPERMARKET THAT INCLUDES A**
 10 **DRUGSTORE.**

11 **(D) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$250.**

13 REVISOR'S NOTE: This section is new language derived without substantive change
 14 from former Art. 2B, § 5–101(q) and (a)(1).

15 In this section and throughout this subtitle, the references to “wine” are
 16 substituted for the former references to “light wine” to reflect that license
 17 holders in the County may sell wine with an alcohol content of 22%, which is
 18 above the traditional maximum level of 15.5% for light wine.

19 Subsection (a) of this section is revised in standard language used throughout
 20 this article to establish a license.

21 In subsection (a) of this section and throughout this subtitle, the former
 22 references to the license being “issued by the license issuing authority of the
 23 county in which the place of business is located” are deleted as surplusage.

24 In subsection (b)(1) of this section and throughout this subtitle, the former
 25 references to “keep[ing] for sale” are deleted as implicit in the references to
 26 “sell[ing]”.

27 In subsection (b)(1) of this section, the former reference to selling beer and
 28 wine “in any quantity to any consumers” is deleted as surplusage.

29 In subsection (b)(2) of this section, the word “sell” is substituted for the former
 30 word “deliver” to conform to the terminology used throughout this article.

1 In the introductory language of subsection (c)(1) of this section, the former
2 phrase “upon the premises of” is deleted as included in the phrase “issued to
3 or used in conjunction with”.

4 In subsection (c)(2) of this section, the reference to “by a supermarket” is
5 substituted for the former reference to “on the premises of a supermarket” for
6 brevity.

7 Also in subsection (c)(2) of this section, the former requirement that a
8 supermarket “[h]old a license under § 9–102(a–1) of this article” is deleted as
9 unnecessary in light of the reference to “the renewal of the license” and as
10 misleading because licenses were not issued under former Art. 2B, §
11 9–102(a–1).

12 Defined terms: “Beer” § 1–101
13 “Wine” § 1–101

14 **25–802. CLASS B BEER AND WINE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS B BEER AND WINE LICENSE.**

17 **(B) SCOPE OF AUTHORIZATION.**

18 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
19 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
20 **FOR ON– AND OFF–PREMISES CONSUMPTION.**

21 **(C) RESTRICTIONS.**

22 **THE LICENSE MAY NOT BE ISSUED TO OR USED IN CONJUNCTION WITH:**

23 **(1) AN ESTABLISHMENT THAT IS A BOWLING ALLEY, BILLIARD HALL,**
24 **OR DRUGSTORE, OR A RESTAURANT IN THE ESTABLISHMENT; OR**

25 **(2) A PLACE WITH A DOOR, AN ARCHWAY, AN OPENING, OR ANY OTHER**
26 **PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO AN ESTABLISHMENT LISTED**
27 **UNDER ITEM (1) OF THIS SUBSECTION.**

28 **(D) FEE.**

29 **THE ANNUAL LICENSE FEE IS \$400.**

1 REVISOR'S NOTE: This section is new language derived without substantive change
2 from former Art. 2B, § 5–201(a)(1) and (q)(2) and (9).

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (b) of this section, the reference to “on– and off–premises
6 consumption” is substituted for the former reference to “consumption on the
7 premises or elsewhere” for clarity.

8 In the introductory language of subsection (c) of this section, the former phrase
9 “upon the premises of” is deleted as included in the phrase “issued to or used
10 in conjunction with”.

11 Former Art. 2B, § 5–201(q)(1), which stated that former Art. 2B, § 5–201(q)
12 applied only in Montgomery County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Defined terms: “Beer” § 1–101
15 “Hotel” § 1–101
16 “Restaurant” § 1–101
17 “Wine” § 1–101

18 **25–803. CLASS C BEER AND WINE LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS C BEER AND WINE LICENSE.**

21 **(B) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
23 **A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE**
24 **DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

25 **(C) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$120.**

27 REVISOR'S NOTE: This section is new language derived without substantive change
28 from former Art. 2B, § 5–301(q) and (a)(1).

29 Subsection (a) of this section is revised in standard language used throughout
30 this article to establish a license.

1 In subsection (b) of this section, the former reference to consumption “only” on
2 the premises is deleted as surplusage.

3 Also in subsection (b) of this section, the former reference to a “bona fide”
4 member is deleted as surplusage.

5 Defined terms: “Beer” § 1–101

6 “Club” § 1–101

7 “Wine” § 1–101

8 **25–804. CLASS D BEER AND WINE LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS D BEER AND WINE LICENSE.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
13 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND**
14 **OFF–PREMISES CONSUMPTION.**

15 **(C) DRUGSTORE PROHIBITION.**

16 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

17 **(D) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$400.**

19 REVISOR’S NOTE: This section is new language derived without substantive change
20 from former Art. 2B, § 5–401(a)(1) and (q)(2)(i).

21 Subsection (a) of this section is revised in standard language used throughout
22 this article to establish a license.

23 In subsection (b) of this section, the reference to “on– and off–premises
24 consumption” is substituted for the former reference to “consumption on the
25 premises or elsewhere” for clarity.

26 Former Art. 2B, § 5–401(q)(1), which stated that former Art. 2B, § 5–401(q)
27 applied only in Montgomery County, is deleted as unnecessary in light of the
28 organization of this revised article.

29 Defined terms: “Beer” § 1–101

1 “Wine” § 1–101

2 **25–805. CLASS H BEER AND WINE LICENSE.**

3 (A) ESTABLISHED.

4 THERE IS A CLASS H BEER AND WINE LICENSE.

5 (B) SCOPE OF AUTHORIZATION.

6 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT
7 A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,
8 FOR ON–PREMISES CONSUMPTION.

9 (C) FEE.

10 THE ANNUAL LICENSE FEE IS \$400.

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 5–202(g) and (b)(1).

13 Subsection (a) of this section is revised in standard language used throughout
14 this article to establish a license.

15 Former Art. 2B, § 5–202(a)(4), which stated that former Art. 2B, § 5–202
16 applied in Montgomery County, is deleted as unnecessary in light of the
17 organization of this revised article.

18 Defined terms: “Beer” § 1–101

19 “Hotel” § 1–101

20 “Restaurant” § 1–101

21 “Wine” § 1–101

22 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

23 **25–901. CLASS A–TP BEER, WINE, AND LIQUOR LICENSE.**

24 (A) ESTABLISHED.

25 THERE IS A CLASS A–TP BEER, WINE, AND LIQUOR LICENSE.

26 (B) AUTHORIZED HOLDER.

27 (1) THE BOARD SHALL ISSUE THE LICENSE TO A PERSON WHO ON
28 JUNE 30, 1997:

1 (I) HELD A CLASS A BEER, WINE, AND LIQUOR LICENSE; AND

2 (II) OPERATED A BUSINESS FOR WHICH A CLASS A LICENSE WAS
3 ISSUED ON THE LICENSED PREMISES THAT IS IN THE PART OF THE CITY OF TAKOMA
4 PARK THAT WAS FORMERLY PART OF PRINCE GEORGE'S COUNTY.

5 (2) (I) UNLESS REVOKED OR NOT RENEWED FOR GOOD CAUSE, THE
6 LICENSE SHALL CONTINUE AND BE RENEWED, SUBJECT TO PAYMENT OF THE
7 ANNUAL LICENSE FEE.

8 (II) THE LICENSE IS NOT TRANSFERABLE TO ANY OTHER
9 LOCATION, BUT THE LICENSE MAY BE TRANSFERRED TO ANOTHER PERSON AT ANY
10 TIME, SUBJECT TO THE RESTRICTIONS ON SIMILAR TRANSFERS FOR OTHER
11 ALCOHOLIC LICENSES IN THE COUNTY.

12 (C) SCOPE OF AUTHORIZATION.

13 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
14 WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.

15 (2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR
16 IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS
17 CONSUMED ON THE LICENSED PREMISES.

18 (D) DRUGSTORE PROHIBITION; EXCEPTION.

19 A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE
20 UNLESS THE APPLICANT:

21 (1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN
22 THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR
23 THE LICENSE;

24 (2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1
25 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION
26 APPLIED FOR; OR

27 (3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT
28 LEAST 3 YEARS.

29 (E) REGULATIONS.

1 **THE BOARD SHALL ADOPT REGULATIONS, INCLUDING THE HOURS OF SALE,**
 2 **TO CARRY OUT THIS SECTION.**

3 **(F) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$910.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 6–101(a)(1) and (3), (q)(2) through (6), and (r).

7 Subsection (a) of this section is revised in standard language used throughout
 8 this title to establish a license.

9 In subsection (c) of this section, the references to “beer, wine, or liquor” and
 10 “beer, wine, and liquor” are substituted for the former references to “all
 11 alcoholic beverages” and “alcoholic beverages” for accuracy.

12 In subsection (c)(1) of this section, the phrase “to sell” is substituted for the
 13 former phrase “to keep for sale and to sell” for brevity.

14 Also in subsection (c)(1) of this section, the former phrase “in any quantity” is
 15 deleted as surplusage.

16 In subsection (c)(2) of this section, the reference to “beer, wine, or liquor” is
 17 substituted for the former references to “alcoholic beverages” for clarity.

18 Also in subsection (c)(2) of this section, the word “sell” is substituted for the
 19 former word “deliver” for clarity.

20 In subsection (f) of this section, the reference to the annual license fee of “\$910”
 21 is substituted for the former reference to a fee being “the same as for a license
 22 issued pursuant to subsection (r) of this section” for clarity.

23 Also in subsection (f) of this section, the former language prohibiting holders
 24 of a Class A–TP license from being charged for the license until May 1, 1998,
 25 is deleted as obsolete.

26 Former Art. 2B, § 6–101(q)(1), which stated that former Art. 2B, § 6–101(q)
 27 applied only in Montgomery County, is deleted as unnecessary in light of the
 28 organization of this revised article.

29 Defined terms: “Beer” § 1–101

30 “Board” § 25–101

31 “County” § 25–101

32 “Person” § 1–101

33 “Wine” § 1–101

1 **25-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

4 (B) AUTHORIZED HOLDER.

5 THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OR OPERATOR OF A
6 RESTAURANT OR HOTEL IF:

7 (1) THE RESTAURANT IS LOCATED IN THE 2ND, 3RD, 4TH, 6TH, 7TH,
8 8TH, 9TH, 10TH, OR 13TH ELECTION DISTRICT;

9 (2) THE RESTAURANT OR HOTEL IS NOT LOCATED IN POOLESVILLE
10 OR KENSINGTON;

11 (3) BEFORE THE ISSUANCE OF THE LICENSE, THE OWNER OR
12 OPERATOR ATTESTS IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD
13 SALES IN THE RESTAURANT OR HOTEL WILL BE AT LEAST EQUAL TO 40% OF THE
14 GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES; AND

15 (4) BEFORE EACH RENEWAL OF THE LICENSE, THE OWNER OR
16 OPERATOR ATTESTS IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM
17 FOOD SALES IN THE RESTAURANT OR HOTEL FOR THE 12 MONTHS IMMEDIATELY
18 BEFORE THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF
19 THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.

20 (C) SCOPE OF AUTHORIZATION.

21 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
22 LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES
23 CONSUMPTION.

24 (D) REGULATIONS.

25 THE BOARD SHALL ADOPT REGULATIONS TO:

26 (1) PROVIDE FOR:

27 (I) PERIODIC INSPECTION OF THE PREMISES; AND

1 **(II) AUDITS TO DETERMINE THE RATIO OF GROSS RECEIPTS**
2 **FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF BEER, WINE, AND**
3 **LIQUOR; AND**

4 **(2) DURING THE INITIAL LICENSE YEAR, REQUIRE:**

5 **(I) AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE**
6 **PREMISES; AND**

7 **(II) THE LICENSE HOLDER TO SUBMIT TO THE BOARD MONTHLY**
8 **STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS**
9 **RECEIPTS FROM THE SALE OF BEER, WINE, AND LIQUOR FOR THE PRECEDING**
10 **MONTH.**

11 **(E) ENFORCEMENT.**

12 **(1) THE BOARD MAY REVOKE A LICENSE IF THE LICENSE HOLDER**
13 **FAILS TO MAINTAIN THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO**
14 **GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES REQUIRED UNDER**
15 **THIS SECTION:**

16 **(I) DURING THE INITIAL LICENSE YEAR, FOR 3 CONSECUTIVE**
17 **MONTHS; OR**

18 **(II) AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR**
19 **CALENDAR YEAR.**

20 **(2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE**
21 **SUPPORTING DATA AS THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE**
22 **LICENSE HOLDER HAS MET THE REQUIREMENTS OF THIS SECTION RELATING TO THE**
23 **RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE**
24 **SALE OF ALCOHOLIC BEVERAGES.**

25 **(F) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$2,500.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 6-201(a)(1) and (q)(2).

29 Subsection (a) of this section is standard language used throughout this article
30 to establish a license.

1 In subsection (b)(2) of this section, the reference to the “restaurant or hotel” is
2 substituted for the former reference to the “licensee” for clarity.

3 In subsection (b)(4) of this section, the reference to the “12 months” is
4 substituted for the former reference to the “12-month period” for brevity.

5 In subsection (c) of this section, the former language that a Class B beer, wine
6 and liquor license under this subsection “authorizes its holder to keep for sale
7 and sell all alcoholic beverages ... for consumption on the premises only” is
8 deleted as redundant of subsection (d) of this section.

9 In the introductory language of subsection (c) of this section, the former phrase
10 “the following conditions are satisfied” is deleted as surplusage.

11 In subsection (c)(2) of this section, the former reference to a “church” is deleted
12 as included in the reference to “any place of worship”.

13 In subsection (d) of this section, the reference to “beer, wine, and liquor” is
14 substituted for the former references to “alcoholic beverages” for clarity.

15 In subsection (d)(2) of this section, the former reference to the initial license
16 year “of any licensee” is deleted as surplusage.

17 In subsection (e)(1) of this section, the reference to “the ratio of gross receipts
18 from the sale of food to gross receipts from the sale of alcoholic beverages
19 required under this section” is substituted for the former reference to “the
20 sales ratio requirement provided in this paragraph” for clarity.

21 In subsection (e)(1)(i) of this section, the former phrase “a period of” 3 months
22 is deleted as surplusage.

23 Former Art. 2B, § 6–201(q)(1)(i), which stated that former Art. 2B, § 6–201(q)
24 applied only in Montgomery County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Former Art. 2B, § 6–201(q)(1)(ii)2, which defined “Board” to mean the Board
27 of License Commissioners, is deleted as redundant of the definition of “Board”
28 in § 25–101 of this title.

29 Former Art. 2B, § 6–201(q)(1)(ii)3, which defined “[d]ining area” to mean the
30 area occupied by patrons for the consumption of food and includes a cocktail
31 area where food need not be served if there is no separate outdoor entrance to
32 the cocktail area, is deleted as obsolete.

33 Defined terms: “Alcoholic beverage” § 1–101

34 “Beer” § 1–101

35 “Board” § 25–101

1 "Hotel" § 1-101
2 "Restaurant" § 1-101
3 "Wine" § 1-101

4 **25-903. CLASS BD-BWL LICENSE.**

5 (A) ESTABLISHED.

6 THERE IS A CLASS BD-BWL LICENSE.

7 (B) SCOPE OF AUTHORIZATION.

8 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:

9 (1) BEER AND WINE FOR ON- OR OFF-PREMISES CONSUMPTION; AND

10 (2) LIQUOR FOR ON-PREMISES CONSUMPTION.

11 (C) PREREQUISITE — INITIAL ISSUANCE OF LICENSE.

12 AS A PREREQUISITE FOR THE INITIAL ISSUANCE OF THE LICENSE, THE OWNER
13 OF THE ESTABLISHMENT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS
14 RECEIPTS FROM FOOD SALES WILL BE AT LEAST EQUAL TO 40% OF THE GROSS
15 RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:

16 (1) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY,
17 THURSDAY, FRIDAY, AND SATURDAY; AND

18 (2) FROM 10 A.M. TO 9 P.M. ON SUNDAY.

19 (D) PREREQUISITE — RENEWAL OF LICENSE.

20 AS A PREREQUISITE FOR EACH RENEWAL OF THE LICENSE, THE OWNER OF
21 THE ESTABLISHMENT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS
22 RECEIPTS FROM FOOD SALES FOR THE 12-MONTH PERIOD IMMEDIATELY
23 PRECEDING THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40%
24 OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:

25 (1) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY,
26 THURSDAY, FRIDAY, AND SATURDAY; AND

27 (2) FROM 10 A.M. TO 9 P.M. ON SUNDAY.

28 (E) INSPECTIONS AND AUDITS.

1 **(1) THE BOARD BY REGULATION SHALL PROVIDE FOR PERIODIC**
2 **INSPECTION OF THE PREMISES AND FOR AUDITS TO DETERMINE THE RATIO OF**
3 **GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF**
4 **ALCOHOLIC BEVERAGES.**

5 **(2) REGULATIONS ADOPTED BY THE BOARD SHALL INCLUDE A**
6 **REQUIREMENT OF:**

7 **(I) AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE**
8 **PREMISES DURING THE INITIAL LICENSE YEAR OF ANY LICENSE HOLDER; AND**

9 **(II) THE SUBMISSION BY THE LICENSE HOLDER TO THE BOARD,**
10 **DURING THE INITIAL LICENSE YEAR, OF MONTHLY STATEMENTS SHOWING GROSS**
11 **RECEIPTS FROM THE SALE OF FOOD AND GROSS RECEIPTS FROM THE SALE OF**
12 **ALCOHOLIC BEVERAGES FOR THE IMMEDIATELY PRECEDING MONTH.**

13 **(F) GROUNDS FOR LICENSE REVOCATION.**

14 **IF A LICENSE HOLDER DURING THE INITIAL LICENSE YEAR FAILS TO MAINTAIN**
15 **THE SALES RATIO REQUIREMENT PROVIDED IN THIS SECTION FOR 3 CONSECUTIVE**
16 **MONTHS OR, AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR CALENDAR**
17 **YEAR, THE BOARD MAY REVOKE THE LICENSE.**

18 **(G) SUPPORTING DATA.**

19 **THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE SUPPORTING**
20 **DATA THAT THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE**
21 **REQUIREMENTS OF THIS SECTION RELATING TO THE RATIO OF GROSS RECEIPTS**
22 **FROM THE SALE OF FOOD TO THOSE FROM THE SALE OF ALCOHOLIC BEVERAGES**
23 **HAVE BEEN MET.**

24 **(H) OTHER LICENSE HOLDINGS.**

25 **A HOLDER OF A CLASS BD–BWL LICENSE:**

26 **(1) MAY ALSO HOLD A CLASS 7 MICRO–BREWERY LICENSE ISSUED**
27 **FOR A LOCATION IN THE COUNTY; BUT**

28 **(2) MAY NOT HOLD MORE THAN ONE CLASS BD–BWL LICENSE.**

29 **(I) HOURS AND DAYS OF SALE.**

1 **ON 7 DAYS OF THE WEEK, THE HOURS OF SALE ARE:**

2 **(1) FOR ON-PREMISES CONSUMPTION, FROM 10 A.M. TO 2 A.M. THE**
3 **FOLLOWING DAY; AND**

4 **(2) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE**
5 **FOLLOWING DAY.**

6 **(J) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$3,500.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 6-201(q)(7).

10 In the introductory language of subsections (c) and (d) of this section, the
11 references to the owner "of the establishment" are added for clarity.

12 Defined terms: "Alcoholic beverage" § 1-101

13 "Beer" § 1-101

14 "Board" § 25-101

15 "County" § 25-101

16 "Wine" § 1-101

17 **25-904. CLASS B-BWL (H-M) BEER, WINE, AND LIQUOR LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS B-BWL (H-M) BEER, WINE, AND LIQUOR LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL OR MOTEL**
22 **THAT:**

23 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
24 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

25 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

26 **(3) CONTAINS:**

27 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

1 **(II) AT LEAST 100 ROOMS TO ACCOMMODATE THE PUBLIC; AND**

2 **(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND**
3 **SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
6 **LIQUOR IN ACCORDANCE WITH § 25-902 OF THIS SUBTITLE, EXCEPT THAT**
7 **REGISTERED GUESTS MAY BE SERVED IN THEIR ROOMS.**

8 **(D) HOURS AND DAYS OF SALE.**

9 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
10 **HOURS AND DAYS AS SET OUT UNDER § 25-2005(E) OF THIS TITLE.**

11 **(E) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$2,500.**

13 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
14 language derived without substantive change from former Art. 2B, §
15 6-201(a)(3)(i) and (q)(3).

16 Subsection (d) of this section is new language added for clarity.

17 Subsection (a) of this section is standard language used throughout this article
18 to establish a license.

19 In subsection (b) of this section, the requirements listed in former Art. 2B, §
20 6-201(a)(3) are substituted for the former reference to "the minimum
21 requirements set forth in subsection (a)(3) of this section" for clarity.

22 In subsection (c) of this section, the former requirement that a sales ratio be
23 applicable only to one license if there is more than one licensed establishment
24 within a hotel or motel is deleted as obsolete.

25 Defined terms: "Alcoholic beverage" § 1-101

26 "Beer" § 1-101

27 "Board" § 25-101

28 "Hotel" § 1-101

29 "Wine" § 1-101

30 **25-905. CLASS C LICENSE — RESERVED.**

1 REVISOR'S NOTE: As to Class C licenses for specific organizations or venues, *see*
2 Subtitle 10 of this title.

3 **25-906. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

6 **(B) AUTHORIZED HOLDER.**

7 **THE BOARD MAY ISSUE THE LICENSE TO AN OWNER OF AN ESTABLISHMENT**
8 **IF:**

9 **(1) BEFORE THE ISSUANCE OF THE LICENSE, THE OWNER ATTESTS IN**
10 **A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES WILL BE AT LEAST**
11 **EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC**
12 **BEVERAGES:**

13 **(I) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY,**
14 **THURSDAY, FRIDAY, AND SATURDAY; AND**

15 **(II) FROM 10 A.M. TO 9 P.M. ON SUNDAY; AND**

16 **(2) BEFORE EACH RENEWAL OF THE LICENSE, THE OWNER ATTESTS**
17 **IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12**
18 **MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR RENEWAL HAVE BEEN AT**
19 **LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND**
20 **ALCOHOLIC BEVERAGES:**

21 **(I) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY,**
22 **THURSDAY, FRIDAY, AND SATURDAY; AND**

23 **(II) FROM 10 A.M. TO 9 P.M. ON SUNDAY.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
26 **LIQUOR FOR ON-PREMISES CONSUMPTION.**

27 **(D) REGULATIONS.**

28 **THE BOARD SHALL ADOPT REGULATIONS:**

1 **(1) TO PROVIDE FOR:**

2 **(I) PERIODIC INSPECTION OF THE PREMISES; AND**

3 **(II) AUDITS TO DETERMINE THE RATIOS OF GROSS RECEIPTS**
4 **FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC**
5 **BEVERAGES; AND**

6 **(2) DURING THE INITIAL LICENSE YEAR, TO REQUIRE:**

7 **(I) AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE**
8 **PREMISES; AND**

9 **(II) THE LICENSE HOLDER TO SUBMIT TO THE BOARD MONTHLY**
10 **STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS**
11 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE PRECEDING**
12 **MONTH.**

13 **(E) ENFORCEMENT.**

14 **(1) THE BOARD MAY REVOKE THE LICENSE IF THE LICENSE HOLDER**
15 **FAILS TO MAINTAIN THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO**
16 **GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES REQUIRED UNDER**
17 **THIS SECTION:**

18 **(I) DURING THE INITIAL LICENSE YEAR, FOR 3 CONSECUTIVE**
19 **MONTHS; OR**

20 **(II) AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR**
21 **CALENDAR YEAR.**

22 **(2) THE BOARD MAY REQUIRE THE LICENSE HOLDER TO PROVIDE**
23 **SUPPORTING DATA AS THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE**
24 **LICENSE HOLDER HAS MET THE REQUIREMENTS OF THIS SECTION RELATING TO THE**
25 **RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE**
26 **SALE OF ALCOHOLIC BEVERAGES.**

27 **(F) FEE.**

28 **THE ANNUAL LICENSE FEE IS \$3,000.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 6-401(q)(2) through (4).

1 Subsection (a) of this section is standard language used throughout this article
2 to establish a license.

3 In the introductory language of subsection (b) of this section, the phrase “of an
4 establishment” is added for clarity.

5 In subsection (b)(2) of this section, the reference to the “12 months” is
6 substituted for the former reference to the “12-month period” for brevity.

7 In subsection (d)(2) of this section, the former reference to the initial license
8 year “of any licensee” is deleted as surplusage.

9 Former Art. 2B, § 6–401(q)(1), which stated that former Art. 2B, § 6–401(q)
10 applied only in Montgomery County, is deleted as unnecessary in light of the
11 organization of this revised article.

12 Defined terms: “Alcoholic beverage” § 1–101
13 “Beer” § 1–101
14 “Board” § 25–101
15 “Wine” § 1–101

16 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

17 **25–1001. ART GALLERY LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS AN ART GALLERY BEER AND WINE LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **(1) THE BOARD MAY ISSUE AN ART GALLERY BEER AND WINE**
22 **LICENSE TO A NONPROFIT OR FOR-PROFIT RETAIL BUSINESS ENGAGED IN THE**
23 **DISPLAY AND SALE OF ORIGINAL ARTWORK BY AN INDIVIDUAL ARTIST OR A GROUP**
24 **OF ARTISTS.**

25 **(2) THE BOARD MAY NOT ISSUE THE LICENSE TO A BUSINESS THAT**
26 **DISPLAYS AND SELLS COMMERCIALY PREPARED OR MASS-PRODUCED ARTISTIC**
27 **PRODUCTS.**

28 **(C) SCOPE OF AUTHORIZATION.**

29 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR SERVE BEER**
30 **AND WINE AT RETAIL FOR ON-PREMISES CONSUMPTION.**

1 **(D) HOURS AND DAYS OF SALE.**

2 **THE LICENSE HOLDER MAY SELL OR SERVE BEER AND WINE WHEN SNACKS**
3 **ARE SERVED DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN MIDNIGHT.**

4 **(E) LOCATION TRANSFER PROHIBITED.**

5 **THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

6 **(F) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$100.**

8 REVISOR'S NOTE: This section is new language revised without substantive change
9 from former Art. 2B, § 8–216.4(b) through (d).

10 In subsection (c) of this section, the former phrase “[n]otwithstanding any
11 other provision of this article” is deleted as unnecessary in light of the
12 organization of this revised article.

13 In subsection (d) of this section, the reference to “serve” is added to conform
14 to the terminology used throughout this article.

15 In subsection (e) of this section, the former reference to transferred “from the
16 location for which the license was originally issued” is deleted as surplusage.

17 Former Art. 2B, § 8–216.4(a), which stated that former Art. 2B, § 8–216.4
18 applied only in Montgomery County, is deleted as unnecessary in light of the
19 organization of this revised article.

20 Defined terms: “Beer” § 1–101

21 “Board” § 25–101

22 “Wine” § 1–101

23 **25–1002. BEAUTY SALON LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A BEAUTY SALON BEER AND WINE LICENSE.**

26 **(B) AUTHORIZED HOLDER.**

27 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEAUTY SALON**
28 **PERMIT ISSUED UNDER § 5–501 OF THE BUSINESS OCCUPATIONS AND**
29 **PROFESSIONS ARTICLE.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE NOT MORE**
 3 **THAN 5 OUNCES OF BEER OR WINE BY THE GLASS FOR ON-PREMISES CONSUMPTION**
 4 **BY A BEAUTY SALON CUSTOMER:**

5 **(1) WHEN THE CUSTOMER IS PROVIDED A COSMETOLOGY SERVICE**
 6 **UNDER § 5-101(L) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;**
 7 **OR**

8 **(2) WHILE THE CUSTOMER IS ATTENDING A FUNDRAISING EVENT AT**
 9 **THE BEAUTY SALON FOR WHICH THE COUNTY DEPARTMENT OF PERMITTING**
 10 **SERVICES HAS ISSUED A PERMIT.**

11 **(D) LICENSE TRANSFER PROHIBITED.**

12 **THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

13 **(E) HOURS OF SALE.**

14 **THE LICENSE HOLDER MAY PROVIDE BEER AND WINE DURING NORMAL**
 15 **BUSINESS HOURS BUT NOT LATER THAN 9 P.M.**

16 **(F) ALCOHOL AWARENESS TRAINING REQUIREMENTS.**

17 **AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE**
 18 **ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.**

19 **(G) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$100.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 8-216.5(b) through (g).

23 Former Art. 2B, § 8-216.5(a), which stated that former Art. 2B, § 8-216.5
 24 applied only in Montgomery County, is deleted as unnecessary in light of the
 25 organization of this revised article.

26 Defined terms: "Beer" § 1-101

27 "Board" § 25-101

28 "Wine" § 1-101

1 **25-1003. CLUBHOUSE/LODGE LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE.

4 (B) AUTHORIZED HOLDER.

5 THE BOARD MAY ISSUE A CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE TO
6 THE EXECUTIVE DIRECTOR OF THE MONTGOMERY COUNTY REVENUE AUTHORITY
7 OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR, FOR USE BY A MULTIUSE
8 FACILITY THAT ACCOMMODATES A GOLF COURSE, A RESTAURANT, A CLUBHOUSE, A
9 TASTING BAR, AND THE CATERING OF EVENTS ANYWHERE ON THE PROPERTY.

10 (C) SCOPE OF AUTHORIZATION.

11 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:

12 (1) SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION;

13 (2) SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES
14 CONSUMPTION; AND

15 (3) OFFER SAMPLES OF ALCOHOLIC BEVERAGES AT NO CHARGE OR
16 FOR A FEE.

17 (D) APPLICATION OF RESTRICTIONS.

18 THE RESTRICTIONS CONTAINED IN § 25-902(B) OF THIS TITLE DO NOT APPLY
19 TO THE ISSUANCE OF A CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE.

20 (E) FEE.

21 THE ANNUAL LICENSE FEE IS \$1,000.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 6-201(q)(6).

24 In subsection (a) of this section, the former reference to a Class B license
25 "known as" is deleted as surplusage.

26 In subsection (e) of this section, the former reference to "for a Class B-BWL
27 (clubhouse/lodge) license" is deleted for brevity.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that the hours and days of sale for the license are not
3 stated in statutory law.

4 Defined terms: “Beer” § 1–101
5 “Board” § 25–101
6 “Wine” § 1–101

7 **25–1004. COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

10 **(B) AUTHORIZED HOLDER.**

11 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**
12 **PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY**
13 **THAT OWNS OR LEASES A PERFORMING ARTS FACILITY THAT:**

14 **(I) IS USED FOR ART CLASSES, BANQUETS,**
15 **COMMUNITY–RELATED ACTIVITIES, EXHIBITS, LIVE PERFORMANCES, SHOWS,**
16 **THEATER PRODUCTIONS, VISUAL ART SHOWS, AND WEDDINGS; AND**

17 **(II) HAS:**

18 **1. A MINIMUM CAPACITY OF 200 INDIVIDUALS; AND**

19 **2. A MAXIMUM CAPACITY OF 1,499 INDIVIDUALS.**

20 **(2) THE BOARD MAY NOT ISSUE MORE THAN THREE LICENSES TO A**
21 **NONPROFIT PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, OR**
22 **OTHER ENTITY THAT OWNS OR LEASES PERFORMING ARTS FACILITIES IN SEPARATE**
23 **LOCATIONS.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
26 **WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE LICENSED**
27 **PREMISES FOR ON–PREMISES CONSUMPTION.**

28 **(2) THE BOARD MAY IMPOSE CONDITIONS ON THE ISSUANCE OR**
29 **RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE COMMUNITY**

1 PERFORMING ARTS FACILITY WHERE BEER, WINE, AND LIQUOR MAY BE SOLD,
2 SERVED, POSSESSED, OR CONSUMED.

3 (3) THE LICENSE HOLDER SHALL ENSURE THAT FOOD IS PROVIDED
4 DURING THE HOURS BEER, WINE, AND LIQUOR ARE SOLD, SERVED, POSSESSED, OR
5 CONSUMED.

6 (D) RESTRICTIONS ON CATERERS.

7 (1) THE HOLDER OF A CLASS B-BWLHR LICENSE WITH CATERING
8 AUTHORITY, A LOCAL CATERER'S LICENSE, OR A STATE CATERER'S LICENSE MAY
9 BRING ALCOHOLIC BEVERAGES AND FOOD ON THE LICENSED PREMISES UNDER THE
10 TERMS OF A CONTRACT WITH A HOLDER OF A BWL COMMUNITY PERFORMING ARTS
11 FACILITY LICENSE.

12 (2) A VIOLATION OF THIS TITLE THAT OCCURS WHEN A CATERER
13 BRINGS ALCOHOLIC BEVERAGES ON LICENSED PREMISES AS PROVIDED UNDER
14 PARAGRAPH (1) OF THIS SUBSECTION IS THE RESPONSIBILITY OF THE CATERER AND
15 IS NOT THE RESPONSIBILITY OF THE LICENSE HOLDER.

16 (E) HOURS AND DAYS OF SALE.

17 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FROM 10 A.M. ON
18 ANY DAY OF THE WEEK TO 2 A.M. THE FOLLOWING DAY.

19 (F) LOCATION TRANSFER PROHIBITED.

20 THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.

21 (G) FEE.

22 THE ANNUAL LICENSE FEE IS \$750.

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 6-201(q)(5).

25 In subsection (b)(1) of this section, the references to "individuals" is
26 substituted for the former, broader reference to "persons" because the
27 provision refers only to human beings.

28 In subsection (c) of this section, the former language "[i]n this paragraph,
29 'community performing arts facility' means a facility that" is deleted as
30 surplusage.

1 In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is
2 substituted for the former reference to “alcoholic beverages” for clarity.

3 In subsection (e) of this section, the reference to the authority to “sell beer,
4 wine, and liquor” is substituted for the former reference to the authority to
5 “exercise the privileges under the license” for clarity.

6 Defined terms: “Beer” § 1–101

7 “Board” § 25–101

8 “Wine” § 1–101

9 **25–1005. CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

10 (A) **ESTABLISHED.**

11 **THERE IS A CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

12 (B) **AUTHORIZED HOLDER.**

13 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

14 (1) **IS COMPOSED OF RESIDENTS OF A CONTINUING CARE**
15 **RETIREMENT COMMUNITY THAT HAS OBTAINED A CERTIFICATE OF REGISTRATION**
16 **FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN**
17 **SERVICES ARTICLE;**

18 (2) **HAS AT LEAST 50 MEMBERS; AND**

19 (3) **HAS ANNUAL DUES THAT AVERAGE AT LEAST \$5 PER MEMBER.**

20 (C) **SCOPE OF AUTHORIZATION.**

21 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, AT RETAIL AT THE**
22 **PLACE DESCRIBED IN THE LICENSE, BEER, WINE, AND LIQUOR:**

23 (1) **PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR**
24 **THE COUNTY;**

25 (2) **FOR ON–PREMISES CONSUMPTION; AND**

26 (3) **TO A MEMBER OR A GUEST ACCOMPANIED BY A MEMBER.**

27 (D) **HOURS AND DAYS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
2 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
3 **UNDER § 25-2005 OF THIS TITLE.**

4 **(E) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$500.**

6 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
7 language derived without substantive change from former Art. 2B, §
8 6-301(q)(8).

9 Subsection (d) of this section is new language added to provide a
10 cross-reference to the hours and days of sale provision that applies to a Class
11 C beer, wine, and liquor license in Montgomery County.

12 In the introductory language of subsection (b) of this section, the reference to
13 the "Board" is added to state expressly what was only implied in the former
14 law, that the Board is the unit that issues licenses.

15 In subsection (b)(2) of this section, the former reference to "bona fide" members
16 is deleted as surplusage.

17 In the introductory language of subsection (c) of this section, the former
18 reference to "keep[ing] for sale" is deleted as implicit in the reference to
19 "sell[ing]".

20 Also in the introductory language of subsection (c) of this section, the former
21 phrases "at retail" and "at the place described in the license" are deleted as
22 surplusage.

23 Defined terms: "Beer" § 1-101

24 "Board" § 25-101

25 "County" § 25-101

26 "Wine" § 1-101

27 **25-1006. CORPORATE TRAINING CENTER LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS B (CORPORATE TRAINING CENTER) BEER, WINE, AND**
30 **LIQUOR LICENSE.**

31 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
 2 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR**
 3 **ON-PREMISES CONSUMPTION AT A CORPORATE HEADQUARTERS SUPPORT**
 4 **FACILITY.**

5 **(2) FOR THE BOARD TO ISSUE THE LICENSE, THE CORPORATE**
 6 **HEADQUARTERS SUPPORT FACILITY SHALL SERVE ONLY THE WORKFORCE**
 7 **TRAINING AND EDUCATION NEEDS OF EMPLOYEES, CUSTOMERS, AND VISITORS TO**
 8 **THE CORPORATE HEADQUARTERS OF A CORPORATION THAT EMPLOYS AT LEAST 500**
 9 **EMPLOYEES IN THE COUNTY.**

10 **(C) HOURS AND DAYS OF SALE.**

11 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 12 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
 13 **UNDER § 25-2005 OF THIS TITLE.**

14 **(D) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$2,500.**

16 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
 17 derived without substantive change from former Art. 2B, § 8-216.2(c) through
 18 (f).

19 Subsection (c) of this section is new language added to provide a
 20 cross-reference to the hours and days of sale provision that applies to a Class
 21 B beer, wine, and liquor license in Montgomery County.

22 In subsection (b)(1) of this section, the reference to "beer, wine, and liquor" is
 23 substituted for the former reference to "alcoholic beverages under this section"
 24 for clarity.

25 Former Art. 2B, § 8-216.2(a), which defined "Board" to mean the Board of
 26 License Commissioners, is deleted as redundant of the definition of "Board" in
 27 § 25-101 of this title.

28 Former Art. 2B, § 8-216.2(b), which stated that former Art. 2B, § 8-216.2
 29 applied only in Montgomery County, is deleted as unnecessary in light of the
 30 organization of this revised article.

31 Defined terms: "Beer" § 1-101

32 "Board" § 25-101

33 "County" § 25-101

34 "Wine" § 1-101

1 **25-1007. COUNTRY CLUB LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A COUNTRY CLUB LICENSE.

4 (B) SIGNING OF LICENSE APPLICATION.

5 THE APPLICATION SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE CLUB
6 WHO IS A RESIDENT, REGISTERED VOTER, OR TAXPAYER OF THE COUNTY.

7 (C) AUTHORIZED HOLDER.

8 THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB:

9 (1) THAT HAS AT LEAST 100 MEMBERS;

10 (2) WHOSE MEMBERS PAY AN ANNUAL TOTAL AMOUNT OF DUES THAT
11 AVERAGES AT LEAST \$50 PER MEMBER; AND

12 (3) THAT MAINTAINS AT THE TIME OF THE LICENSE APPLICATION A
13 REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES.

14 (D) SCOPE OF AUTHORIZATION.

15 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
16 LIQUOR PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR
17 ON-PREMISES CONSUMPTION BY:

18 (1) A COUNTRY CLUB MEMBER;

19 (2) A MEMBER OF THE IMMEDIATE FAMILY OF A COUNTRY CLUB
20 MEMBER;

21 (3) AN INDIVIDUAL RESIDING TEMPORARILY IN THE CLUBHOUSE OF
22 THE COUNTRY CLUB; OR

23 (4) A GUEST OF A COUNTRY CLUB MEMBER, INCLUDING AN
24 INDIVIDUAL WHO ATTENDS A RECOGNIZED NATIONAL OR REGIONAL ATHLETIC
25 EVENT HELD ON THE PREMISES OF THE LICENSE HOLDER IF:

1 **(I) THE LICENSE HOLDER HAS APPLIED TO THE BOARD TO**
 2 **SELL ALCOHOLIC BEVERAGES TO INDIVIDUALS ATTENDING THE EVENT;**

3 **(II) THE APPLICATION HAS BEEN MADE AT LEAST 60 DAYS**
 4 **BEFORE THE DATE THAT THE EVENT IS TO TAKE PLACE; AND**

5 **(III) THE BOARD HAS APPROVED THE APPLICATION.**

6 **(E) HOURS AND DAYS OF SALE.**

7 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 8 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
 9 **UNDER § 25-2005 OF THIS TITLE.**

10 **(F) RESTRICTION ON COUNTRY CLUB EMPLOYEES.**

11 **AN EMPLOYEE OF A COUNTRY CLUB FOR WHICH A LICENSE HAS BEEN ISSUED**
 12 **MAY NOT HAVE A GUEST AT THE COUNTRY CLUB TO CONSUME ALCOHOLIC**
 13 **BEVERAGES DURING THE EMPLOYEE'S NORMAL WORKING HOURS.**

14 **(G) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$2,000.**

16 REVISOR'S NOTE: Subsections (a) through (d), (f), and (g) of this section are new
 17 language derived without substantive change from former Art. 2B, §
 18 6-301(q)(2) and (3).

19 Subsection (e) of this section is new language added to provide a
 20 cross-reference to the hours and days of sale provision that applies to a Class
 21 C beer, wine, and liquor license in Montgomery County.

22 In subsection (c) of this section, the former reference to "any customer" is
 23 deleted as unnecessary in light of the individuals specified in subsection (d)(1)
 24 through (4) of this section.

25 In the introductory language of subsection (c) of this section, the reference to
 26 the "Board" is added to state expressly what was only implied in the former
 27 law, that the Board is the unit that issues licenses.

28 In subsection (c)(1) of this section, the former phrase "of whatever class" is
 29 deleted as surplusage.

1 Also in subsection (c)(1) of this section, the former reference to “bona fide”
2 members is deleted as surplusage. Similarly, in subsection (d)(4) of this
3 section, the former reference to a “bona fide” guest is deleted.

4 In subsection (c)(3) of this section, the former statement that exempted
5 licensed premises that held a certain license on January 1, 1964, from a
6 requirement to maintain a golf course is deleted as obsolete. According to the
7 Montgomery County Department of Liquor Control, there is no longer any
8 licensed premises that qualifies for the exemption.

9 In the introductory language of subsection (d) of this section, the reference to
10 “beer, wine, and liquor” is substituted for the former reference to “any
11 alcoholic beverages” for clarity.

12 Also in the introductory language of subsection (d) of this section, the former
13 reference to “keep[ing] for sale” is deleted as implicit in the reference to
14 “sell[ing]”.

15 Also in the introductory language of subsection (d) of this section, the former
16 phrases “at retail” and “at the place described in the license” are deleted as
17 surplusage.

18 In subsection (d)(3) and (4) of this section, the references to an “individual” are
19 substituted for the former references to “person[s]” because this subsection
20 only applies to human beings.

21 In subsection (d)(4) of this section, the former reference to “any person 21
22 years of age or over with respect to the sale of all alcoholic beverages” is
23 deleted as redundant of the prohibition stated in § 1–401 of this article
24 regarding the sale of alcoholic beverages to those under 21 years old.

25 In the introductory language of subsection (d)(4) of this section, the former
26 reference to “guests” is deleted in light of the reference to “guest” and § 1–202
27 of the General Provisions Article, which provides that the singular generally
28 includes the plural.

29 Also in the introductory language of subsection (d)(4) of this section, the
30 former phrase “but is not limited to” is deleted as implicit in the reference to
31 “including”.

32 In subsection (d)(4)(iii) of this section, the phrase “approved the application”
33 is substituted for the former phrase “granted the permission requested in the
34 application” for brevity.

35 In subsection (f) of this section, the reference to a country club “for which a
36 license has been issued” is added for clarity.

Former Art. 2B, § 6–301(q)(1), which stated that former Art. 2B, § 6–301(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the requirements that an applicant be a resident, registered voter, and taxpayer in the County may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably on legislation that classify persons by geography, which may be accomplished by residency or registration requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Wine” § 1–101

25–1008. CULINARY SCHOOL LICENSE.

(A) ESTABLISHED.

THERE IS A CULINARY SCHOOL BEER AND WINE LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF A PRIVATE CULINARY EDUCATIONAL INSTITUTION THAT:

(1) IS ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING ASSOCIATION;

**(2) IS APPROVED BY THE STATE HIGHER EDUCATION COMMISSION;
AND**

(3) HOLDS A PRIVATE EDUCATIONAL INSTITUTION LICENSE ISSUED BY THE COUNTY.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:

1 **(I) ALLOW THE CONSUMPTION OF WINE BY INDIVIDUALS WHO**
2 **ARE AT LEAST 21 YEARS OLD AND REGISTERED IN A WINE TASTING COURSE**
3 **OFFERED BY THE LICENSE HOLDER; AND**

4 **(II) ALLOW THE CONSUMPTION OF BEER AND WINE BY**
5 **INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD AND REGISTERED IN A CULINARY**
6 **OR CONFECTIONARY COURSE OFFERED BY THE LICENSE HOLDER.**

7 **(2) AN INDIVIDUAL MAY CONSUME BEER OR WINE UNDER THE**
8 **LICENSE ON THE LICENSED PREMISES.**

9 **(D) HOURS AND DAYS THAT LICENSE IS IN EFFECT.**

10 **A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN**
11 **SUBSECTION (B) OF THIS SECTION:**

12 **(1) FROM MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 1 A.M. THE**
13 **FOLLOWING DAY;**

14 **(2) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 2 A.M. THE**
15 **FOLLOWING DAY; AND**

16 **(3) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

17 **(E) PROVIDING FOOD REQUIRED.**

18 **THE LICENSE HOLDER SHALL PROVIDE FOOD DURING THE HOURS THAT**
19 **ALCOHOLIC BEVERAGES ARE SERVED.**

20 **(F) HOLDING DIFFERENT LICENSE PROHIBITED.**

21 **A LICENSE HOLDER MAY NOT SIMULTANEOUSLY HOLD A DIFFERENT TYPE OF**
22 **LICENSE ISSUED UNDER THIS ARTICLE.**

23 **(G) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$400.**

25 **REVISOR'S NOTE: This section is new language derived without substantive**
26 **change from former Art. 2B, § 8-216.3(c) through (g).**

27 **In subsection (a) of this section, the reference to a "beer and wine" license is**
28 **added for clarity.**

1 In subsection (c)(2) of this section, the former reference to consumption “only”
 2 on the licensed premises is deleted as unnecessary, because the law does not
 3 authorize consumption off the licensed premises.

4 In subsection (f) of this section, the reference to a “different type of” license is
 5 substituted for the former reference to “any other” license in light of §
 6 25–1616 of this title, which authorizes the Board to issue not more than three
 7 culinary school licenses on behalf of a single culinary school for separate
 8 locations.

9 Former Art. 2B, § 8–216.3(a), which defined “Board” to mean the Board of
 10 License Commissioners, is deleted as redundant of the definition of “Board” in
 11 § 25–101 of this title.

12 Former Art. 2B, § 8–216.3(b), which stated that former Art. 2B, § 8–216.3
 13 applied only in Montgomery County, is deleted as unnecessary in light of the
 14 organization of this revised article.

15 Defined terms: “Alcoholic beverage” § 1–101

16 “Beer” § 1–101

17 “Board” § 25–101

18 “County” § 25–101

19 “Wine” § 1–101

20 **25–1009. FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A FRATERNAL/SORORAL/SERVICE ORGANIZATION BEER, WINE, AND**
 23 **LIQUOR LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE**
 26 **OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL, SORORAL, OR**
 27 **SERVICE ORGANIZATION THAT:**

28 **(1) IS COMPOSED ONLY OF INDUCTED MEMBERS;**

29 **(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE**
 30 **APPLICATION WAS MADE;**

31 **(3) HAS A MEMBERSHIP OF AT LEAST 200 INDIVIDUALS AND DUES OF**
 32 **NOT LESS THAN \$5 PER YEAR PER INDIVIDUAL; AND**

1 **(4) OWNS AND OPERATES A CLUBHOUSE THAT IS PRINCIPALLY FOR**
2 **THE USE OF ITS MEMBERS AND THEIR GUESTS WHEN ACCOMPANIED BY MEMBERS.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, OR**
5 **LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS FOR**
6 **ON-PREMISES CONSUMPTION.**

7 **(D) HOURS AND DAYS OF SALE.**

8 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

9 **(1) ON MONDAY THROUGH SATURDAY, FROM 11 A.M. TO 1 A.M. THE**
10 **FOLLOWING DAY; AND**

11 **(2) ON SUNDAY, FROM NOON TO 1 A.M. THE FOLLOWING DAY.**

12 **(E) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$1,000.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, §§ 6-301(q)(6) and, as it related to the
16 fraternal/sororal/service organization license, 11-516(b)(3).

17 In subsection (a) of this section, the reference to a "beer, wine, and liquor"
18 license is added for clarity.

19 In subsection (b) of this section, the former references to a "bona fide"
20 nonprofit and nationwide fraternal, sororal, or service organization and a
21 "bona fide" membership are deleted as surplusage.

22 In the introductory language of subsection (b) of this section, the reference to
23 the "Board" is added to state expressly what was only implied in the former
24 law, that the Board is the unit that issues the license.

25 In subsection (b)(1) of this section, the former reference to members who are
26 "duly" elected is deleted as surplusage.

27 Also in subsection (b)(1) of this section, the reference to "inducted" members
28 is substituted for the former reference to being members "duly elected and
29 initiated in accordance with the rites and customs of that fraternal, sororal,
30 or service organization" for brevity.

1 In subsection (b)(2) of this section, the former phrase “in existence” is deleted
2 as included in the reference to “operating”.

3 In subsection (b)(3) of this section, the references to “individuals” and
4 “individual” are substituted for the former references to “persons” and
5 “person” because this subsection applies only to human beings.

6 In subsection (b)(4) of this section, the former phrase “for no other purpose” is
7 deleted in light of the phrase “principally for the use of”.

8 Also in subsection (b)(4) of this section, the former reference to a clubhouse
9 that is “not directly or indirectly owned or operated as a public business” is
10 deleted as surplusage.

11 In subsection (c) of this section, the reference to “beer, wine, or liquor” is
12 substituted for the former reference to “any alcoholic beverages” for clarity.

13 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
14 is deleted as implicit in the reference to “sell[ing]”.

15 Also in subsection (c) of this section, the former phrase “at retail” is deleted as
16 surplusage.

17 Also in subsection (c) of this section, the former statement that “[t]he licensee
18 is subject to all of the provisions of this article relating to beer, wine and liquor
19 licenses, Class C, in force in Montgomery County” is deleted as an unnecessary
20 statement of common practice.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
22 the General Assembly, that in subsection (c) of this section, the former
23 language that a license holder is subject to specified provisions “except the
24 provisions requiring the maintenance of a championship golf course” is deleted
25 as an unnecessary statement of common practice.

26 Defined terms: “Beer” § 1–101

27 “Board” § 25–101

28 “County” § 25–101

29 “Wine” § 1–101

30 **25–1010. LARGE PERFORMING ARTS FACILITY LICENSE.**

31 **(A) ESTABLISHED.**

32 **THERE IS A CLASS B–BWL (LARGE PERFORMING ARTS FACILITY) LICENSE.**

33 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**
2 **PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY**
3 **THAT LEASES A PERFORMING ARTS FACILITY THAT:**

4 **(1) IS USED FOR ARTISTIC, CORPORATE, AND COMMUNITY RELATED**
5 **ACTIVITIES; AND**

6 **(2) HAS:**

7 **(I) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING REAL**
8 **PROPERTY, OF \$1,000,000;**

9 **(II) A MINIMUM CAPACITY OF 1,500 INDIVIDUALS;**

10 **(III) A FOOD SERVICE FACILITY PERMIT; AND**

11 **(IV) 40 SEATS IN A FOOD SERVICE AREA.**

12 **(C) SCOPE OF AUTHORIZATION.**

13 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
14 **WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE LICENSED**
15 **PREMISES FOR ON-PREMISES CONSUMPTION.**

16 **(2) A LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR AT:**

17 **(I) A HIGH SCHOOL GRADUATION HELD ON THE LICENSED**
18 **PREMISES; OR**

19 **(II) A COMMUNITY MEETING HELD WITHOUT FOOD SERVICE ON**
20 **THE LICENSED PREMISES.**

21 **(3) THE BOARD MAY IMPOSE CONDITIONS ON THE ISSUANCE OR**
22 **RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE PERFORMING ARTS**
23 **FACILITY WHERE BEER, WINE, AND LIQUOR MAY BE SOLD, SERVED, POSSESSED, OR**
24 **CONSUMED.**

25 **(D) HOURS AND DAYS OF SALE.**

26 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FROM 10 A.M. ON**
27 **ANY DAY OF THE WEEK TO 2 A.M. THE FOLLOWING DAY.**

1 **(E) LOCATION TRANSFER PROHIBITED.**

2 **THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

3 **(F) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$1,000.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 6–201(q)(4).

7 In subsection (a) of this section, the reference to a “large” performing arts
8 facility is added to distinguish the license from other types of performing arts
9 facility licenses.

10 In the introductory language of subsection (b) of this section, the former
11 reference to the authority of the Board to issue the license to “apply only to” a
12 performing arts facility is deleted as unnecessary in light of the reference to
13 the authority of the Board to issue the license “for use by” an entity that leases
14 a performing arts facility.

15 Also in the introductory language of subsection (b) of this section, the former
16 reference to a performing arts facility “to host artistic, corporate, and
17 community related activities” is deleted as redundant of the reference in
18 subsection (b)(1) of this section to a facility “used for artistic, corporate, and
19 community related activities”.

20 In subsection (b)(2)(ii) of this section, the reference to “individuals” is
21 substituted for the former, broader reference to “persons” because the
22 provision refers only to human beings.

23 In subsection (c)(2) of this section, the reference to “beer, wine, and liquor” is
24 substituted for the former reference to “alcoholic beverages” for clarity.

25 Defined terms: “Beer” § 1–101

26 “Board” § 25–101

27 “Wine” § 1–101

28 **25–1011. PUBLIC GOLF COURSE LICENSES.**

29 **(A) DEFINITIONS.**

30 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
31 **INDICATED.**

1 (2) "AUTHORITY" MEANS THE MONTGOMERY COUNTY REVENUE
2 AUTHORITY.

3 (3) "COMMISSION" MEANS THE MARYLAND-NATIONAL CAPITAL
4 PARK AND PLANNING COMMISSION.

5 (B) ESTABLISHED.

6 (1) THERE IS A CLASS H BEER (ON-SALE) LICENSE, A CLASS H BEER
7 AND WINE (ON-SALE) LICENSE, AND A CLASS B-BWL (CLUBHOUSE/LODGE)(BEER
8 AND WINE OFF-SALE; BEER, WINE, AND LIQUOR ON-SALE) LICENSE ISSUED FOR THE
9 LIMITED USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE
10 AUTHORITY.

11 (2) THERE IS A CLASS H BEER (ON-SALE) LICENSE AND A CLASS H
12 BEER AND WINE (ON-SALE) LICENSE ISSUED FOR THE LIMITED USE OF PUBLIC GOLF
13 COURSES UNDER THE JURISDICTION OF THE COMMISSION.

14 (C) AUTHORIZED HOLDER.

15 (1) THE DIRECTOR OR DEPUTY DIRECTOR OF THE COUNTY PARKS
16 DEPARTMENT OF THE COMMISSION MAY HOLD ONE OR MORE LICENSES ISSUED FOR
17 THE USE OF PUBLIC GOLF COURSES THAT ARE IN THE COUNTY UNDER THE
18 JURISDICTION OF THE COMMISSION.

19 (2) (I) THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE
20 DESIGNEE OF THE EXECUTIVE DIRECTOR MAY HOLD ONE OR MORE LICENSES
21 ISSUED FOR THE USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE
22 AUTHORITY.

23 (II) A LICENSE ISSUED UNDER THIS PARAGRAPH SHALL BE
24 SIGNED BY THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE DESIGNEE OF
25 THE EXECUTIVE DIRECTOR.

26 (D) HOURS AND DAYS OF SALE.

27 (1) THE HOLDER OF A CLASS H BEER LICENSE MAY SELL BEER FOR
28 ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A
29 CLASS H BEER LICENSE UNDER § 25-2003 OF THIS TITLE.

30 (2) THE HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL
31 BEER AND WINE FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS

1 AS SET OUT FOR A CLASS H BEER AND WINE LICENSE UNDER § 25–2005 OF THIS
2 TITLE.

3 (3) THE HOLDER OF A CLASS B–BWL BEER, WINE, AND LIQUOR
4 LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION
5 DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B–BWL BEER, WINE, AND
6 LIQUOR LICENSE UNDER § 25–2005 OF THIS SUBTITLE.

7 (E) ALCOHOL AWARENESS PROGRAM.

8 (1) AS A CONDITION TO HOLDING A LICENSE UNDER THIS SECTION,
9 THE DIRECTOR OR DEPUTY DIRECTOR OF THE COUNTY PARKS DEPARTMENT OF
10 THE COMMISSION OR THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE
11 DESIGNEE OF THE EXECUTIVE DIRECTOR SHALL DESIGNATE AN INDIVIDUAL WITH
12 RESPECT TO EACH GOLF COURSE TO COMPLETE TRAINING IN AN ALCOHOL
13 AWARENESS PROGRAM APPROVED UNDER § 4–505 OF THIS ARTICLE.

14 (2) THE INDIVIDUAL DESIGNATED TO COMPLETE TRAINING IN AN
15 ALCOHOL AWARENESS PROGRAM UNDER PARAGRAPH (1) OF THIS SUBSECTION
16 SHALL:

17 (I) REPRESENT THE CONCESSIONAIRE; AND

18 (II) BE INVOLVED WITH THE MANAGEMENT OF THE SALE OF
19 BEER OR WINE BY THE CONCESSIONAIRE AT THE GOLF COURSE.

20 REVISOR’S NOTE: Subsection (a) of this section is new language added to provide
21 convenient definitions in this section for “Authority” and “Commission”.

22 Subsections (b), (c), and (e) of this section are new language derived without
23 substantive change from former Art. 2B, § 9–102.2.

24 Subsection (d) of this section is new language added to provide
25 cross–references to the hours and days of sale provisions that apply to a Class
26 H beer license, a Class H beer and wine license, and a Class B–BWL beer,
27 wine, and liquor license in Montgomery County.

28 In subsections (b) and (e)(2)(ii) of this section, the references to “wine” are
29 substituted for the former references to “light wine” to avoid confusion. In
30 Montgomery County, wine that is sold under a retail license with a wine
31 privilege may have an alcohol content above the traditional maximum level
32 for light wine. Consequently, wine sold in the County encompasses all wine –
33 both fortified wine as well as wine traditionally considered to be light wine.

1 Subsection (b) of this section is revised in standard language used throughout
2 this title to establish a license.

3 Defined terms: "Beer" § 1-101
4 "County" § 25-101
5 "License" § 1-101
6 "On-sale" § 1-101
7 "Wine" § 1-101

8 **25-1012. TAKOMA PARK VETERANS' LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS C (TAKOMA PARK VETERANS') BEER, WINE, AND LIQUOR**
11 **LICENSE.**

12 **(B) AUTHORIZED HOLDER.**

13 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A**
14 **NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

15 **(1) IS IN THE PORTION OF THE CITY OF TAKOMA PARK THAT WAS**
16 **FORMERLY PART OF PRINCE GEORGE'S COUNTY;**

17 **(2) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED**
18 **FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN**
19 **ENGAGED;**

20 **(3) HAD A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION**
21 **BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

22 **(4) HAS A BONA FIDE MEMBERSHIP OF AT LEAST 100 INDIVIDUALS**
23 **AND DUES OF NOT LESS THAN \$5 PER YEAR PER INDIVIDUAL;**

24 **(5) OPERATES ONLY FOR THE USE OF ITS OWN MEMBERS AND GUESTS**
25 **WHEN ACCOMPANIED BY MEMBERS;**

26 **(6) POSSESSED A CLUB LICENSE ORIGINALLY ISSUED BY THE PRINCE**
27 **GEORGE'S COUNTY BOARD OF LICENSE COMMISSIONERS WHEN THE CLUB WAS IN**
28 **THE PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF**
29 **PRINCE GEORGE'S COUNTY; AND**

30 **(7) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR NO OTHER**
31 **PURPOSE.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, OR**
 3 **LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS AT RETAIL AT THE**
 4 **PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

5 **(D) HOURS AND DAYS OF SALE.**

6 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 7 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
 8 **UNDER § 25-2005 OF THIS TITLE.**

9 **(E) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$1,000.**

11 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
 12 language derived without substantive change from former Art. 2B, §
 13 6-301(q)(7)(i), (iii), and the first sentence of (ii) and, as it related to
 14 Montgomery County, (a)(1).

15 Subsection (d) of this section is new language added to provide a
 16 cross-reference to the hours and days of sale provision that applies to a Class
 17 C beer, wine, and liquor license in Montgomery County.

18 In the introductory language of subsection (b) of this section, the former
 19 reference to a "bona fide" nonprofit organization or club is deleted as
 20 surplusage.

21 In subsection (b)(4) of this section, the references to "individuals" and
 22 "individual" are substituted for the former references to "persons" and
 23 "person" because this subsection applies only to human beings.

24 In subsection (c) of this section, the reference to "beer, wine, or liquor" is
 25 substituted for the former reference to "all alcoholic beverages" for clarity.

26 Also in subsection (c) of this section, the former reference to "keep[ing] for sale"
 27 is deleted as implicit in the reference to "sell[ing]".

28 Also in subsection (c) of this section, the former phrase "at retail at any club,
 29 at the place described in the license," is deleted as surplusage.

30 The second sentence of former Art. 2B, § 6-301(q)(7)(ii), which provided a
 31 prohibition on charging for the license before May 1, 1998, is deleted as
 32 obsolete.

1 Defined terms: "Beer" § 1-101

2 "Board" § 25-101

3 "Club" § 1-101

4 "Wine" § 1-101

5 **25-1013. THEATER LICENSE.**

6 (A) **DEFINITIONS.**

7 (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
8 **INDICATED.**

9 (2) **"MOVIE THEATER" MEANS A BUILDING DESIGNED OR USED**
10 **PRIMARILY TO EXHIBIT MOTION PICTURES TO THE PUBLIC.**

11 (3) (I) **"PERFORMING ARTS THEATER" MEANS AN AREA, A**
12 **BUILDING, OR A STRUCTURE DESIGNED AND USED FOR PLAYS, ACTS, DRAMAS, OR**
13 **HISTRIONICS BY ACTORS OR ACTRESSES PERFORMING ON A STAGE.**

14 (II) **"PERFORMING ARTS THEATER" DOES NOT INCLUDE:**

15 1. **A PLACE WHERE MOTION PICTURES ARE EXHIBITED**
16 **OR SHOWN; OR**

17 2. **A BUILDING OR AMPHITHEATER THAT IS PART OF A**
18 **SPORTS COMPLEX REGULARLY USED BY MINORS.**

19 (B) **ESTABLISHED.**

20 **THERE IS A THEATER LICENSE.**

21 (C) **AUTHORIZED HOLDER.**

22 **THE BOARD MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF:**

23 (1) **A PERFORMING ARTS THEATER; OR**

24 (2) **A MOVIE THEATER OPERATED BY A NONPROFIT ORGANIZATION.**

25 (D) **SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
27 **RETAIL FOR ON-PREMISES CONSUMPTION WHEN SNACKS ARE SERVED.**

1 **(E) HOURS AND DAYS OF SALE.**

2 **THE LICENSE HOLDER MAY SELL BEER AND WINE:**

3 **(1) 1 HOUR BEFORE AND AFTER A PERFORMANCE;**

4 **(2) DURING AN INTERMISSION; AND**

5 **(3) DURING A CAST PARTY AND RECEPTION BEFORE AND AFTER A**
6 **PERFORMANCE.**

7 **(F) LOCATION TRANSFER PROHIBITED.**

8 **THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

9 **(G) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$100.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 8–216.1(a), (b)(1), (3), and (4), and (c) through
13 (f).

14 In subsection (a)(2) of this section, the former reference to the “general” public
15 is deleted as surplusage.

16 In subsection (c)(2) of this section, the former reference to a “bona fide”
17 nonprofit organization is deleted as surplusage.

18 In subsection (d) of this section, the former phrase “[n]otwithstanding any
19 other provision of this article to the contrary” is deleted as unnecessary in
20 light of the organization of this revised article.

21 In subsection (f) of this section, the former phrase “from the location of original
22 issuance” is deleted as surplusage.

23 Former Art. 2B, § 8–216.1(b)(2), which defined “Board” to mean the
24 Montgomery County Board of License Commissioners, is deleted as redundant
25 of the definition of “Board” in § 25–101 of this revised title.

26 Defined term: “Board” § 25–101

27 **25–1014. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A VETERANS' ORGANIZATION OR CLUB LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A**
5 **NATIONWIDE NONPROFIT ORGANIZATION COMPOSED ONLY OF MEMBERS WHO**
6 **SERVED IN THE ARMED FORCES OF THE UNITED STATES IF THE LOCAL UNIT:**

7 **(1) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION**
8 **AND WAS OPERATING IN THE COUNTY BEFORE THE APPLICATION FOR THE LICENSE**
9 **WAS MADE;**

10 **(2) HAS A MEMBERSHIP OF AT LEAST 200 INDIVIDUALS AND DUES OF**
11 **AT LEAST \$5 PER INDIVIDUAL; AND**

12 **(3) OWNS OR OPERATES A CLUBHOUSE THAT IS PRINCIPALLY FOR**
13 **THE USE OF ITS MEMBERS AND THEIR GUESTS WHEN ACCOMPANIED BY MEMBERS.**

14 **(C) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER,**
16 **WINE, OR LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS FOR**
17 **ON-PREMISES CONSUMPTION.**

18 **(D) HOURS AND DAYS OF SALE.**

19 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

20 **(1) ON MONDAY THROUGH SATURDAY, FROM 11 A.M. TO 1 A.M. THE**
21 **FOLLOWING DAY; AND**

22 **(2) ON SUNDAY, FROM NOON TO 1 A.M. THE FOLLOWING DAY.**

23 **(E) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$1,000.**

25 **REVISOR'S NOTE:** This section is new language derived without substantive
26 change from former Art. 2B, §§ 6-301(q)(5) and, as it related to the veterans'
27 organization or club license, 11-516(b)(3).

1 In subsection (a) of this section, the reference to a veterans' "organization or
2 club" is added for clarity and consistency with similar licenses.

3 In the introductory language of subsection (b) of this section, the reference to
4 the "Board" is added to state expressly what was only implied in the former
5 law, that the Board is the unit that issues the license.

6 Also in the introductory language of subsection (b) of this section, the former
7 references to a "bona fide" nonprofit organization or club and a "bona fide"
8 membership are deleted as surplusage.

9 In subsection (b)(1) of this section, the former phrase "in existence" is deleted
10 as included in the reference to "operating".

11 In subsection (b)(2) of this section, the references to "individuals" and
12 "individual" are substituted for the former references to "persons" and
13 "person" because this subsection applies only to human beings.

14 In subsection (b)(3) of this section, the reference to a clubhouse that is
15 "principally" for the use of its members and their guests when accompanied
16 by members is substituted for the former references to a clubhouse owned and
17 operated "solely" for a specified use and a clubhouse used "for no other
18 purpose" for brevity.

19 Also in subsection (b)(3) of this section, the former reference to a clubhouse
20 that is "not directly or indirectly owned or operated as a public business" is
21 deleted as surplusage.

22 In subsection (c) of this section, the reference to "beer, wine, or liquor" is
23 substituted for the former reference to "any alcoholic beverages" for clarity.

24 Also in subsection (c) of this section, the former reference to "keep[ing] for sale"
25 is deleted as implicit in the reference to "sell[ing]".

26 Also in subsection (c) of this section, the former phrase "at retail" is deleted as
27 surplusage.

28 Defined terms: "Beer" § 1-101

29 "Board" § 25-101

30 "Wine" § 1-101

31 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

32 **25-1101. APPLICATION OF GENERAL PROVISIONS.**

33 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **SECTION 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
2 **FROM LICENSED PREMISES”)** OF DIVISION I OF THIS ARTICLE APPLIES IN THE
3 **COUNTY WITHOUT EXCEPTION OR VARIATION.**

4 **(B) VARIATIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
6 **PRIVILEGES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

7 **(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
8 **FROM LICENSE HOLDER ON LICENSED PREMISES”),** IN ADDITION TO § 25-1102 OF
9 **THIS SUBTITLE;**

10 **(2) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”),**
11 **SUBJECT TO § 25-1103 OF THIS SUBTITLE; AND**

12 **(3) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”),** SUBJECT
13 **TO § 25-1104 OF THIS SUBTITLE.**

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to additional privileges of license holders.

16 Defined terms: “Beer” § 1-101
17 “County” § 25-101
18 “License” § 1-101
19 “License holder” § 1-101
20 “Wine” § 1-101

21 **25-1102. RESTAURANTS, CLUBS, AND HOTELS WITH CLASS H LICENSE.**

22 **SECTION 4-1102 OF THIS ARTICLE ALSO APPLIES TO AN INDIVIDUAL IN A**
23 **RESTAURANT, CLUB, OR HOTEL FOR WHICH A CLASS H LICENSE ALLOWING THE**
24 **SALE OF WINE IS ISSUED.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 12-107(b)(10)(i)3.

27 Defined terms: “Club” § 1-101
28 “Restaurant” § 1-101
29 “Wine” § 1-101

30 **25-1103. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

1 **(A) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
3 **TO A HOLDER OF A CLASS B BEER AND WINE LICENSE, A CLASS D BEER AND WINE**
4 **LICENSE, OR A CLASS BD–BWL LICENSE.**

5 **(B) APPLICATION FORM.**

6 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
7 **BOARD PROVIDES.**

8 **(C) HOURS OF SALE.**

9 **THE HOURS OF SALE FOR THE PERMIT BEGIN AND END AT THE SAME TIME AS**
10 **THOSE FOR THE UNDERLYING LICENSE.**

11 **(D) RENEWAL.**

12 **THE PERMIT MAY BE RENEWED EACH YEAR WITH THE RENEWAL OF THE**
13 **UNDERLYING LICENSE.**

14 **(E) FEE.**

15 **THE BOARD SHALL ISSUE THE PERMIT AT NO COST TO THE APPLICANT.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, §§ 5–201(q)(3) and (6) and 5–401(q)(2)(ii) and (v).

18 In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

19 Also in subsection (a) of this section, the former phrases “issued by the Board
20 of License Commissioners” are deleted as surplusage.

21 In subsection (c) of this section, the reference to the hours of sale that begin
22 and end “at the same time as those for the underlying license” is substituted
23 for the former references to the “term of and hours of sale” that “are as
24 specified for the permit holder’s ... license” to conform to the terminology used
25 throughout this article.

26 In subsection (d) of this section, the former word “concurrently” is deleted as
27 surplusage.

28 Also in subsection (d) of this section, the reference to the “underlying” license
29 is substituted for the former references to “a Class B beer and light wine

1 license”, “a Class BD–BWL license”, and “a Class D beer and light wine
2 license” to conform to the terminology used throughout this section.

3 Former Art. 2B, §§ 5–201(q)(4), (5), and (7) and 5–401(q)(2)(iii), (iv), and (vi)
4 are deleted as unnecessary because they merely repeated or referenced
5 provisions that appear in § 4–1104 of this article.

6 Former Art. 2B, §§ 5–201(q)(8) and 5–401(q)(2)(vii), which authorized the
7 Board to adopt regulations to implement the provisions of this section relating
8 to the issuance of a refillable container permit, are deleted as unnecessary
9 because the Board has the power to adopt regulations under § 25–206 of this
10 title.

11 Defined terms: “Board” § 25–101

12 “License” § 1–101

13 **25–1104. REFILLABLE CONTAINER PERMIT — WINE.**

14 **(A) AUTHORIZED PERMIT HOLDER.**

15 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A**
16 **HOLDER OF A LICENSE THAT ENTITLES THE HOLDER TO SELL WINE FOR**
17 **OFF–PREMISES CONSUMPTION.**

18 **(B) FEE.**

19 **THE BOARD SHALL ISSUE THE PERMIT AT NO COST TO THE APPLICANT.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8–216.6(c) and (e).

22 In subsection (a) of this section, the reference to “a refillable container permit
23 for wine” is substituted for the former reference to “the permit” for clarity.

24 Former Art. 2B, § 8–103(a)(2)(iii), which stated that former Art. 2B, §
25 8–103, consisting of refillable container provisions, applied to Montgomery
26 County, and former Art. 2B, 8–216.6(a), which stated that former Art. 2B, §
27 8–216.6 applied only in Montgomery County, are deleted as unnecessary in
28 light of the organization of this revised article.

29 Former Art. 2B, § 8–216.6(b), which stated that there is a refillable container
30 permit in Montgomery County, is deleted as unnecessary in light of § 4–1104
31 of this article.

1 Former Art. 2B, § 8–216.6(d) is deleted as unnecessary because it merely
2 repeats provisions concerning refillable container standards that appear in §
3 4–1104 of this article.

4 Defined terms: “Board” § 25–101
5 “License” § 1–101
6 “Wine” § 1–101

7 **25–1105. ORGANIZATION SUPPLY LICENSE.**

8 (A) ESTABLISHED.

9 THERE IS AN ORGANIZATION SUPPLY LICENSE.

10 (B) AUTHORIZED HOLDER.

11 THE BOARD MAY ISSUE THE LICENSE TO A CORPORATION, A CLUB, OR ANY
12 OTHER ORGANIZATION THAT:

13 (1) IS A COUNTRY CLUB UNDER § 25–1007 OF THIS TITLE OR AN
14 ELEEMOSYNARY ORGANIZATION;

15 (2) IS A LOCAL POST, CHAPTER, LODGE, COUNCIL, OR BRANCH OF A
16 NATIONAL ORGANIZATION THAT HAS MORE THAN 300,000 MEMBERS; AND

17 (3) HAS MORE THAN 200 DUES–PAYING MEMBERS.

18 (C) SCOPE OF AUTHORIZATION.

19 THE LICENSE ALLOWS THE ON–PREMISES CONSUMPTION OF ALCOHOLIC
20 BEVERAGES BY A MEMBER OR THE MEMBER’S GUEST IF THE ALCOHOLIC BEVERAGES
21 ARE SUPPLIED BY THE MEMBER.

22 (D) FEE.

23 THE ANNUAL LICENSE FEE IS \$300.

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 6–301(q)(4).

26 In subsection (b)(1) of this section, the reference to an eleemosynary
27 “organization” is added for clarity.

28 Defined terms: “Alcoholic beverage” § 1–101

1 "Club" § 1-101
2 "License" § 1-101

3 **SUBTITLE 12. CATERER'S LICENSES.**

4 **25-1201. LOCAL CATERER'S LICENSE.**

5 **(A) ESTABLISHED.**

6 **(1) THERE IS A LOCAL CATERER'S LICENSE.**

7 **(2) THE LICENSE IS A SEPARATE ALCOHOLIC BEVERAGES LICENSE.**

8 **(B) AUTHORIZED HOLDER.**

9 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
10 **MAY ISSUE THE LICENSE TO A PERSON THAT:**

11 **(I) DOES NOT ALREADY HOLD A LICENSE ISSUED BY THE**
12 **BOARD;**

13 **(II) HAS FACILITIES TO PREPARE AND DELIVER FOOD TO THE**
14 **SITE OF A CATERED EVENT; AND**

15 **(III) MEETS ALL OTHER REQUIREMENTS OF THIS ARTICLE.**

16 **(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE**
17 **COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION**
18 **FACILITIES FOR A CATERED EVENT.**

19 **(3) AN APPLICANT FOR OR HOLDER OF THE LICENSE IS NOT**
20 **REQUIRED TO HAVE A BANQUET HALL.**

21 **(C) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES A HOLDER TO:**

23 **(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF**
24 **THE PREMISES OF THE FOOD PREPARATION FACILITIES; AND**

25 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
26 **HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B BEER, WINE, AND LIQUOR**
27 **LICENSE.**

1 **(D) RESTRICTIONS.**

2 **THE LICENSE HOLDER MAY NOT:**

3 **(1) HOLD AN EVENT THAT THE LICENSE HOLDER SPONSORS; OR**

4 **(2) PROVIDE ONLY ALCOHOLIC BEVERAGES AT AN EVENT.**

5 **(E) DUTIES.**

6 **THE LICENSE HOLDER SHALL:**

7 **(1) CONTRACT FOR AND PROVIDE FOOD FOR CONSUMPTION AT A**
8 **CATERED EVENT;**

9 **(2) MEET THE SAME RATIO OF GROSS RECEIPTS BETWEEN FOOD AND**
10 **ALCOHOLIC BEVERAGE SALES AS A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR**
11 **LICENSE; AND**

12 **(3) PURCHASE ALL ALCOHOLIC BEVERAGES FROM THE DEPARTMENT**
13 **OF LIQUOR CONTROL.**

14 **(F) FEE.**

15 **THE ANNUAL LICENSE FEE IS \$1,250.**

16 REVISOR'S NOTE: This section is new language derived without substantive change
17 from former Art. 2B, § 6-706.1(b) through (j).

18 In subsection (b)(1)(ii) of this section, the reference to an "event" is substituted
19 for the former reference to an "affair" to conform to the terminology used
20 throughout this subtitle.

21 In subsection (b)(2) of this section, the phrase "for a catered event" is added
22 for clarity.

23 In subsection (c)(1) of this section, the reference to the "premises of the food
24 preparation facilities" is substituted for the former reference to an "off-sale
25 even[t]" for clarity, reflecting the Board's interpretation of the term
26 "off-sale".

27 In subsection (d)(1) of this section, the reference to events "that the license
28 holder sponsors" is substituted for the former reference to events that are
29 "self-sponsored" for clarity.

1 In subsection (e)(1) of this section, the former reference to providing food “as
2 well as alcoholic beverages” is deleted as unnecessary in light of subsection
3 (c)(1) of this section.

4 Former Art. 2B, § 6–706.1(a), which stated that former Art. 2B, § 6–706.1
5 applied only in Montgomery County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Former Art. 2B, § 6–706.1(k), which stated that the holder of a local caterer’s
8 license who violates the requirements of this section is subject to former Title
9 16, Subtitle 5, is deleted as unnecessary. Under § 6–402 of this article, all
10 persons who violate a provision of this article for which no penalty is provided,
11 other than the suspension or revocation of a license or permit, are subject to
12 imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

13 Defined terms: “Alcoholic beverage” § 1–101

14 “Beer” § 1–101

15 “Board” § 25–101

16 “County” § 25–101

17 “License” § 1–101

18 “Person” § 1–101

19 “Wine” § 1–101

20 **25–1202. CATERING EXTENSION.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CATERING EXTENSION.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE BOARD MAY GRANT A CATERING EXTENSION TO THE HOLDER OF A CLASS**
25 **B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

26 **(C) SCOPE OF AUTHORIZATION.**

27 **THE CATERING EXTENSION AUTHORIZES A HOLDER TO:**

28 **(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF**
29 **THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL**
30 **(ON–SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

1 **(2) EXERCISE THE PRIVILEGES OF THE CATERING EXTENSION ONLY**
 2 **DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT**
 3 **OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

4 **(D) FOOD REQUIREMENT.**

5 **THE HOLDER OF A CATERING EXTENSION SHALL PROVIDE FOOD FOR**
 6 **CONSUMPTION AT THE CATERED EVENT.**

7 **(E) EFFECT OF SECTION.**

8 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
 9 **HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A CATERING**
 10 **EXTENSION FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS**
 11 **ISSUED.**

12 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 13 expressly what was only implied in the former law, that a catering extension
 14 exists in Montgomery County.

15 Subsections (b) through (e) of this section are new language derived without
 16 substantive change from former Art. 2B, § 6-706(b) through (f).

17 Throughout this section, the references to a "catering extension" are
 18 substituted for the former references to a "caterer's license" to avoid confusion
 19 with the local caterer's license issued under § 25-1201 of this subtitle and to
 20 conform to the terminology used in practice in Montgomery County.

21 In subsection (d) of this section, the former reference to providing food "as well
 22 as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1)
 23 of this section.

24 In subsection (e) of this section, the reference to premises "for which the Class
 25 B license is issued" is substituted for the former reference to premises "that is
 26 covered by the existing license" for clarity.

27 Also in subsection (e) of this section, the former reference to an "existing" Class
 28 B license is deleted as surplusage.

29 Former Art. 2B, § 6-706(a), which stated that former Art. 2B, § 6-706 applied
 30 only in Montgomery County, is deleted as unnecessary in light of the
 31 organization of this revised article.

32 Defined terms: "Alcoholic beverage" § 1-101

33 "Beer" § 1-101

34 "Board" § 25-101

1 "Hotel" § 1-101
2 "On-sale" § 1-101
3 "Restaurant" § 1-101
4 "Wine" § 1-101

5 **SUBTITLE 13. TEMPORARY LICENSES.**

6 **PART I. IN GENERAL.**

7 **25-1301. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY**
10 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
11 **EXCEPTION OR VARIATION:**

12 **(1) § 4-1202 ("PER DIEM LICENSES");**

13 **(2) § 4-1203 ("CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
14 **AND WINE LICENSES");**

15 **(3) § 4-1204 ("CLASS C PER DIEM BEER, WINE, AND LIQUOR**
16 **LICENSE");**

17 **(4) § 4-1206 ("LICENSE TO DISPOSE OF STOCK");**

18 **(5) § 4-1207 ("TEMPORARY MOVE OF LICENSED PREMISES");**

19 **(6) § 4-1208 ("HOURS AND DAYS OF SALE"); AND**

20 **(7) § 4-1209 ("WINE PERMIT FOR FUND-RAISING EVENT").**

21 **(B) EXCEPTION.**

22 **SECTION 4-1205 ("LICENSE FEES") OF DIVISION I OF THIS ARTICLE DOES NOT**
23 **APPLY IN THE COUNTY AND IS SUPERSEDED BY § 25-1311 OF THIS SUBTITLE.**

24 **REVISOR'S NOTE:** This section is new language added to incorporate by reference
25 the general provisions relating to local temporary licenses.

26 Defined term: "County" § 25-101

27 **25-1302. RESERVED.**

1 **25-1303. RESERVED.**

2 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

3 **25-1304. BEER FESTIVAL LICENSE.**

4 **(A) DEFINITIONS.**

5 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(2) "FESTIVAL" MEANS THE MONTGOMERY COUNTY BEER**
8 **FESTIVAL.**

9 **(3) "FESTIVAL ORGANIZATION" MEANS A NONPROFIT ORGANIZATION**
10 **THAT IS CHOSEN BY THE COUNTY IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
11 **SECTION TO ORGANIZE A FESTIVAL.**

12 **(B) ESTABLISHED.**

13 **(1) THERE IS A MONTGOMERY COUNTY BEER FESTIVAL LICENSE.**

14 **(2) UNDER THE SUPERVISION OF THE COUNTY DEPARTMENT OF**
15 **LIQUOR CONTROL, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ON**
16 **NOT MORE THAN 4 WEEKENDS EACH YEAR.**

17 **(C) SELECTION OF FESTIVAL ORGANIZATION.**

18 **IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL**
19 **ORGANIZATION, THE COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION**
20 **HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE PUBLIC**
21 **EVENTS.**

22 **(D) AUTHORIZED HOLDER.**

23 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE**
24 **ISSUED IN THE COUNTY, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY**
25 **LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A STATE CLASS 8 FARM**
26 **BREWERY LICENSE TO SELL AND DISPLAY BEER AT THE FESTIVAL.**

27 **(E) SCOPE OF AUTHORIZATION.**

1 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
2 **AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL BEER.**

3 **(2) A PERSON MAY NOT SELL, OFFER FOR SALE, OR DISPLAY BEER AT**
4 **THE FESTIVAL UNLESS THE PERSON:**

5 **(I) HOLDS A BEER FESTIVAL LICENSE; AND**

6 **(II) HAS CONTRACTED WITH THE FESTIVAL ORGANIZATION TO**
7 **DISPLAY AND SELL BEER AT THE FESTIVAL.**

8 **(F) TIME AND CONDITIONS OF DISPLAY AND SALE.**

9 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

10 **(1) AT RETAIL:**

11 **(I) FOR ON-PREMISES CONSUMPTION; AND**

12 **(II) FOR OFF-PREMISES CONSUMPTION IN SEALED**
13 **CONTAINERS; AND**

14 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

15 **(G) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

16 **A FESTIVAL ORGANIZATION SHALL:**

17 **(1) CHOOSE THE WEEKENDS FOR THE FESTIVAL;**

18 **(2) CHOOSE A LOCATION REGARDLESS OF WHETHER THE LOCATION**
19 **IS ALREADY LICENSED; AND**

20 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE**
21 **PROMOTION OF MARYLAND BEER.**

22 **(H) CONTRACTS WITH FESTIVAL LICENSE HOLDER.**

23 **A FESTIVAL ORGANIZATION MAY CONTRACT WITH A HOLDER OF A RETAIL**
24 **LICENSE ISSUED IN THE COUNTY, A CLASS 5 BREWERY LICENSE, A CLASS 6**
25 **PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM**
26 **BREWERY LICENSE TO SELL AND DISPLAY BEER AT THE FESTIVAL.**

1 **(I) HOLDING ANOTHER LICENSE ALLOWED.**

2 **A PERSON MAY HOLD A BEER FESTIVAL LICENSE IN ADDITION TO ANOTHER**
 3 **LICENSE.**

4 **(J) FEE.**

5 **(1) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.**

6 **(2) LICENSE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE**
 7 **DEPOSITED INTO THE GENERAL FUND OF THE COUNTY.**

8 **(K) PENALTIES.**

9 **(1) THE BOARD MAY DENY A BEER FESTIVAL LICENSE TO AN**
 10 **APPLICANT OR SUSPEND OR REVOKE A BEER FESTIVAL LICENSE, IF THE APPLICANT**
 11 **OR LICENSE HOLDER VIOLATES A PROVISION OF THIS ARTICLE OR THE**
 12 **REGULATIONS OF THE BOARD.**

13 **(2) INSTEAD OF OR IN ADDITION TO DENYING, SUSPENDING, OR**
 14 **REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE ON AN**
 15 **APPLICANT OR A LICENSE HOLDER A FINE NOT EXCEEDING \$20,000.**

16 **(L) REGULATIONS.**

17 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 8–809(b) through (h) and (a)(1), (3), and (4).

20 Throughout this section, the former references to a “special” license are
 21 deleted as surplusage.

22 Subsection (b)(1) of this section is revised in standard language used
 23 throughout this article to establish a license.

24 In subsections (d) and (h) of this section, the references to a “retail license
 25 issued in the County” are substituted for the former references to a “current
 26 Montgomery County retail alcoholic beverages license” for brevity.

27 In subsection (g)(2) of this section, the reference to a location “regardless of
 28 whether the location is already licensed” is substituted for the former
 29 reference to a location “that may be a licensed or an unlicensed premises” for
 30 clarity.

1 Also in subsection (g)(2) of this section, the former phrase “for the festival” is
2 deleted as surplusage.

3 Also in subsection (g)(2) of this section, the former reference to a location “in
4 the county” is deleted as surplusage.

5 In subsections (i) and (j)(2) of this section, the former phrases
6 “[n]otwithstanding any other provision of law” are deleted as unnecessary in
7 light of the organization of this revised article.

8 Former Art. 2B, § 8–809(a)(2), which defined “Board” as meaning the
9 Montgomery County Board of License Commissioners, is deleted as redundant
10 in light of the defined term “Board” in § 25–101 of this title.

11 Defined terms: “Beer” § 1–101
12 “Board” § 25–101
13 “County” § 25–101
14 “Person” § 1–101

15 **25–1305. WINE FESTIVAL LICENSE.**

16 **(A) DEFINITIONS.**

17 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) “FESTIVAL” MEANS THE MONTGOMERY COUNTY WINE FESTIVAL.**

20 **(3) “FESTIVAL ORGANIZATION” MEANS A NONPROFIT ORGANIZATION**
21 **THAT:**

22 **(I) IS CHOSEN BY THE COUNTY TO ORGANIZE THE FESTIVAL;**
23 **AND**

24 **(II) HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND**
25 **MANAGING LARGE–SCALE PUBLIC EVENTS.**

26 **(B) ESTABLISHED.**

27 **(1) THERE IS A MONTGOMERY COUNTY WINE FESTIVAL LICENSE.**

28 **(2) UNDER THE SUPERVISION OF THE COUNTY DEPARTMENT OF**
29 **LIQUOR CONTROL, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ON**
30 **NOT MORE THAN 4 WEEKENDS EACH YEAR.**

1 **(C) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE**
3 **ISSUED IN THE COUNTY, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY**
4 **LICENSE.**

5 **(D) SCOPE OF AUTHORIZATION.**

6 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
7 **AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL WINE THAT IS**
8 **DISTRIBUTED IN THE STATE.**

9 **(2) A PERSON MAY NOT SELL, OFFER FOR SALE, OR DISPLAY WINE AT**
10 **THE FESTIVAL UNLESS THE PERSON:**

11 **(I) HOLDS A WINE FESTIVAL LICENSE; AND**

12 **(II) HAS CONTRACTED WITH A FESTIVAL ORGANIZATION TO**
13 **DISPLAY AND SELL WINE AT THE FESTIVAL.**

14 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

15 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

16 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

17 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

18 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

19 **A FESTIVAL ORGANIZATION SHALL:**

20 **(1) CHOOSE THE WEEKENDS FOR THE FESTIVAL;**

21 **(2) CHOOSE A LOCATION REGARDLESS OF WHETHER THE LOCATION**
22 **IS ALREADY LICENSED; AND**

23 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE**
24 **PROMOTION OF THE COUNTY.**

25 **(G) CONTRACTS WITH FESTIVAL LICENSE HOLDER.**

1 **A FESTIVAL ORGANIZATION MAY CONTRACT WITH A HOLDER OF A RETAIL**
2 **LICENSE ISSUED IN THE COUNTY, A CLASS 3 WINERY LICENSE, OR A CLASS 4**
3 **LIMITED WINERY LICENSE TO SELL AND DISPLAY WINE AT THE FESTIVAL.**

4 **(H) HOLDING ANOTHER LICENSE ALLOWED.**

5 **A PERSON MAY HOLD A WINE FESTIVAL LICENSE IN ADDITION TO ANOTHER**
6 **LICENSE.**

7 **(I) FEE.**

8 **(1) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.**

9 **(2) LICENSE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE**
10 **DEPOSITED INTO THE GENERAL FUND OF THE COUNTY.**

11 **(J) PENALTIES.**

12 **(1) THE BOARD MAY DENY A WINE FESTIVAL LICENSE TO AN**
13 **APPLICANT OR SUSPEND OR REVOKE A WINE FESTIVAL LICENSE IF THE APPLICANT**
14 **OR LICENSE HOLDER VIOLATES A PROVISION OF THIS ARTICLE OR THE**
15 **REGULATIONS OF THE BOARD.**

16 **(2) INSTEAD OF OR IN ADDITION TO DENYING, SUSPENDING, OR**
17 **REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE ON AN**
18 **APPLICANT OR LICENSE HOLDER A FINE NOT EXCEEDING \$20,000.**

19 **(K) REGULATIONS.**

20 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 8-310.1(c) through (h) and (a)(1), (3), and (4).

23 Throughout this section, the former references to a "special" license are
24 deleted as surplusage.

25 Subsection (b)(1) of this section is revised in standard language used
26 throughout this article to establish a license.

27 In subsections (c) and (g) of this section, the references to a "retail license
28 issued in the County" are substituted for the former references to a
29 "Montgomery County retail alcoholic beverage license" for brevity.

1 In subsection (d)(1) of this section, the former requirement that wine must be
 2 “price filed in accordance with regulations adopted by the State Comptroller”
 3 is deleted as obsolete. *See* General Revisor’s Note to Division II.

4 In subsection (f)(2) of this section, the reference to a location “regardless of
 5 whether the location is already licensed” is substituted for the former
 6 reference to a location “that is a licensed or an unlicensed premises” for clarity.

7 Also in subsection (f)(2) of this section, the former phrase “for the festival” is
 8 deleted as surplusage.

9 Also in subsection (f)(2) of this section, the former reference to a location “in
 10 the county” is deleted as surplusage.

11 In subsections (h) and (i)(2) of this section, the former phrases
 12 “[n]otwithstanding any other provision of law,” are deleted as unnecessary in
 13 light of the organization of this revised article.

14 Former Art. 2B, § 8–310.1(a)(2), which defined “Board” as meaning the
 15 Montgomery County Board of License Commissioners, is deleted as redundant
 16 in light of the defined term “Board” in § 25–101 of this title.

17 Former Art. 2B, § 8–310.1(b), which stated that former Art. 2B, § 8–310.1
 18 applied only in Montgomery County, is deleted as unnecessary in light of the
 19 organization of this revised article.

20 Defined terms: “Board” § 25–101

21 “County” § 25–101

22 “State” § 1–101

23 “Wine” § 1–101

24 **25–1306. BEER AND WINE TASTING LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

28 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
 29 **MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS**
 30 **OF BEER OR WINE.**

31 **(2) A LICENSE HOLDER OF A CLASS A WINE LICENSE MAY USE THE**
 32 **LICENSE TO HOLD TASTINGS OF WINE ONLY.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW TASTING OF BEER OR**
3 **WINE ON THE PREMISES OF THE LICENSE HOLDER ONLY.**

4 **(D) APPLICATION PROCESS.**

5 **(1) A LICENSE APPLICATION SHALL BE MADE ON A FORM THAT THE**
6 **BOARD SUPPLIES.**

7 **(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE**
8 **APPLICATION BEFORE ISSUING THE LICENSE.**

9 **(3) THE LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.**

10 **(4) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT**
11 **MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

12 **(5) A RENEWAL OF THE BWT LICENSE MAY BE MADE WHEN THE**
13 **CLASS A LICENSE OF THE LICENSE HOLDER IS RENEWED.**

14 **(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

15 **A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS**
16 **BEFORE EACH TASTING EVENT.**

17 **(F) LIMIT ON SERVINGS.**

18 **A LICENSE HOLDER MAY ALLOW THE CONSUMPTION BY AN INDIVIDUAL FOR**
19 **TASTING IN A QUANTITY OF NOT MORE THAN:**

20 **(1) 1 OUNCE FROM EACH OFFERING OF WINE;**

21 **(2) 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY;**

22 **(3) 3 OUNCES FROM EACH OFFERING OF BEER; AND**

23 **(4) 12 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.**

24 **(G) MARKED BOTTLE FOR TASTING.**

25 **ONCE OPENED, A BOTTLE USED FOR BEER OR WINE TASTING SHALL BE**
26 **MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.**

1 **(H) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$200.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8–408.4(c) through (f).

5 Throughout this section, the former references to “sampling” and “samplings”
6 are deleted as redundant of the references to “tasting” and “tastings”.

7 Subsection (a) of this section is revised in standard language used throughout
8 this article to establish a license.

9 In subsection (c) of this section, the reference to the license authorizing “the
10 holder to allow” tasting of beer and wine is added for clarity and consistency
11 with the terminology used throughout this article.

12 Also in subsection (c) of this section, the reference to “beer or wine” is
13 substituted for the former reference to “alcoholic beverages” to reflect the
14 scope of this section.

15 In subsection (f)(1) and (3) of this section, the references to “each offering” are
16 substituted for the former references to “a single brand” for clarity. Similarly,
17 in subsection (f)(2) and (4) of this section, the references to all “offerings” are
18 substituted for the former references to all “brands”.

19 Former Art. 2B, § 8–408.4(a), which stated that former Art. 2B, § 8–408.4
20 applied only in Montgomery County, is deleted as unnecessary in light of the
21 organization of this revised article.

22 Former Art. 2B, § 8–408.4(b), which defined “Board” as meaning the
23 Montgomery County Board of License Commissioners, is deleted as redundant
24 in light of the defined term “Board” in § 25–101 of this title.

25 Former Art. 2B, § 8–408.4(g), which stated that this section is not restricted
26 by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light
27 of § 1–202 of this article.

28 Defined terms: “Beer” § 1–101

29 “Board” § 25–101

30 “Wine” § 1–101

31 **25–1307. TOWN OF KENSINGTON BEER AND WINE TASTING.**

32 **(A) ESTABLISHED.**

1 **(1) THERE IS A BEER AND WINE TASTING (BWT) LICENSE IN THE**
2 **TOWN OF KENSINGTON.**

3 **(2) THE BOARD MAY ISSUE NOT MORE THAN THREE BEER AND WINE**
4 **TASTING LICENSES IN THE TOWN OF KENSINGTON.**

5 **(B) AUTHORIZED HOLDER.**

6 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
7 **MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE ISSUED UNDER §**
8 **25-1604(C) OF THIS TITLE TO HOLD TASTINGS OF BEER OR WINE.**

9 **(2) A LICENSE HOLDER OF A CLASS A WINE LICENSE MAY USE THE**
10 **LICENSE TO HOLD TASTINGS OF WINE ONLY.**

11 **(C) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW TASTING OF BEER OR**
13 **WINE ON THE PREMISES OF THE LICENSE HOLDER ONLY.**

14 **(D) APPLICATION PROCESS.**

15 **(1) A LICENSE APPLICATION SHALL BE MADE ON A FORM THAT THE**
16 **BOARD SUPPLIES.**

17 **(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE**
18 **APPLICATION BEFORE ISSUING THE LICENSE.**

19 **(3) THE LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.**

20 **(4) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT**
21 **MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

22 **(5) A RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A**
23 **LICENSE OF THE LICENSE HOLDER IS RENEWED.**

24 **(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

25 **A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS**
26 **BEFORE EACH TASTING EVENT.**

27 **(F) LIMIT ON SERVINGS.**

1 **A LICENSE HOLDER MAY ALLOW THE CONSUMPTION BY AN INDIVIDUAL FOR**
 2 **TASTING IN A QUANTITY OF NOT MORE THAN:**

- 3 **(1) 1 OUNCE FROM EACH OFFERING OF WINE;**
 4 **(2) 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY;**
 5 **(3) 3 OUNCES FROM EACH OFFERING OF BEER; AND**
 6 **(4) 12 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.**
- 7 **(G) MARKED BOTTLE FOR TASTING.**

8 **ONCE OPENED, A BOTTLE USED FOR BEER OR WINE TASTING SHALL BE**
 9 **MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.**

10 **(H) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$200.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 8–216(a)(2)(v)1B, 5, and 6.

14 Subsection (a)(1) of this section is revised in standard language used
 15 throughout this article to establish a license.

16 In subsection (c) of this section, the reference to the license authorizing “the
 17 holder to allow” tasting is added for clarity and consistency with terminology
 18 used throughout this article.

19 The provisions of former Art. 2B, § 8–408.4, which are cross-referenced in
 20 former Art. 2B, § 8–216(2)(v)6, are added as revised in § 25–1306 of this
 21 subtitle for clarity.

22 Defined terms: “Beer” § 1–101

23 “Board” § 25–101

24 **25–1308. RESERVED.**

25 **25–1309. RESERVED.**

26 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

27 **25–1310. COMMUNITY SWIMMING POOL CLUB.**

1 **THE BOARD MAY ISSUE A CLASS C PER DIEM BEER LICENSE, BEER AND WINE**
2 **LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A COMMUNITY SWIMMING POOL**
3 **CLUB.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 7-101(b)(10)(ii) and (d)(12)(ii).

6 The reference to a "per diem" license is substituted for the former reference to
7 a "one-day" license to conform to the terminology used throughout this article.

8 The former phrase "[n]otwithstanding § 1-102(a)(4) of this article" is deleted
9 as surplusage.

10 Defined terms: "Board" § 25-101

11 "Club" § 1-101

12 **25-1311. FEES.**

13 **THE LICENSE FEES ARE:**

14 **(1) \$30 PER DAY FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS**
15 **C PER DIEM BEER AND WINE LICENSE; AND**

16 **(2) \$60 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR**
17 **LICENSE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 7-101(b)(10)(i) and (d)(12)(i).

20 Defined term: "License" § 1-101

21 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

22 **25-1401. APPLICATION OF GENERAL PROVISIONS.**

23 **(A) WITHOUT EXCEPTION OR VARIATION.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
25 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
26 **WITHOUT EXCEPTION OR VARIATION:**

27 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
28 **BOARD");**

1 (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

2 (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

3 (4) § 4-112 (“DISPOSITION OF LICENSE FEES”);

4 (5) § 4-113 (“REFUND OF LICENSE FEES”); AND

5 (6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

6 **(B) EXCEPTIONS.**

7 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
8 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

9 (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH
10 IS SUPERSEDED BY § 25-1404 OF THIS SUBTITLE;

11 (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),
12 WHICH IS SUPERSEDED BY § 25-1405 OF THIS SUBTITLE;

13 (3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
14 COMPANY”), WHICH IS SUPERSEDED BY § 25-1406 OF THIS SUBTITLE;

15 (4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
16 PETITION OF SUPPORT”); AND

17 (5) § 4-111 (“PAYMENT OF LICENSE FEES”), WHICH IS SUPERSEDED
18 BY § 25-1410 OF THIS SUBTITLE.

19 **(C) VARIATIONS.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
21 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

22 (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§
23 25-1402 AND 25-1403 OF THIS SUBTITLE; AND

24 (2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
25 GENERAL”), SUBJECT TO § 25-1408 OF THIS SUBTITLE AND § 22-1409 OF THIS
26 ARTICLE.

1 REVISOR'S NOTE: Subsections (a)(1) through (5), (b)(2) through (5), and (c) of this
2 section are new language added to incorporate by reference general provisions
3 relating to applications for local licenses.

4 Subsection (a)(6) of this section is new language derived without substantive
5 change from former Art. 2B, § 10–204(q).

6 Subsection (b)(1) of this section is new language derived without substantive
7 change from former Art. 2B, § 10–103(b)(18)(iii), as it related to Montgomery
8 County.

9 Defined term: “County” § 25–101

10 **25–1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

11 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
12 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY AND THE**
13 **COUNTY POLICE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10–103(b)(13)(iv)1A.

16 Defined terms: “Board” § 25–101
17 “Central Repository” § 1–101
18 “License” § 1–101

19 **25–1403. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
20 **APPLICATION PROCESS.**

21 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
22 **OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION**
23 **PROCESS.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10–103(b)(13)(i)2, as it related to Montgomery
26 County.

27 The reference to “record information” is substituted for the former reference
28 to “records” to conform to the terminology used in CP, § 10–201.

29 The reference to “the application process” is substituted for the former
30 reference to “its necessary use” for clarity.

31 Defined term: “Board” § 22–101

32 **25–1404. APPLICATION ON BEHALF OF PARTNERSHIP.**

1 **(A) APPLICATION BY AT LEAST TWO PARTNERS.**

2 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN**
3 **APPLICATION FOR A LICENSE ON BEHALF OF A PARTNERSHIP SHALL BE MADE BY**
4 **AND THE LICENSE ISSUED TO AT LEAST TWO GENERAL PARTNERS AS INDIVIDUALS.**

5 **(2) WHEN AN APPLICATION FOR A PARTNERSHIP IS FILED, AT LEAST**
6 **ONE OF THE GENERAL PARTNERS WHO APPLIES IS REQUIRED TO RESIDE IN THE**
7 **STATE.**

8 **(B) EXCEPTION.**

9 **AN APPLICATION FOR A LICENSE SHALL BE MADE BY AND THE LICENSE**
10 **ISSUED TO ONE GENERAL PARTNER AS AN INDIVIDUAL IF:**

11 **(1) THE PARTNERSHIP HAS ONLY ONE GENERAL PARTNER; AND**

12 **(2) THE GENERAL PARTNER RESIDES IN THE STATE AT THE TIME OF**
13 **APPLICATION.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9–101(a)(2)(i).

16 In subsection (b) of this section, the former requirement that the general
17 partner “is a resident of the State” is deleted as included in the requirement
18 that the general partner “resides in the State at the time of application”.

19 Defined term: “License” § 1–101

20 **25–1405. APPLICATION ON BEHALF OF CORPORATION OR CLUB.**

21 **(A) THREE OFFICERS REQUIRED.**

22 **A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED FOR**
23 **AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB, AS INDIVIDUALS.**

24 **(B) RESIDENCY REQUIREMENT.**

25 **AN OFFICER WHO IS A RESIDENT OF THE STATE MEETS THE VOTER,**
26 **TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER § 4–104 OF THIS ARTICLE.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 9–101(b)(1).

1 Defined terms: "Club" § 1-101

2 "License" § 1-101

3 "State" § 1-101

4 **25-1406. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.**

5 **(A) THREE AUTHORIZED INDIVIDUALS REQUIRED.**

6 A LICENSE ON BEHALF OF A LIMITED LIABILITY COMPANY SHALL BE APPLIED
7 FOR AND ISSUED TO THREE AUTHORIZED PERSONS OF THE LIMITED LIABILITY
8 COMPANY, AS INDIVIDUALS.

9 **(B) RESIDENCY REQUIREMENT.**

10 AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE REGISTERED
11 VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER § 4-105 OF THIS
12 ARTICLE.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 9-101(c)(1)(i) and (iii).

15 Defined terms: "License" § 1-101

16 "Person" § 1-101

17 "State" § 1-101

18 **25-1407. RESIDENCY REQUIREMENT.**

19 AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE RESIDENCY
20 REQUIREMENT UNDER § 4-109(A)(4) OF THIS ARTICLE.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10-103(b)(4)(vii).

23 Defined term: "State" § 1-101

24 **25-1408. WHEN STATEMENT AND ACKNOWLEDGMENT OF ASSENTING TO LICENSE
25 AND WARRANTLESS SEARCH ARE NOT REQUIRED.**

26 AN APPLICANT WHO IS THE LESSEE OF THE ENTIRE BUILDING IN WHICH THE
27 BUSINESS IS TO BE CONDUCTED FOR THE ENTIRE TERM OF THE LICENSE NEED NOT
28 INCLUDE IN THE APPLICATION A STATEMENT AND ACKNOWLEDGMENT BY THE
29 OWNER ASSENTING TO THE LICENSE AND AUTHORIZING A WARRANTLESS SEARCH
30 OF THE PREMISES AT ANY TIME.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–103(b)(17)(ii).

3 The phrase “in the application” is added for clarity.

4 The former reference to the license “to be issued” is deleted as surplusage.

5 Defined term: “License” § 1–101

6 **25–1409. IDENTIFICATION REQUIREMENTS.**

7 **(A) SCOPE OF SECTION.**

8 **THIS SECTION DOES NOT APPLY TO AN APPLICATION FOR A TEMPORARY**
9 **LICENSE ISSUED IN ACCORDANCE WITH SUBTITLE 13 OF THIS TITLE.**

10 **(B) PHOTOGRAPHS AND FINGERPRINTS REQUIRED.**

11 **AN APPLICANT SHALL SUBMIT WITH THE APPLICATION CLEAR AND RECENT**
12 **PHOTOGRAPHS AND COPIES OF THE FINGERPRINTS OF THE APPLICANT AND OF THE**
13 **PERSON WHO WILL BE ACTIVELY IN CHARGE OF THE BUSINESS TO BE CONDUCTED**
14 **UNDER THE LICENSE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10–104(q).

17 In subsection (a) of this section, the reference to a “temporary” license is
18 substituted for the former reference to a “special” license to conform to the
19 terminology used throughout this article.

20 Defined terms: “License” § 1–101
21 “Person” § 1–101

22 **25–1410. PAYMENT OF LICENSE FEES.**

23 **THE BOARD SHALL COLLECT THE LICENSE FEES.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 15–112(q)(5).

26 The former reference to “[n]otwithstanding any other law” is deleted as
27 unnecessary in light of the organization of this revised article.

1 The former reference to the Board of License Commissioners “issu[ing] the
2 alcoholic beverages licenses provided for in this article” is deleted as
3 unnecessary in light of § 4–202(a) of this revised article.

4 Former Art. 2B, § 15–112(q)(1), which stated that former Art. 2B, § 15–112(q)
5 applied only in Montgomery County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Defined terms: “Board” § 25–101

8 “License” § 1–101

9 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

10 **25–1501. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
13 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
14 **WITHOUT EXCEPTION OR VARIATION:**

15 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

16 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

17 **(3) § 4–207 (“LICENSES ISSUED TO MINORS”);**

18 **(4) § 4–209 (“HEARING”);**

19 **(5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

20 **(6) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

21 **(7) § 4–212 (“LICENSE NOT PROPERTY”); AND**

22 **(8) § 4–213 (“REPLACEMENT LICENSES”).**

23 **(B) EXCEPTION.**

24 **SECTION 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
25 **APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

26 **(C) VARIATIONS.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
 2 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

3 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
 4 **TO § 25–1502 OF THIS SUBTITLE;**

5 **(2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 6 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 25–1503 OF THIS SUBTITLE**
 7 **AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

8 **(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 9 **FOR SAME PREMISES”), SUBJECT TO § 25–1503 OF THIS SUBTITLE AND SUBTITLE**
 10 **13, PART III OF THIS TITLE; AND**

11 **(4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
 12 **SUBJECT TO § 25–1506 OF THIS SUBTITLE.**

13 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
 14 incorporate by reference general provisions relating to the issuance of local
 15 licenses.

16 Subsection (b) of this section is new language derived without substantive
 17 change from former Art. 2B, § 10–208(i).

18 Defined terms: “County” § 25–101

19 “License” § 1–101

20 “Local licensing board” § 1–101

21 **25–1502. AUTHORITY OF BOARD.**

22 **(A) WRITTEN DECISION ON LICENSE APPLICATION.**

23 **(1) WHEN ACTING ON A LICENSE APPLICATION, THE BOARD SHALL**
 24 **ISSUE A WRITTEN DECISION THAT CONTAINS:**

25 **(I) A DETAILED STATEMENT OF THE GROUNDS AND FINDINGS**
 26 **THAT SUPPORT THE DECISION; AND**

27 **(II) THE VOTE OF EACH MEMBER OF THE BOARD ON THE**
 28 **DECISION.**

29 **(2) THE BOARD SHALL FORWARD A COPY OF THE WRITTEN DECISION**
 30 **IN A MANNER THAT THE BOARD DETERMINES TO THE APPLICANT AND EACH PERSON**
 31 **WHO REQUESTS A COPY.**

1 **(3) IF THE APPLICATION IS DENIED, THE BOARD SHALL INFORM THE**
2 **APPLICANT IN WRITING OF THE PROCEDURES FOR JUDICIAL REVIEW.**

3 **(B) DECISION BASED ON EVIDENCE OF RECORD.**

4 **THE BOARD SHALL MAKE A DECISION ON A LICENSE APPLICATION BASED ON**
5 **THE EVIDENCE OF RECORD.**

6 **(C) RULES OF PROCEDURE.**

7 **THE BOARD SHALL ADOPT RULES OF PROCEDURE, SUBJECT TO THE**
8 **APPROVAL OF THE COUNTY COUNCIL.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10–202(m)(2) through (4).

11 In the introductory language of subsection (a)(1) of this section, the
12 requirement that the Board “issue a written decision” is substituted for the
13 former requirement that the Board “adopt a resolution” for clarity and to
14 conform to the terminology used throughout this article.

15 In subsection (a)(1)(i) of this section, the reference to grounds and findings
16 “that support” the decision is substituted for the former reference to grounds
17 and findings “forming the basis for” the decision for brevity.

18 In subsection (a)(3) of this section, the reference to a “judicial review”, which
19 describes the exercise of the power of a court to examine the decision of an
20 administrative agency, is substituted for the former improper reference to an
21 “appeal”, which describes the request to a higher court to review the judgment
22 of a lower court.

23 Defined terms: “Board” § 25–101

24 “County” § 25–101

25 “License” § 1–101

26 “Person” § 1–101

27 **25–1503. BOWLING ESTABLISHMENTS.**

28 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
29 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
30 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

31 **(1) THE LICENSES ARE CLASS H BEER AND WINE LICENSES; AND**

1 **(2) EACH PREMISES IS A RESTAURANT IN A BOWLING**
 2 **ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 9-102(b-1)(1)(ii).

5 In item (1) of this section, the reference to "Class H beer and wine licenses" is
 6 substituted for the former reference to licenses "issued ... under § 5-202 of
 7 this article" for clarity.

8 In item (2) of this section, the former reference to the premises "operated as"
 9 a bowling establishment is deleted as surplusage.

10 Defined terms: "Beer" 1-101
 11 "License" § 1-101

12 **25-1504. LICENSE FOR DIFFERENT PART OF PREMISES OR BUILDING.**

13 **(A) IN GENERAL.**

14 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE A**
 15 **CLASS B BEER, WINE, AND LIQUOR LICENSE TO A LICENSE HOLDER FOR A**
 16 **DIFFERENT PART OF THE SAME PREMISES OR BUILDING IN WHICH AN**
 17 **ESTABLISHMENT WITH A CLASS C BEER, WINE, AND LIQUOR LICENSE IS LOCATED.**

18 **(B) LICENSE HOLDER TO MEET QUALIFICATIONS.**

19 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 20 **LICENSE HOLDER SHALL MEET ALL REQUIREMENTS OF THE RESPECTIVE LICENSES.**

21 **(2) THE TERM "FINANCIAL INTEREST" AS USED IN § 4-109(A)(11) OF**
 22 **THIS ARTICLE DOES NOT APPLY TO AN APPLICANT WHO IS THE OWNER OF AN**
 23 **INTEREST IN REAL PROPERTY LEASED FOR ANOTHER PLACE OF BUSINESS WHERE**
 24 **OR FOR WHICH A LICENSE HAS BEEN APPLIED FOR OR ISSUED.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 9-102(b-5).

27 In subsection (a) of this section, the reference to the "Board" is added to clarify
 28 who has the authority to issue licenses.

29 In subsection (b)(1) of this section, the reference to "requirements" is
 30 substituted for the former reference to the "other qualifications and provisions
 31 of this article pertinent" to the respective licenses for brevity.

1 In subsection (b)(2) of this section, the former phrase “under this article” is
2 deleted as surplusage.

3 Defined terms: “Board” § 25–101
4 “License” § 1–101
5 “License holder” § 1–101

6 **25–1505. ISSUANCE FOR PREMISES WITH NONCONFORMING USE.**

7 **(A) IN GENERAL.**

8 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE AN**
9 **ALCOHOLIC BEVERAGES LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR**
10 **PREMISES ON WHICH A LAWFUL NONCONFORMING USE EXISTS.**

11 **(B) EXCEPTION.**

12 **THE BOARD MAY NOT ISSUE A LICENSE THAT IS LESS RESTRICTIVE THAN ANY**
13 **LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR THE PREMISES.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9–216(i)(2) and, except as it related to the
16 authority to renew a license for premises with a nonconforming use, (1).

17 Defined terms: “Board” § 25–101
18 “License” § 1–101

19 **25–1506. NOTICE OF LICENSE APPLICATION.**

20 **(A) POSTING NOTICE ON LOCATION DESCRIBED IN APPLICATION.**

21 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS**
22 **ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE**
23 **ON THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 30 DAYS BEFORE**
24 **THE APPLICATION HEARING.**

25 **(B) CONTENTS.**

26 **A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR**
27 **WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION OF THE**
28 **APPLICATION HEARING.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 10–202(m)(1), except as it related to the transfer
31 of licenses.

1 In subsection (a) of this section, the reference to “post[ing] a suitable notice ...
2 for” at least 30 days is substituted for the former reference to “caus[ing] a
3 suitable sign or notice to be posted and to remain posted for a period of” at
4 least 30 days for brevity.

5 Also in subsection (a) of this section, the reference to “location” is substituted
6 for the former reference to “premises” for consistency with the terminology
7 used throughout this article.

8 In subsection (b) of this section, the reference to the “date,” for an application
9 hearing is added for clarity.

10 Defined terms: “Board” § 25–101
11 “License” § 1–101

12 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

13 **PART I. LICENSING CONDITIONS.**

14 **25–1601. RESTRICTIONS IN CERTAIN DISTRICTS.**

15 **(A) SCOPE OF SECTION.**

16 **THIS SECTION DOES NOT APPLY TO:**

17 **(1) A COUNTRY CLUB; OR**

18 **(2) A RESTAURANT IN THE COUNTRY INN ZONE OF THE COUNTY**
19 **WHERE ALCOHOLIC BEVERAGES ARE SOLD ONLY FOR ON–PREMISES CONSUMPTION.**

20 **(B) GENERAL LICENSE PROHIBITION; EXCEPTIONS.**

21 **THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT IN:**

22 **(1) BARNESVILLE, EXCEPT AS PROVIDED IN § 25–1602 OF THIS**
23 **SUBTITLE;**

24 **(2) DAMASCUS (12TH ELECTION DISTRICT), EXCEPT AS PROVIDED IN**
25 **§ 25–1603 OF THIS SUBTITLE;**

26 **(3) KENSINGTON, EXCEPT AS PROVIDED IN § 25–1604 OF THIS**
27 **SUBTITLE;**

1 **(4) LAYTONSVILLE, EXCEPT AS PROVIDED IN § 25-1605 OF THIS**
2 **SUBTITLE;**

3 **(5) TAKOMA PARK, EXCEPT AS PROVIDED IN § 25-1607 OF THIS**
4 **SUBTITLE; OR**

5 **(6) WASHINGTON GROVE.**

6 **(C) EFFECT OF SECTION.**

7 **THIS SECTION DOES NOT PROHIBIT THE ISSUANCE OF A LICENSE WITH AN**
8 **ON-SALE PRIVILEGE FOR THE SALE OF:**

9 **(1) BEER DURING DAYLIGHT HOURS FOR A RESTAURANT, SNACK BAR,**
10 **OR SIMILAR FACILITY ON LAND OWNED BY THE MONTGOMERY COUNTY REVENUE**
11 **AUTHORITY AND OPERATED IN CONNECTION WITH A PUBLIC GOLF COURSE; OR**

12 **(2) BEER AND WINE FOR A RESTAURANT ON LAND OWNED BY THE**
13 **MONTGOMERY COUNTY REVENUE AUTHORITY AND OPERATED IN CONNECTION**
14 **WITH AN AIRPORT.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 8-216(a)(3), (4), and (2)(i), and (1)(i) and, except
17 as it related to a maximum of two licenses that may be issued in an election
18 district, (ii).

19 In the introductory language of subsection (b) of this section, the former
20 reference to a license "for the sale of alcoholic beverages" is deleted as included
21 in the defined term "license".

22 Also in the introductory language of subsection (b) of this section, the reference
23 to the "Board" is added to state expressly what was only implicit in the former
24 law, that the Board is the governmental unit that issues licenses.

25 Also in the introductory language of subsection (b) of this section, the reference
26 to an "establishment" is substituted for the former reference to a "place of
27 business" to conform to terminology used throughout this article.

28 In subsection (b) of this section, the former reference to "the towns of"
29 Barnesville, Kensington, Laytonsville, and Washington Grove is deleted as
30 surplusage. Similarly, the former reference to "the City of" Takoma Park is
31 deleted.

32 In subsection (c)(1) of this section, the phrase "operated in connection with a
33 public golf course" is substituted for the former phrase "operated by the

1 Revenue Authority or others in connection with the operation by the Revenue
 2 Authority of a public golf course” for brevity. Similarly, in subsection (c)(2) of
 3 this section, the phrase “operated in connection with an airport” is substituted
 4 for the former phrase “operated by the Revenue Authority or others in
 5 connection with the operation of an airport”.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Beer” § 1–101

8 “County” § 25–101

9 “License” § 1–101

10 “On–sale” § 1–101

11 “Restaurant” § 1–101

12 “Wine” § 1–101

13 **25–1602. LICENSES ALLOWED IN BARNESVILLE.**

14 **IN BARNESVILLE, THE BOARD MAY ISSUE A 7–DAY ON–SALE BEER, WINE, AND**
 15 **LIQUOR LICENSE TO A RELIGIOUS, FRATERNAL, CIVIC, OR CHARITABLE**
 16 **ORGANIZATION.**

17 REVISOR’S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 8–216(a)(2)(ii).

19 The former reference to “the town of” Barnesville is deleted as surplusage.

20 The former reference to a “bona fide” religious, fraternal, civic, or charitable
 21 organization is deleted as surplusage.

22 Defined terms: “Board” § 25–101

23 “7–day license” § 1–101

24 **25–1603. LICENSES ALLOWED IN DAMASCUS.**

25 **(A) SCOPE OF SECTION.**

26 **THIS SECTION APPLIES ONLY TO DAMASCUS (12TH ELECTION DISTRICT).**

27 **(B) RESTAURANTS IN COUNTRY INN ZONE.**

28 **THE BOARD MAY ISSUE NOT MORE THAN TWO LICENSES WITH AN ON–SALE**
 29 **PRIVILEGE FOR RESTAURANTS IN THE COUNTRY INN ZONE OF THE COUNTY.**

30 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSES.**

1 **THE BOARD MAY ISSUE A 7-DAY CLASS C (ON-SALE) BEER, WINE, AND LIQUOR**
2 **LICENSE TO A VOLUNTEER FIRE DEPARTMENT.**

3 **(D) CLASS H LICENSES.**

4 **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND PARAGRAPH**
5 **(2) OF THIS SUBSECTION:**

6 **(I) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS H**
7 **BEER AND WINE, HOTEL AND RESTAURANT LICENSES; AND**

8 **(II) THE LICENSES MAY BE RENEWED OR TRANSFERRED.**

9 **(2) A LICENSE MAY BE ISSUED, TRANSFERRED, OR RENEWED IF:**

10 **(I) POOL TABLES, BILLIARD TABLES, SHUFFLEBOARDS, DART**
11 **BOARDS, VIDEO GAMES, PINBALL MACHINES, OR RECREATIONAL DEVICES ARE NOT**
12 **USED IN THE LICENSED PREMISES; AND**

13 **(II) ALCOHOLIC BEVERAGES SERVED BY THE LICENSE HOLDER**
14 **ARE CONSUMED BY CUSTOMERS WHILE THE CUSTOMERS ARE SEATED.**

15 REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity
16 and to avoid repetition.

17 Subsections (b) through (d) of this section are new language derived without
18 substantive change from former Art. 2B, § 8-216(f) and (a)(7), (2)(vi), and the
19 second clause of (1)(ii).

20 In subsection (b) of this section, the reference to the "Board" is added to state
21 expressly what was only implicit in the former law, that the Board is the
22 governmental unit that issues licenses.

23 In subsection (c) of this section, the former reference to a "bona fide" volunteer
24 fire department is deleted as surplusage.

25 In subsection (d) of this section, the reference to "wine" is substituted for the
26 former reference to "light wine" to reflect that license holders in the County
27 may sell wine with an alcohol content of 22%, which is above the traditional
28 maximum level of 15.5% for light wine.

29 Defined terms: "Alcoholic beverage" § 1-101

30 "County" § 25-101

31 "License" § 1-101

32 "License holder" § 1-101

1 “On-sale” § 1-101

2 “Restaurant” § 1-101

3 **25-1604. LICENSES ALLOWED IN KENSINGTON.**

4 **(A) SCOPE OF SECTION.**

5 **THIS SECTION APPLIES ONLY TO KENSINGTON.**

6 **(B) IN GENERAL.**

7 **(1) THE BOARD MAY ISSUE:**

8 **(i) A 2-DAY ON-SALE BEER AND WINE LICENSE OR A 2-DAY**
9 **ON-SALE BEER, WINE, AND LIQUOR LICENSE TO A RELIGIOUS, FRATERNAL, CIVIC,**
10 **OR CHARITABLE ORGANIZATION HOLDING AN EVENT ON MUNICIPAL PROPERTY**
11 **LOCATED AT 3710 MITCHELL STREET; AND**

12 **(ii) A B-K BEER AND WINE LICENSE OR A B-K BEER, WINE, AND**
13 **LIQUOR LICENSE FOR USE ON THE SITE OF A RESTAURANT IN THE FOLLOWING**
14 **COMMERCIAL AREAS:**

15 **1. THE WEST SIDE OF CONNECTICUT AVENUE BETWEEN**
16 **KNOWLES AVENUE AND PERRY AVENUE;**

17 **2. THE EAST SIDE OF CONNECTICUT AVENUE BETWEEN**
18 **KNOWLES AVENUE AND DUPONT STREET AND BETWEEN UNIVERSITY BOULEVARD**
19 **AND PERRY AVENUE;**

20 **3. THE WEST SIDE OF UNIVERSITY BOULEVARD WEST;**

21 **4. DUPONT AVENUE, WEST OF CONNECTICUT AVENUE;**

22 **5. PLYERS MILL ROAD, WEST OF METROPOLITAN**
23 **AVENUE;**

24 **6. SUMMIT AVENUE BETWEEN KNOWLES AVENUE AND**
25 **HOWARD AVENUE;**

26 **7. DETRICK AVENUE BETWEEN KNOWLES AVENUE AND**
27 **HOWARD AVENUE;**

28 **8. THE SOUTHWEST SIDE OF METROPOLITAN AVENUE**
29 **BETWEEN NORTH KENSINGTON PARKWAY AND PLYERS MILL ROAD;**

1 **9. EAST HOWARD AVENUE;**

2 **10. ARMORY AVENUE BETWEEN HOWARD AVENUE AND**
3 **KNOWLES AVENUE;**

4 **11. MONTGOMERY AVENUE BETWEEN HOWARD AVENUE**
5 **AND KENSINGTON PARKWAY;**

6 **12. KENSINGTON PARKWAY AND FREDERICK AVENUE,**
7 **FROM MONTGOMERY AVENUE TO SILVER CREEK; OR**

8 **13. THE EAST SIDE OF CONNECTICUT AVENUE BETWEEN**
9 **WARNER STREET AND KNOWLES AVENUE.**

10 **(2) A B–K BEER, WINE, AND LIQUOR LICENSE OR A B–K BEER AND**
11 **WINE LICENSE AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC**
12 **BEVERAGES FOR ON–PREMISES CONSUMPTION.**

13 **(3) A LICENSE HOLDER SHALL MAINTAIN AVERAGE DAILY RECEIPTS**
14 **FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 50% OF**
15 **THE OVERALL AVERAGE DAILY RECEIPTS.**

16 **(C) CLASS A LICENSES.**

17 **(1) THE BOARD MAY ISSUE:**

18 **(I) NOT MORE THAN THREE CLASS A (OFF–SALE) BEER AND**
19 **WINE LICENSES FOR USE IN THE COMMERCIAL AREAS SPECIFIED IN SUBSECTION**
20 **(B)(1)(II) OF THIS SECTION; AND**

21 **(II) SUBJECT TO § 25–1306 OF THIS TITLE, NOT MORE THAN**
22 **THREE BEER AND WINE TASTING (BWT) LICENSES FOR HOLDING TASTINGS OR**
23 **SAMPLINGS OF BEER AND WINE.**

24 **(2) A CLASS A BEER AND WINE LICENSE AUTHORIZES THE HOLDER**
25 **TO KEEP FOR SALE AND SELL BEER OR WINE FOR OFF–PREMISES CONSUMPTION 7**
26 **DAYS A WEEK, FROM 10 A.M. TO 8 P.M. DAILY.**

27 **(3) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY NOT:**

28 **(I) SELL SINGLE BOTTLES OR CANS OF BEER;**

1 **(II) SELL REFRIGERATED PRODUCTS; OR**

2 **(III) ON A SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE**
 3 **LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES**
 4 **ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.**

5 **(4) THE ANNUAL LICENSE FEE IS \$250.**

6 REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity
 7 and to avoid repetition.

8 Subsections (b) and (c) of this section are new language derived without
 9 substantive change from former Art. 2B, § 8–216(a)(2)(iii), (iv), and (v).

10 Throughout this section, the former references to “the town of” Kensington are
 11 deleted as surplusage.

12 In subsection (b)(1)(i) of this section, the former reference to a “bona fide”
 13 religious, fraternal, civic, or charitable organization is deleted as surplusage.

14 In subsection (b)(1)(ii) of this section, the reference to the “site” is substituted
 15 for the former reference to the “premises” to conform to the terminology used
 16 throughout this article.

17 In subsection (c)(1)(i) and (2) and in the introductory language of subsection
 18 (c)(3) of this section, the references to “wine” are substituted for the former
 19 references to “light wine” to reflect that license holders in the County may sell
 20 wine with an alcohol content of 22%, which is above the traditional maximum
 21 level of 15.5% for light wine.

22 Defined terms: “Alcoholic beverage” § 1–101

23 “Beer” § 1–101

24 “Board” § 25–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “On-sale” § 1–101

28 “Restaurant” § 1–101

29 “Wine” § 1–101

30 **25–1605. LICENSES ALLOWED IN LAYTONSVILLE.**

31 **(A) SCOPE OF SECTION.**

32 **THIS SECTION APPLIES ONLY TO LAYTONSVILLE.**

33 **(B) CLASS B LICENSES.**

1 **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD MAY ISSUE NOT**
2 **MORE THAN TWO CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSES.**

3 **(C) RESTRICTION.**

4 **A LICENSE MAY BE ISSUED, RENEWED, OR TRANSFERRED IF ALCOHOLIC**
5 **BEVERAGES SERVED BY THE LICENSE HOLDER ARE CONSUMED BY CUSTOMERS**
6 **WHILE THE CUSTOMERS ARE SEATED.**

7 REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity
8 and to avoid repetition.

9 Subsections (b) and (c) of this section are new language derived without
10 substantive change from former Art. 2B, § 8-216(e).

11 Throughout this section, the former references to the "town of" Laytonsville
12 are deleted as surplusage.

13 In subsection (c) of this section, the phrase "and otherwise provided" is deleted
14 as surplusage.

15 Former Art. 2B, § 8-216(a)(6), which stated that the town of Laytonsville is
16 excepted from certain provisions prohibiting the issuance of licenses, is
17 deleted as surplusage.

18 Defined terms: "Alcoholic beverage" § 1-101

19 "Board" § 25-101

20 "License" § 1-101

21 "License holder" § 1-101

22 **25-1606. POOLESVILLE — LOCAL VOTING OPTION.**

23 **(A) SUBMISSION OF QUESTION TO VOTERS.**

24 **(1) THE COMMISSIONERS OF POOLESVILLE MAY SUBMIT TO THE**
25 **VOTERS THE QUESTION OF WHETHER THE SALE OF ALCOHOLIC BEVERAGES OR THE**
26 **ISSUANCE OF A CLASS OF LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES**
27 **SHOULD BE PROHIBITED IN POOLESVILLE.**

28 **(2) THE QUESTION OR A SIMILAR QUESTION MAY BE SUBMITTED TO**
29 **THE VOTERS AT A REGULAR ELECTION OR A SPECIAL ELECTION CALLED FOR THAT**
30 **PURPOSE.**

1 **(3) SUBMISSION OF A QUESTION AT ONE ELECTION DOES NOT**
 2 **PREVENT THE SUBMISSION OF THE SAME OR ANOTHER QUESTION AT A SUBSEQUENT**
 3 **ELECTION.**

4 **(B) RESULTS OF VOTING ON QUESTION.**

5 **(1) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION FAVOR**
 6 **ALLOWING THE SALE OF ALCOHOLIC BEVERAGES OR ISSUANCE OF A CLASS OF**
 7 **LICENSE, THE SALE OR THE ISSUANCE WILL CONTINUE IF ALLOWED AT THE TIME OF**
 8 **THE ELECTION OR, IF NOT PREVIOUSLY ALLOWED, WILL BE ALLOWED FOLLOWING**
 9 **THE ELECTION.**

10 **(2) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION FAVOR**
 11 **PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES OR ISSUANCE OF ANY CLASS OF**
 12 **LICENSE:**

13 **(I) A LICENSE OF THE CLASS OR FOR THE SALE OF THE CLASS**
 14 **OF ALCOHOLIC BEVERAGES MAY NOT BE ISSUED, RENEWED, OR EXTENDED; BUT**

15 **(II) A LICENSE ISSUED PREVIOUSLY MAY CONTINUE IN FORCE**
 16 **UNTIL THE DATE OF EXPIRATION BUT MAY NOT BE RENEWED OR EXTENDED.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 8-216(b).

19 In subsection (a)(1) and (2) of this section, the former references to "questions"
 20 are deleted in light of the references to a "question" and GP § 1-202, which
 21 provides that the singular includes the plural and the plural includes the
 22 singular. Similarly, in subsections (a)(1) and (b) of this section, the former
 23 references to "classes" are deleted.

24 In subsection (a)(1) of this section, the phrase "in Poolesville" is substituted
 25 for the former phrase "within the corporate limits of said town" for brevity and
 26 clarity.

27 Also in subsection (a)(1) of this section, the former phrase "in their discretion,
 28 from time to time," is deleted as surplusage.

29 Also in subsection (a)(1) of this section, the former reference to the "legal and
 30 qualified" voters is deleted as implicit in the reference to "voters".

31 Also in subsection (a)(1) of this section, the former reference to whether "or
 32 not" is deleted as surplusage.

1 In subsection (b)(2)(ii) of this section, the former reference to licenses
2 continuing in force until the date of expiration “in accordance with their
3 terms” is deleted as surplusage.

4 Defined terms: “Alcoholic beverage” § 1-101
5 “License” § 1-101

6 **25-1607. LICENSES ALLOWED IN TAKOMA PARK.**

7 **(A) IN GENERAL.**

8 **THE BOARD MAY ISSUE, RENEW, APPROVE THE TRANSFER OF, AND**
9 **OTHERWISE PROVIDE FOR THE FOLLOWING LICENSES IN TAKOMA PARK:**

10 **(1) CLASS B (ON- AND OFF-SALE) BEER AND WINE, HOTEL AND**
11 **RESTAURANT LICENSES;**

12 **(2) CLASS H (ON-SALE) BEER AND WINE, HOTEL AND RESTAURANT**
13 **LICENSES;**

14 **(3) CLASS B (ON-SALE) BEER, WINE, AND LIQUOR, HOTEL AND**
15 **RESTAURANT LICENSES;**

16 **(4) CLASS H (ON-SALE) BEER LICENSES;**

17 **(5) CLASS D (ON- AND OFF-SALE) BEER AND WINE LICENSES;**

18 **(6) CLASS A-TP (OFF-SALE) BEER, WINE, AND LIQUOR LICENSES;**

19 **(7) CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSES;**

20 **(8) BEER AND WINE TASTING (BWT) LICENSES; AND**

21 **(9) CLASS BD-BWL LICENSES.**

22 **(B) CLASS -TP TYPE LICENSES.**

23 **(1) THIS SUBSECTION APPLIES ONLY TO CLASS -TP TYPE LICENSES**
24 **THAT WERE ISSUED BY THE BOARD ON JULY 1, 1997, AFTER CERTIFICATION BY THE**
25 **PRINCE GEORGE’S COUNTY BOARD OF LICENSE COMMISSIONERS.**

26 **(2) UNLESS REVOKED OR NOT RENEWED FOR GOOD CAUSE, THE**
27 **CERTIFIED LICENSES SHALL CONTINUE IN EXISTENCE AND BE RENEWED, SUBJECT**
28 **TO PAYMENT OF THE ANNUAL LICENSE FEE.**

1 **(3) A CLASS –TP TYPE LICENSE IS NOT TRANSFERABLE TO ANOTHER**
2 **LOCATION BUT IS TRANSFERABLE TO ANOTHER PERSON, SUBJECT TO THE**
3 **RESTRICTIONS ON SIMILAR TRANSFERS FOR OTHER LICENSES IN THE COUNTY.**

4 **(4) (I) A CLASS –TP TYPE LICENSE IS SUBJECT TO THE SAME**
5 **CONDITIONS AND RESTRICTIONS SPECIFIED BY LAW OR BY THE BOARD AS ARE**
6 **OTHER LICENSES ISSUED BY THE BOARD.**

7 **(II) THE BOARD MAY WAIVE WHATEVER STATUTORY AND**
8 **REGULATORY PROVISION THAT THE BOARD CHOOSES FOR THE AFFECTED LICENSES**
9 **SO THAT EQUITY, FAIRNESS, AND REASONABLENESS ARE ACHIEVED.**

10 **(C) PRINCE GEORGE’S COUNTY LICENSES.**

11 **(1) NOTWITHSTANDING THAT HOLDERS OF CLASS –TP TYPE**
12 **LICENSES AS OF JULY 1, 1997, ARE SUBJECT TO COUNTY LAWS AND REGULATIONS,**
13 **THOSE SAME LICENSE HOLDERS MAY RETAIN THE PARTICULAR PRINCE GEORGE’S**
14 **COUNTY ALCOHOLIC BEVERAGES LICENSE THEY POSSESSED BEFORE UNIFICATION.**

15 **(2) (I) THE PRINCE GEORGE’S COUNTY LICENSE SHALL REMAIN**
16 **VALID EXCEPT THAT THE LICENSE DOES NOT APPLY TO THE LICENSED PREMISES TO**
17 **WHICH THE CLASS –TP TYPE LICENSE APPLIES, BUT IS AN OPEN–LOCATION**
18 **LICENSE.**

19 **(II) THE PRINCE GEORGE’S COUNTY LICENSE HOLDER MAY**
20 **TRANSFER, TO ANOTHER PERSON OR TO A NEW LOCATION WITH THE SAME LICENSE**
21 **HOLDER, THE LICENSE INTO PRINCE GEORGE’S COUNTY WITHOUT STATUTORY OR**
22 **REGULATORY RESTRICTION.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 8–216(d)(1), (2)(i), (ii), (iv) through (vi), and the
25 first sentence of (iii), and (3)(i) and (ii).

26 In the introductory language of subsection (a) of this section, the former
27 reference to “the City of” Takoma Park is deleted as surplusage.

28 Also in subsection (a) of this section, the references to “wine” are substituted
29 for the former references to “light wine” to reflect that license holders in the
30 County may sell wine with an alcohol content of 22%, which is above the
31 traditional maximum level of 15.5% for light wine.

32 In subsection (b)(1) of this section, the reference to “Class –TP type licenses
33 that were issued by the Board on July 1, 1997, after certification by the Prince

1 George's County Board of License Commissioners" is substituted for the
 2 language of former Art. 2B, § 8–216(d)(2)(ii) and (iii), which required the
 3 Prince George's County Board of License Commissioners to certify a list of
 4 alcoholic beverages licenses as of June 30, 1997, in the portion of Takoma Park
 5 that became part of Montgomery County on July 1, 1997, and required the
 6 Board to issue Class –TP licenses to the holders of the certified licenses on
 7 July 1, 1997.

8 In subsection (c)(2)(i) of this section, the former phrase "in every sense" is
 9 deleted as surplusage.

10 Former Art. 2B, § 8–216(a)(5), which stated that the City of Takoma Park is
 11 excepted from certain provisions prohibiting the issuance of licenses, is
 12 deleted as surplusage.

13 The second sentence of former Art. 2B, § 8–216(d)(2)(iii), which prohibited the
 14 Montgomery County Board of License Commissioners from charging a license
 15 fee for a Class –TP license until May 1, 1998, is deleted as obsolete.

16 Former Art. 2B, § 8–216(d)(2)(vii), which prohibited the Montgomery County
 17 Department of Health and Human Services from charging an annual fee to a
 18 Class –TP license holder until January 1, 1998, is deleted as obsolete.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
 20 the General Assembly, that the references to "Class –TP type licenses",
 21 revised in subsections (b) and (c) of this section, are unclear. The references
 22 may be read as applying only to Class A–TP licenses or to all Class –TP type
 23 licenses that were in existence before the implementation of Chapter 85 of
 24 2015.

25 Defined terms: "Alcoholic beverage" § 1–101

26 "Board" § 25–101

27 "County" § 25–101

28 "License" § 1–101

29 "License holder" § 1–101

30 "Person" § 1–101

31 **25–1608. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, OR YOUTH**
 32 **CENTER.**

33 **(A) 750–FOOT RESTRICTION.**

34 **EXCEPT AS PROVIDED IN SUBSECTIONS (C) THROUGH (J) OF THIS SECTION,**
 35 **THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 750**
 36 **FEET OF:**

- 1 **(1) A PLACE OF WORSHIP;**
2 **(2) AN ELEMENTARY OR A SECONDARY SCHOOL; OR**
3 **(3) A YOUTH CENTER SPONSORED OR OPERATED BY A**
4 **GOVERNMENTAL UNIT.**

5 **(B) MEASUREMENT OF DISTANCE.**

6 **THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP,**
7 **ELEMENTARY OR SECONDARY SCHOOL, OR YOUTH CENTER IS TO BE MEASURED**
8 **FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE**
9 **NEAREST POINT OF THE BUILDING OF THE PLACE OF WORSHIP, SCHOOL, OR YOUTH**
10 **CENTER.**

11 **(C) EXCEPTIONS — CULINARY SCHOOL; 1-DAY LICENSE; RENEWALS,**
12 **TRANSFERS, AND REISSUANCES.**

13 **(1) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION**
14 **(A) OF THIS SECTION DOES NOT APPLY:**

15 **(I) TO A CULINARY SCHOOL LICENSE;**

16 **(II) TO A PER DIEM LICENSE ISSUED FOR USE ON THE SITE OF A**
17 **PLACE OF WORSHIP, AN ELEMENTARY OR A SECONDARY SCHOOL, OR A YOUTH**
18 **CENTER; OR**

19 **(III) IF A PLACE OF WORSHIP, SCHOOL, OR YOUTH CENTER WAS**
20 **BUILT WITHIN 750 FEET OF AN ESTABLISHMENT AFTER ISSUANCE OF THE LICENSE,**
21 **TO A LICENSE:**

22 **1. RENEWAL;**

23 **2. TRANSFER; OR**

24 **3. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
25 **REISSUANCE, IF THE LICENSE IS REISSUED WITHIN 1 YEAR AFTER THE DATE OF**
26 **EXPIRATION OR REVOCATION OF THE PRIOR LICENSE.**

27 **(2) REISSUANCE IS PROHIBITED IF THE ACTS OF THE OWNER OF AN**
28 **ESTABLISHMENT CAUSED THE LICENSE TO BE REVOKED.**

29 **(D) EXCEPTION — COMMERCIAL OR INDUSTRIAL ZONE.**

1 IF THE ESTABLISHMENT IS ON LAND THAT IS ZONED COMMERCIAL OR
2 INDUSTRIAL AND IS ADJACENT OR CONTIGUOUS TO OTHER LAND SIMILARLY
3 CLASSIFIED, THE BOARD, BY MAJORITY VOTE, MAY ISSUE A LICENSE FOR AN
4 ESTABLISHMENT THAT IS MORE THAN 300 FEET FROM A PLACE OF WORSHIP,
5 ELEMENTARY OR SECONDARY SCHOOL, OR YOUTH CENTER.

6 (E) EXCEPTION — BURTONSVILLE TOWN SQUARE.

7 THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE AN ON-SALE LICENSE FOR A
8 RESTAURANT THAT IS LOCATED IN BURTONSVILLE TOWN SQUARE SHOPPING
9 CENTER AT THE NORTHWEST CORNER OF MD 198 AND US 29A IF THE ISSUANCE OF
10 THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP,
11 SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.

12 (F) EXCEPTION — CBD ZONE, ROCKVILLE TOWN CENTER PERFORMANCE
13 DISTRICT, TAKOMA PARK TRANSIT IMPACT AREA, AND KENSINGTON.

14 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD,
15 BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR A
16 RESTAURANT ON LAND CLASSIFIED IN OR NEAR:

17 (I) A CBD ZONE (CENTRAL BUSINESS DISTRICT ZONE);

18 (II) THE ROCKVILLE TOWN CENTER PERFORMANCE DISTRICT;

19 (III) THE TAKOMA PARK TRANSIT IMPACT AREA, AS APPROVED
20 AND ADOPTED IN THE SECTOR PLAN FOR TAKOMA PARK; OR

21 (IV) THE KENSINGTON COMMERCIAL AREAS SPECIFIED IN §
22 25-1604 OF THIS SUBTITLE.

23 (2) A LICENSE MAY BE ISSUED FOR A RESTAURANT SPECIFIED IN
24 PARAGRAPH (1) OF THIS SUBSECTION IF:

25 (I) 1. THE NEAREST POINT OF THE RESTAURANT BUILDING
26 IS WITHIN 500 FEET OF THE NEAREST BOUNDARY LINE OF THE RESPECTIVE ZONE,
27 DISTRICT, OR AREA; OR

28 2. THE RESTAURANT BUILDING IS ENTIRELY CONTAINED
29 IN LAND CLASSIFIED IN THE RESPECTIVE ZONE, DISTRICT, OR AREA; AND

1 **(II) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY**
2 **AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE**
3 **NEAREST RESIDENTIAL COMMUNITY.**

4 **(G) EXCEPTION — GAITHERSBURG.**

5 **THE BOARD, BY MAJORITY VOTE, MAY ISSUE AN ON-SALE CLASS B BEER,**
6 **WINE, AND LIQUOR LICENSE FOR A RESTAURANT IN GAITHERSBURG IF:**

7 **(1) THE RESTAURANT IS LOCATED IN A SHOPPING CENTER**
8 **BORDERED BY MARYLAND ROUTE 355, CENTRAL AVENUE, POPLARWOOD PLACE,**
9 **AND NORTH WESTLAND DRIVE;**

10 **(2) THE RESTAURANT IS LOCATED MORE THAN 275 FEET FROM A**
11 **PLACE OF WORSHIP; AND**

12 **(3) A PRIOR OWNER OR TENANT AT THE SITE OF THE RESTAURANT**
13 **HELD AN ALCOHOLIC BEVERAGES LICENSE.**

14 **(H) EXCEPTION — HILLANDALE SHOPPING CENTER.**

15 **THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE**
16 **PRIVILEGE FOR A RESTAURANT THAT IS LOCATED IN THE HILLANDALE SHOPPING**
17 **CENTER AT THE NORTHEAST CORNER OF MD 650 AND INTERSTATE 495 IF THE**
18 **ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF**
19 **WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.**

20 **(I) EXCEPTION — ROCKSHIRE PLANNED RESIDENTIAL UNIT**
21 **DEVELOPMENT.**

22 **THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE**
23 **PRIVILEGE FOR A RESTAURANT IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT**
24 **DEVELOPMENT IN ROCKVILLE IF:**

25 **(1) THE RESTAURANT BUILDING IS ENTIRELY CONTAINED ON LAND IN**
26 **THE ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT AREA; AND**

27 **(2) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT**
28 **NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST**
29 **RESIDENTIAL COMMUNITY.**

30 **(J) EXCEPTION — ROCK SPRING CENTRE.**

1 **THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN**
2 **ON-SALE PRIVILEGE FOR AN ESTABLISHMENT IN ROCK SPRING CENTRE BORDERED**
3 **BY ROCK SPRING DRIVE, ROCKLEDGE DRIVE, INTERSTATE 270, AND OLD**
4 **GEORGETOWN ROAD IN BETHESDA, IF THE ISSUANCE OF THE LICENSE WILL NOT**
5 **ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR**
6 **THE NEAREST RESIDENTIAL COMMUNITY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 9-216(a) through (g).

9 Throughout this section, the former references to a "church" are deleted as
10 included in the references to a "place of worship".

11 In the introductory language of subsection (a) of this section, the reference to
12 a license "for an establishment" is added for clarity and consistency with
13 subsections (b) and (c) of this section.

14 In the introductory language of subsection (a) and in subsection (d) of this
15 section, the former reference to a license "to sell alcoholic beverages" is deleted
16 as included in the defined term "license".

17 In subsection (a)(3) of this section, the reference to a governmental "unit" is
18 substituted for the former reference to a governmental "agency" to conform to
19 the terminology used throughout this article.

20 In subsection (b) of this section, the former reference to the "proposed"
21 establishment "for which the license is requested" is deleted as surplusage.

22 In the introductory language of subsection (c)(1) of this section, the former
23 reference to this section not "affect[ing] or prohibit[ing], in any manner" the
24 items listed in subsection (c)(1)(iii) is deleted as included in the reference to
25 the section not "apply[ing] to" those items.

26 In subsection (c)(1)(iii)3 of this section, the former phrase "[f]or the purposes
27 of this section" is deleted as surplusage.

28 In subsection (d) of this section, the reference to an "establishment" is
29 substituted for the former reference to the "building" to conform to the
30 terminology used throughout this article.

31 Also in subsection (d) of this section, the reference to land that is "zoned
32 commercial or industrial" is substituted for the former reference to land that
33 is "classified in a commercial or industrial zone under the applicable zoning
34 ordinance" for brevity.

1 Also in subsection (d) of this section, the former phrase “under the zoning
2 ordinance” is deleted as surplusage.

3 In subsections (e), (f), (g), (h), (i), and (j) of this section, the former phrase
4 “[n]otwithstanding the provisions of subsection (a) of this section” is deleted
5 as unnecessary in light of the introductory language of subsection (a) of this
6 section that states “[e]xcept as provided in subsections (c) through (j) of this
7 section”.

8 In subsections (e), (f), (h), (i), and (j) of this section, the former phrase “[e]xcept
9 for the distance restrictions provided in subsection (a) of this section” is
10 deleted as unnecessary in light of the introductory language of subsection (a)
11 of this section that states “[e]xcept as provided in subsections (c) through (j) of
12 this section”.

13 In subsections (e), (f), (h), and (j) of this section, the former definitions of
14 “Burtonsville Town Square”, “Takoma Park Transit Impact Area”, “Hillandale
15 Shopping Center”, and “Rock Spring Centre”, used once in the former law, are
16 revised as part of the substantive provisions of those subsections for concision.

17 In subsections (e), (h), and (j) and in the introductory language of subsections
18 (f)(2), (g), and (i) of this section, the former references to “the following
19 conditions are satisfied” are deleted as implicit in the word “if”.

20 In subsection (e) of this section, the reference to the authority of the Board to
21 “issue an on–sale license for a restaurant” is substituted for the former
22 reference to the authority of the Board to “approve an application for an
23 alcoholic beverages license of an applicant for a restaurant” for brevity.
24 Similarly, in subsection (h) and in the introductory language of subsections
25 (f)(1) and (i) of this section, the references to the authority of the Board to
26 “issue a license with an on–sale privilege for a restaurant” are substituted for
27 the former references to the authority of the Board to “approve an application
28 for an alcoholic beverages license of an applicant for a restaurant”. Similarly,
29 in subsection (j) of this section, the reference to the authority of the Board to
30 “issue a license with an on–sale privilege for an establishment” is substituted
31 for the former reference to the authority of the Board to “approve an
32 application for an alcoholic beverages license of an applicant for an
33 establishment”.

34 In subsection (e) of this section, the former reference to the shopping center
35 “located in Montgomery County” is deleted as unnecessary in light of the
36 organization of this revised article. Similarly, in subsection (g)(1) of this
37 section, the former phrase “in Montgomery County” is deleted and in
38 subsections (h) and (j) of this section, the former phrases “located in
39 Montgomery County” are deleted.

1 In subsection (f)(2)(i)1 of this section, the former phrase “[i]f the restaurant
2 building is outside the respective zone, district, or area the measurement of
3 the distance of” the nearest point of the restaurant building is deleted as
4 surplusage.

5 In the introductory language of subsection (g) of this section, the former
6 reference to “the City of” Gaithersburg is deleted as surplusage. Similarly, in
7 the introductory language of subsection (i) of this section, the former reference
8 to “the City of” Rockville is deleted.

9 In the introductory language of subsection (i)(1) of this section, the former
10 phrase “in existence as of June 1, 2004” is deleted as obsolete.

11 The Alcoholic Beverages Article Review Committee notes, for consideration by
12 the General Assembly, that the distance restriction established under former
13 Art. 2B, § 9–216(a)(2), revised in subsection (a) of this section, applies only to
14 an elementary or a secondary school but not to a middle school.

15 Defined terms: “Alcoholic beverage” § 1–101

16 “Board” § 25–101

17 “License” § 1–101

18 “On-sale” § 1–101

19 “Restaurant” § 1–101

20 **25–1609. BOWLING ALLEY, BILLIARD HALL, AND DRUGSTORE RESTRICTIONS.**

21 **(A) IN GENERAL.**

22 **THE BOARD MAY NOT ISSUE:**

23 **(1) A CLASS H BEER AND WINE LICENSE:**

24 **(I) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A**
25 **RESTAURANT IN A DRUGSTORE; OR**

26 **(II) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN**
27 **ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC**
28 **ACCESS TO A DRUGSTORE; OR**

29 **(2) A CLASS D LICENSE:**

30 **(I) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO**
31 **A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE;**

1 **(II) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN**
2 **ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC**
3 **ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

4 **(III) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A**
5 **RESTAURANT IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

6 **(B) CLASS H LICENSES — BOWLING ALLEYS.**

7 **IF THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES DO NOT**
8 **EXCEED THE GROSS RECEIPTS FROM THE SALE OF FOOD, THE BOARD MAY ISSUE A**
9 **CLASS H LICENSE TO, FOR USE IN CONJUNCTION WITH, OR ON THE SITE OF A**
10 **RESTAURANT IN A BOWLING ALLEY.**

11 **(C) DRUGSTORE EXCLUSION.**

12 **THIS SECTION DOES NOT APPLY TO A DRUGSTORE OR ADJOINING**
13 **ESTABLISHMENT THAT ON JULY 1, 1969:**

14 **(1) HELD A CLASS D LICENSE; AND**

15 **(2) HAD A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY**
16 **PROVIDING DIRECT PUBLIC ACCESS TO ANY DRUGSTORE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 5-202(c)(2)(ii) and (iii) and 5-401(q)(3).

19 Throughout this section, the references to the "Board" are added to state
20 expressly what was only implicit in the former law, that the Board is the
21 governmental unit that issues licenses.

22 Also throughout this section, the references to a "site" are substituted for the
23 former references to a "premises" to conform to the terminology used
24 throughout this article.

25 In subsection (a)(2) of this section, the former definition of "establishment,"
26 used only in former Art. 2B, § 5-401(g)(4), is revised as part of the substantive
27 provisions of this section for concision.

28 In subsection (c) of this section, the clause "[t]his section does not apply" is
29 substituted for the former clause "[t]hese restrictions which prohibit the
30 issuance of licenses to drugstores or premises adjoining them are not
31 applicable" for brevity.

1 Former Art. 2B, § 5–202(c)(2)(i), which stated that former Art. 2B, §
2 5–202(c)(2) applied only in Montgomery County, is deleted as unnecessary in
3 light of the organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 25–101

6 “Restaurant” § 1–101

7 **25–1610. MOTOR FUEL RESTRICTIONS.**

8 **(A) IN GENERAL.**

9 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
10 **NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT THAT SELLS MOTOR VEHICLE**
11 **FUEL TO MOTORISTS FROM A FUEL PUMP ON THE SITE.**

12 **(B) RENEWALS ALLOWED.**

13 **THE BOARD MAY RENEW A LICENSE THAT HAS BEEN ISSUED FOR USE IN AN**
14 **ESTABLISHMENT THAT SELLS MOTOR VEHICLE FUEL TO MOTORISTS FROM A FUEL**
15 **PUMP LOCATED ON THE SITE IF THE LICENSE WAS IN EFFECT ON JANUARY 1, 1989.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 9–216(h).

18 Throughout this section, the references to the “site” are substituted for the
19 former references to the “premises” to conform to the terminology used
20 throughout this article.

21 Defined terms: “Board” § 25–101

22 “License” § 1–101

23 **25–1611. RESERVED.**

24 **25–1612. RESERVED.**

25 **PART II. MULTIPLE LICENSING PLANS.**

26 **25–1613. SCOPE OF PART.**

27 **SECTIONS 25–1614 AND 25–1615 OF THIS SUBTITLE APPLY ONLY TO A**
28 **HOLDER OF A CLASS B BEER, WINE, AND LIQUOR ON-SALE LICENSE.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 9–102.1(b)(3).

1 The section is drafted as a scope provision rather than as a definition of
2 “license” for clarity.

3 Former Art. 2B, § 9–102.1(a), which stated that the provisions of former Art.
4 2B, § 9–102.1 applied only in Montgomery County, is deleted as unnecessary
5 in light of the organization of this revised article.

6 Former Art. 2B, § 9–102.1(b)(1), which was the standard introductory
7 language to a definitions section, is deleted because a definitions section is not
8 used in this part.

9 Former Art. 2B, § 9–102.1(b)(2), which defined “Board”, is deleted as
10 redundant of the same definition in § 25–101 of this title.

11 **25–1614. MAXIMUM NUMBER OF CLASS B LICENSES — IN GENERAL.**

12 **EXCEPT AS PROVIDED IN § 25–1615 OF THIS SUBTITLE, THE BOARD MAY NOT**
13 **AUTHORIZE THE SAME LICENSE HOLDER TO HOLD MORE THAN 10 LICENSES.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9–102.1(c)(1).

16 Defined terms: “Board” § 25–101
17 “License holder” § 1–101

18 **25–1615. MAXIMUM NUMBER OF CLASS B LICENSES — HOTELS.**

19 **(A) ADDITIONAL LICENSES AUTHORIZED.**

20 **THE BOARD MAY ISSUE ADDITIONAL CLASS B BEER, WINE, AND LIQUOR**
21 **(ON–SALE) LICENSES TO A LICENSE HOLDER FOR PREMISES OPERATED AS A HOTEL.**

22 **(B) APPLICANT REQUIREMENTS.**

23 **(1) AN APPLICANT FOR AN ADDITIONAL CLASS B BEER, WINE, AND**
24 **LIQUOR (ON–SALE) LICENSE UNDER THIS SECTION SHALL:**

25 **(I) HAVE A MINIMUM RESTAURANT SEATING CAPACITY OF 100**
26 **INDIVIDUALS; AND**

27 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
28 **SUBSECTION, MEET THE HOTEL REQUIREMENTS SET FORTH IN § 25–904 OF THIS**
29 **TITLE.**

1 **(2) IF THE CAPITAL INVESTMENT IN THE HOTEL EXCEEDS \$3,000,000,**
2 **THE BUILDING HEIGHT AND ELEVATOR REQUIREMENTS REQUIRED BY §**
3 **25-904(B)(1) OF THIS TITLE DO NOT APPLY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 9-102.1(c)(2).

6 In subsection (a) of this section, the reference to "[t]he Board may issue"
7 additional licenses is substituted for the former phrase "[a] licensee may
8 obtain" additional licenses for clarity.

9 Also in subsection (a) of this section, the former reference to a "public" hotel is
10 deleted as surplusage.

11 In subsection (b)(1)(i) of this section, the former phrase "as specified in §
12 6-201(a)(3) of this article" is deleted as surplusage.

13 Also in subsection (b)(1)(i) of this section, the reference to "individuals" is
14 substituted for the former reference to "persons" because this section applies
15 only to human beings.

16 In subsection (b)(1)(ii) of this section, the reference to "hotel" requirements is
17 substituted for the former reference to "minimum" requirements for clarity.

18 Defined terms: "Board" § 25-101

19 "Hotel" § 1-101

20 "License holder" § 1-101

21 "On-sale" § 1-101

22 **25-1616. MAXIMUM NUMBER OF SPECIAL CULINARY SCHOOL LICENSES.**

23 **(A) THREE LICENSE LIMIT.**

24 **THE BOARD MAY ISSUE NO MORE THAN THREE SPECIAL CULINARY SCHOOL**
25 **LICENSES TO A SINGLE CULINARY SCHOOL.**

26 **(B) EACH LICENSE FOR SEPARATE LOCATION.**

27 **EACH LICENSE ISSUED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE**
28 **FOR A SEPARATE LOCATION.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 9-102(q).

1 In subsection (a) of this section, the former reference “[n]otwithstanding
2 subsection (a) of this section” is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined term: “Board” § 25–101

5 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

6 **25–1701. APPLICATION OF GENERAL PROVISIONS.**

7 **TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF
8 NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY
9 WITHOUT EXCEPTION OR VARIATION.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10–503(q).

12 The reference to the application of this section “without exception or variation”
13 is added to conform to the terminology used in similar provisions throughout
14 this article.

15 Defined terms: “County” § 25–101

16 “License” § 1–101

17 **25–1702. HEARING AND NOTICE REQUIREMENTS.**

18 **(A) BOARD TO SET HEARING AND POST NOTICE.**

19 **BEFORE AN APPLICATION FOR A TRANSFER OF A LICENSE IS GRANTED, THE
20 BOARD SHALL:**

21 **(1) SCHEDULE A PUBLIC HEARING; AND**

22 **(2) CAUSE THE POSTING OF A SUITABLE NOTICE OF THE HEARING IN
23 A CONSPICUOUS PLACE ON THE PREMISES DESCRIBED IN THE APPLICATION.**

24 **(B) NOTICE SPECIFICATIONS.**

25 **THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

26 **(1) SPECIFY THE CLASS OF LICENSE SUBJECT TO THE APPLICATION
27 AND THE TIME, DATE, AND PLACE FOR THE HEARING; AND**

28 **(2) REMAIN POSTED FOR AT LEAST 30 DAYS BEFORE THE HEARING.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–202(m)(1), as it related to license transfers.

3 In subsection (a)(1) of this section, the reference to the requirement that the
4 Board “schedule a public hearing” expressly states what was only implicit in
5 the former law, that the Board is required to hold a public hearing on an
6 application for a transfer.

7 In subsection (b)(1) of this section, the reference to the class of license “subject
8 to the application” is substituted for the former reference to the class of license
9 “applied for” for clarity and consistency.

10 Defined terms: “Board” § 25–101
11 “License” § 1–101

12 SUBTITLE 18. RENEWAL OF LICENSES.

13 25–1801. APPLICATION OF GENERAL PROVISIONS.

14 (A) WITHOUT EXCEPTION OR VARIATION.

15 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL
16 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
17 EXCEPTION OR VARIATION:

18 (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);

19 (2) § 4–403 (“RENEWAL APPLICATION”);

20 (3) § 4–406 (“PROTESTS”);

21 (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);

22 (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);

23 (6) § 4–409 (“MULTIPLE LICENSES”); AND

24 (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

25 (B) EXCEPTION.

26 SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION
27 I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §
28 25–1802 OF THIS SUBTITLE.

1 **(C) VARIATION.**

2 **SECTION 4-405 (“CONTENTS OF RENEWAL APPLICATION”) OF DIVISION I OF**
 3 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 25-1803 AND 25-1805 OF**
 4 **THIS SUBTITLE.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
 6 general provisions relating to the renewal of local licenses.

7 Defined terms: “County” § 25-101
 8 “License” § 1-101

9 **25-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

10 **(A) TIME FOR FILING.**

11 **TO RENEW A LICENSE, A LICENSE HOLDER ANNUALLY SHALL FILE AN**
 12 **APPLICATION WITH THE BOARD BETWEEN FEBRUARY 1 AND MARCH 31, INCLUSIVE.**

13 **(B) LATE FILING.**

14 **THE BOARD MAY:**

15 **(1) ACCEPT LATE APPLICATIONS DURING APRIL; AND**

16 **(2) FINE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR**
 17 **EACH DAY THE APPLICATION IS LATE.**

18 REVISOR’S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 10-301(l)(1).

20 In subsection (a) of this section, the reference to filing an application “with the
 21 Board” is added for clarity.

22 Also in subsection (a) of this section, the former reference to renewal “in
 23 accordance with subsection (a) of this section” is deleted as included in the
 24 cross reference to the statewide provisions under § 22-1801 of this subtitle.

25 In subsection (b)(1) of this section, the reference authorizing the Board to
 26 “accept” late applications is substituted for the former reference authorizing
 27 the Board to “receive” late applications for clarity.

28 Defined terms: “Board” § 25-101
 29 “License” § 1-101

1 “License holder” § 1–101

2 **25–1803. PHOTOGRAPH AND FINGERPRINT REQUIREMENTS.**

3 **A LICENSE RENEWAL APPLICATION SHALL:**

4 **(1) MEET THE PHOTOGRAPH AND FINGERPRINT REQUIREMENTS OF §**
5 **25–1409 OF THIS TITLE; AND**

6 **(2) BE ACCOMPANIED BY A SWORN STATEMENT BY THE LICENSE**
7 **HOLDER THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT OR**
8 **HOTEL FOR THE 12–MONTH PERIOD IMMEDIATELY BEFORE THE APPLICATION FOR**
9 **RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE**
10 **SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, §§ 10–301(l)(2) and 6–201(q)(2)(ii)2.

13 In item (1) if this section, the reference to “photograph and fingerprint
14 requirements” is added for clarity.

15 Also in item (1) of this section, the former reference to photograph and
16 fingerprint requirements “as the Board may prescribe” is deleted as
17 unnecessary.

18 In item (2) of this section, the reference to a requirement that a license renewal
19 application “be accompanied by” a sworn statement “by the license holder” is
20 substituted for the former reference to a requirement that “[a]s a prerequisite
21 for each renewal of a license issued under this subsection, the owner shall
22 attest” in a sworn statement for brevity.

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Hotel” § 1–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “Restaurant” § 1–101

28 **25–1804. CRIMINAL HISTORY RECORDS CHECK APPLICABLE TO LICENSE**
29 **RENEWALS.**

30 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
31 **4–107 OF THIS ARTICLE APPLIES TO AN APPLICANT FOR LICENSE RENEWAL.**

32 REVISOR’S NOTE: This section is new language derived without substantive
33 change from former Art. 2B, § 10–103(b)(13)(iv)2.

1 Defined term: "License" § 1-101

2 **25-1805. EXCEPTION TO REQUIRED CONSENT STATEMENT.**

3 **A LICENSE HOLDER MAY RENEW THE LICENSE WITHOUT OBTAINING A**
 4 **CONSENT STATEMENT FROM THE OWNER OF THE BUILDING THAT CONTAINS THE**
 5 **LICENSED PREMISES IF THE LICENSE HOLDER HAS A LEASE ON THE ENTIRE**
 6 **BUILDING FOR AT LEAST THE TERM OF THE RENEWED LICENSE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 10-301(f), as it related to Montgomery County.

9 The reference to the authority to "renew" a license is substituted for the former
 10 reference to the authority to "obtain a renewal" for clarity and brevity.

11 The reference to the required "consent statement" is substituted for the former
 12 reference to the required "certificate of approval" for clarity.

13 The reference to a building "that contains the licensed premises" is substituted
 14 for the former reference to a building "in which the business is conducted" for
 15 clarity.

16 The reference to a lease for "at least" the term of renewal is substituted for the
 17 former reference to a lease for "not less than" the term of renewal for clarity.

18 Defined terms: "License" § 1-101

19 "License holder" § 1-101

20 **25-1806. RENEWAL OF LICENSE FOR PREMISES WITH NONCONFORMING USE.**

21 **(A) IN GENERAL.**

22 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY RENEW A**
 23 **LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR PREMISES ON WHICH A**
 24 **LAWFUL NONCONFORMING USE EXISTS.**

25 **(B) EXCEPTION.**

26 **THE BOARD MAY NOT RENEW A LICENSE THAT IS LESS RESTRICTIVE THAN ANY**
 27 **LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR THE PREMISES.**

28 REVISOR'S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 9-216(i), as it related to the authority to renew
 30 a license for premises with a nonconforming use.

1 Defined terms: "Board" § 25-101
2 "License" § 1-101

3 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

4 **25-1901. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
7 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
8 **WITHOUT EXCEPTION OR VARIATION:**

9 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

10 **(2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
11 **PREMISES");**

12 **(3) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS");**

13 **(4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE"); AND**

14 **(5) § 4-508 ("DISPLAY OF LICENSE").**

15 **(B) VARIATIONS.**

16 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
17 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

18 **(1) § 4-505 ("ALCOHOL AWARENESS PROGRAM"), SUBJECT TO §§**
19 **25-1902 AND 25-1903 OF THIS SUBTITLE; AND**

20 **(2) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"),**
21 **SUBJECT TO § 25-1904 OF THIS SUBTITLE.**

22 **REVISOR'S NOTE:** This section is new language added to incorporate by reference
23 general provisions relating to the conduct of local license holders.

24 Defined terms: "Alcoholic beverage" § 1-101
25 "County" § 25-101
26 "License" § 1-101
27 "License holder" § 1-101

1 **25-1902. ALCOHOL AWARENESS PROGRAM — CATERERS.**

2 **THE ALCOHOL AWARENESS PROGRAM DESCRIBED IN § 4-505 OF THIS**
 3 **ARTICLE APPLIES TO A HOLDER OF A CATERER'S LICENSE ISSUED UNDER §**
 4 **25-1202 OF THIS TITLE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 13-101(b)(1)(iii).

7 **25-1903. ALCOHOL AWARENESS PROGRAM — PRESENCE ON LICENSED PREMISES**
 8 **REQUIRED.**

9 **(A) IN GENERAL.**

10 **THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE**
 11 **HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL BE:**

12 **(1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**
 13 **AND**

14 **(2) PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN**
 15 **WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

16 **(B) PENALTY.**

17 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

18 **(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

19 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500**
 20 **OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 13-101(d) and (c)(2)(i)2 and (iii).

23 In the introductory language of subsection (a) of this section, the reference to
 24 an "individual" is substituted for the former reference to a "person" because
 25 this section applies only to human beings.

26 In subsection (a)(2) of this section, the reference to being present "on the
 27 licensed premises" is added for clarity.

28 Also in subsection (a)(2) of this section, the defined term "alcoholic
 29 beverage[s]" is substituted for the former reference to "alcohol" to conform to
 30 the terminology used throughout this article.

1 Also in subsection (a)(2) of this section, the former phrase “[e]xcept as
2 otherwise provided in subparagraph (iv) of this paragraph” is deleted as
3 unnecessary because former subparagraph (iv) did not apply to Montgomery
4 County.

5 Defined terms: “Alcoholic beverage” § 1–101
6 “License holder” § 1–101

7 **25–1904. RETAIL DELIVERY.**

8 **(A) REQUIREMENTS FOR DELIVERER AND INDIVIDUAL TAKING DELIVERY.**

9 **A LICENSE HOLDER MAY NOT MAKE AN OFF–SITE RETAIL DELIVERY OF**
10 **ALCOHOLIC BEVERAGES UNLESS:**

11 **(1) THE DELIVERER IS AT LEAST:**

12 **(I) 21 YEARS OLD; OR**

13 **(II) 18 YEARS OLD AND IS ACCOMPANIED BY A SUPERVISOR WHO**
14 **IS AT LEAST 21 YEARS OLD; AND**

15 **(2) THE INDIVIDUAL TAKING POSSESSION OF THE DELIVERY**
16 **PROVIDES THE DELIVERER WITH WRITTEN CERTIFICATION THAT IS:**

17 **(I) IN THE FORM DESCRIBED UNDER § 4–506 OF THIS ARTICLE;**
18 **AND**

19 **(II) SUPPORTED BY DOCUMENTARY PROOF THAT THE**
20 **INDIVIDUAL IS OF LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES.**

21 **(B) CERTIFICATIONS.**

22 **(1) EACH CERTIFICATION EXECUTED UNDER THIS SECTION SHALL BE**
23 **RETAINED BY THE LICENSE HOLDER FOR AT LEAST 1 YEAR.**

24 **(2) A CERTIFICATION SHALL BE AVAILABLE FOR EXAMINATION**
25 **DURING REGULAR BUSINESS HOURS BY AN AUTHORIZED REPRESENTATIVE OF THE**
26 **BOARD.**

27 **(C) REGULATIONS.**

28 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 12-301(d)(2) through (4).

3 In subsection (a)(2) of this section, the references to an "individual" are
4 substituted for the former references to a "person" because this section applies
5 only to human beings.

6 Former Art. 2B, § 12-301(d)(1), which stated that former Art. 2B, §
7 12-301(d) applied only in Montgomery County, is deleted as unnecessary in
8 light of the organization of this revised article.

9 Defined terms: "Alcoholic beverage" § 1-101

10 "Board" § 25-101

11 "License holder" § 1-101

12 **25-1905. SALES BY CERTAIN LICENSE HOLDERS LIMITED TO ALCOHOLIC**
13 **BEVERAGES PURCHASED FROM DEPARTMENT.**

14 **A LICENSE HOLDER MAY SELL ONLY ALCOHOLIC BEVERAGES PURCHASED**
15 **FROM THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY IF THE HOLDER'S**
16 **LICENSE IS:**

17 **(1) A CLASS A, CLASS B, CLASS H, CLASS C, OR CLASS D BEER**
18 **LICENSE;**

19 **(2) A CLASS B, CLASS C, OR CLASS D BEER AND WINE LICENSE; OR**

20 **(3) A CLASS A-TP, CLASS B, OR CLASS C BEER, WINE, AND LIQUOR**
21 **LICENSE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 12-216(a).

24 In item (1) of this section, the reference to a Class "H" beer license is
25 substituted for the former reference to a Class "H-TP" license to conform to
26 the nomenclature enacted in Chapter 85 of the Acts of 2015, which repealed
27 the authority of the Board to issue most "TP" licenses. Similarly, in item (2) of
28 this section, the former reference to a Class "D-TP" license is deleted as
29 included in the reference to a Class "D" license; and in item (3) of this section,
30 the former reference to a Class "C-TP" license is deleted as included in the
31 reference to a Class "C" license.

32 Defined terms: "Alcoholic beverage" § 1-101

33 "Beer" § 1-101

34 "County" § 25-101

1 “License holder” § 1–101

2 “Wine” § 1–101

3 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

4 **25–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

5 **(A) IN GENERAL.**

6 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
7 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
8 **PREMISES LICENSED UNDER THIS TITLE.**

9 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
10 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
11 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

12 **(B) PENALTY.**

13 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
14 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 11–304(a)(1) and, as it related to Montgomery
17 County, (2).

18 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
19 under this title” is added for clarity.

20 Also in subsection (a)(1) of this section, the reference to an “individual” is
21 substituted for the former reference to a “person” because the prohibition
22 against consumption applies only to human beings.

23 Also in subsection (a)(1) of this section, the reference to “a premises licensed
24 under this title” is substituted for the former references to “any premises open
25 to the general public, any place of public entertainment, or any place at which
26 setups or other component parts of mixed alcoholic drinks are sold under any
27 license issued under the provisions of the Business Regulation Article” for
28 brevity.

29 In subsection (a)(2) of this section, the reference to “a premises licensed under
30 this title” is substituted for the former reference to “the premises” for
31 consistency with the terminology used in subsection (a)(1) of this section.

1 In subsection (b) of this section, the reference to a person who “violates this
2 section” is substituted for the former reference to a person who is “found
3 consuming any alcoholic beverage on any premises open to the general public,
4 and any owner, operator or manager of those premises or places who
5 knowingly permits consumption between the hours provided by this section”
6 for brevity.

7 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
8 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
9 section.

10 Also in subsection (b) of this section, the former reference to a fine “not less
11 than \$5” is deleted to conform to the statement of legislative policy in §
12 14–102 of the Criminal Law Article, which sets forth the general rule that,
13 notwithstanding a statutory minimum penalty, a court may impose a lesser
14 penalty of the same character.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “Person” § 1–101

17 **25–2002. BEER LICENSES.**

18 **(A) CLASS A BEER LICENSE.**

19 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY**
20 **THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

21 **(B) CLASS B BEER LICENSE.**

22 **A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY**
23 **THROUGH SUNDAY:**

24 **(1) FOR ON–PREMISES CONSUMPTION, FROM 9 A.M. TO 1 A.M. THE**
25 **FOLLOWING DAY; AND**

26 **(2) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE**
27 **FOLLOWING DAY.**

28 **(C) CLASS C BEER LICENSE.**

29 **A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY**
30 **THROUGH SUNDAY, FROM 11 A.M. TO MIDNIGHT.**

31 **(D) CLASS D BEER LICENSE.**

1 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY**
2 **THROUGH SUNDAY:**

3 **(1) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 1 A.M. THE**
4 **FOLLOWING DAY; AND**

5 **(2) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE**
6 **FOLLOWING DAY.**

7 **(E) CLASS H BEER LICENSE.**

8 **A HOLDER OF A CLASS H BEER LICENSE MAY SELL BEER:**

9 **(1) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE**
10 **FOLLOWING DAY;**

11 **(2) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, §§ 11-301(b)(2), (c)(3), (d)(4), (e)(2), and, as they
14 related to Montgomery County, (c)(1), (d)(1), and (e)(1) and, as they related to
15 beer licenses, 11-516(a)(1) and (d).

16 Throughout this section, references to "may sell beer" are substituted for the
17 former references to "privileges conferred by a ... license ... may be exercised"
18 for brevity.

19 Former Art. 2B, § 11-301(a)(4), which stated that in Montgomery County the
20 hours of sale for beer licenses are as provided in former Art. 2B, § 11-516(d)(1),
21 is deleted as unnecessary in light of the organization of this revised article.

22 **25-2003. CLASS A WINE LICENSE.**

23 **A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE MONDAY THROUGH**
24 **SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

25 REVISOR'S NOTE: This section is new language that, in part, is new language
26 added for clarity and, in part, is derived without substantive change from
27 former Art. 2B, § 11-516(a)(1), as it related to a Class A wine license.

28 The Alcoholic Beverages Article Review Committee notes, for consideration by
29 the General Assembly, that the hours of sale on Monday through Saturday for
30 the Class A wine license issued in Montgomery County are not set out in
31 statutory law. The hours and days of sale for other Class A licenses in
32 Montgomery County have been added to this section. The Alcoholic Beverages

1 Article Review Committee brings this addition to the attention of the General
2 Assembly.

3 **25-2004. BEER AND WINE LICENSES.**

4 (A) CLASS A BEER AND WINE LICENSE.

5 A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE
6 MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.

7 (B) CLASS B BEER AND WINE LICENSE.

8 (1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER
9 AND WINE:

10 (I) FOR ON-PREMISES CONSUMPTION:

11 1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1
12 A.M. THE FOLLOWING DAY; AND

13 2. ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING
14 DAY; AND

15 (II) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH
16 SUNDAY, FROM 6 A.M. TO 1 A.M.

17 (2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR
18 COUNTER ON SUNDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY.

19 (C) CLASS B-K BEER AND WINE LICENSE.

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
21 HOLDER OF A CLASS B-K BEER AND WINE LICENSE MAY SELL BEER AND WINE:

22 (I) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M.
23 THE FOLLOWING DAY; AND

24 (II) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.

25 (2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AFTER 11
26 P.M. IF THE LICENSED ESTABLISHMENT IS IN A COMMERCIAL AREA SPECIFIED IN §
27 25-1604(B)(1)(II)9 THROUGH 13 OF THIS TITLE.

28 (D) CLASS C BEER AND WINE LICENSE.

1 **A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE**
2 **ON MONDAY THROUGH SUNDAY, FROM 11 A.M. TO MIDNIGHT.**

3 **(E) CLASS D BEER AND WINE LICENSE.**

4 **A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

5 **(1) FOR ON-PREMISES CONSUMPTION, ON MONDAY THROUGH**
6 **SUNDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

7 **(2) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH**
8 **SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

9 **(F) CLASS H BEER AND WINE LICENSE.**

10 **A HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE**
11 **FOR ON-PREMISES CONSUMPTION:**

12 **(1) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE**
13 **FOLLOWING DAY; AND**

14 **(2) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, §§ 11-302(a)(5), (b)(4), (c)(1) and (5), (d)(1) and
17 (5), and (e)(3), and, as it related to hours and days of sale, 8-216(a)(2)(iv)4,
18 and, as it related to the sale of beer and wine in Montgomery County,
19 11-403(a)(1)(ii), and, as it related to beer and wine licenses, 11-516(a)(1) and
20 (d).

21 Throughout this section, the phrase "may sell beer and wine", is substituted
22 for the former phrase "[may exercise] the privileges conferred [by the] license"
23 for brevity.

24 In subsection (a) of this section, the former reference to a "Class A (off-sale)
25 beer" license is deleted as obsolete.

26 In subsections (b) and (e) of this section, the phrases "for on-premises
27 consumption" and "for off-premises consumption" are substituted for the
28 former references to "on-sale" and "off-sale" for clarity.

29 In subsection (c) of this section, the former references to a "special" B-K beer
30 and wine license are deleted as surplusage.

1 In subsection (e) of this section, the former reference to the hours of sale “on
2 any day” is deleted in light of former § 11–516(a), which provides for different
3 hours of sale on Sundays.

4 Defined terms: “Beer” § 1–101
5 “License holder” § 1–101
6 “Wine” § 1–101

7 **25–2005. BEER, WINE, AND LIQUOR LICENSES.**

8 (A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

9 RESERVED.

10 (B) CLASS A–TP BEER, WINE, AND LIQUOR LICENSE.

11 A HOLDER OF A CLASS A–TP BEER, WINE, AND LIQUOR LICENSE MAY SELL
12 BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M.
13 THE FOLLOWING DAY.

14 (C) CLASS B BEER, WINE, AND LIQUOR LICENSE.

15 (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A
16 HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,
17 AND LIQUOR:

18 (I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M.
19 THE FOLLOWING DAY;

20 (II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE
21 FOLLOWING DAY; AND

22 (III) ON SUNDAY:

23 1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

24 2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE
25 FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS PRESIDENT’S
26 DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.

27 (2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT
28 A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.

1 **(3) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD**
2 **FOR CONSUMPTION ON THE PREMISES DURING THE HOURS THAT ALCOHOLIC**
3 **BEVERAGES ARE PERMITTED TO BE SERVED.**

4 **(D) CLASS B–K BEER, WINE, AND LIQUOR LICENSE.**

5 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
6 **HOLDER OF A CLASS B–K BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,**
7 **AND LIQUOR:**

8 **(I) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M.**
9 **THE FOLLOWING DAY; AND**

10 **(II) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

11 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR**
12 **AFTER 11 P.M. IF THE LICENSED ESTABLISHMENT IS IN A COMMERCIAL AREA**
13 **SPECIFIED IN § 25–1604(B)(1)(II)9 THROUGH 13 OF THIS TITLE.**

14 **(E) CLASS B–BWL (H–M) LICENSE.**

15 **(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A**
16 **HOLDER OF A CLASS B–BWL (H–M) BEER, WINE, AND LIQUOR LICENSE MAY SELL**
17 **BEER, WINE, AND LIQUOR:**

18 **(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M.**
19 **THE FOLLOWING DAY;**

20 **(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE**
21 **FOLLOWING DAY; AND**

22 **(III) ON SUNDAY:**

23 **1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

24 **2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE**
25 **FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS PRESIDENT’S**
26 **DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.**

27 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
28 **A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

1 **(3) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD**
2 **FOR CONSUMPTION ON THE PREMISES DURING THE HOURS THAT ALCOHOLIC**
3 **BEVERAGES ARE PERMITTED TO BE SERVED.**

4 **(F) CLASS BD–BWL BEER, WINE, AND LIQUOR LICENSE.**

5 **A HOLDER OF A CLASS BD–BWL BEER, WINE, AND LIQUOR LICENSE MAY SELL**
6 **BEER, WINE, AND LIQUOR:**

7 **(1) FOR ON–PREMISES CONSUMPTION, ON MONDAY THROUGH**
8 **SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

9 **(2) FOR OFF–PREMISES CONSUMPTION, ON MONDAY THROUGH**
10 **SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

11 **(G) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

12 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
13 **A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

14 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
15 **THE FOLLOWING DAY; AND**

16 **(II) ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

17 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
18 **A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

19 **(H) CLASS C CONSUMPTION LICENSE.**

20 **A HOLDER OF A CLASS C CONSUMPTION LICENSE MAY ALLOW THE**
21 **ON–PREMISES CONSUMPTION BY A MEMBER OF A CORPORATION, CLUB, OR**
22 **COUNTRY CLUB FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

23 **(I) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

24 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
25 **A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

26 **(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M.**
27 **THE FOLLOWING DAY;**

1 **(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE**
2 **FOLLOWING DAY; AND**

3 **(III) ON SUNDAY:**

4 **1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

5 **2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE**
6 **FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS WASHINGTON'S**
7 **BIRTHDAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.**

8 **(2) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD**
9 **FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC**
10 **BEVERAGES ARE PERMITTED TO BE SERVED.**

11 REVISOR'S NOTE: Subsection (b) of this section is new language added to clarify
12 the hours and days of sale for a Class A-TP beer, wine, and liquor license.

13 Subsections (c) through (i) of this section are new language derived without
14 substantive change from former Art. 2B, §§ 6-201(q)(7)(vi), 11-303(b)(3) and
15 (c)(4), 11-403(a)(1)(ii), and 11-516(b), (c), and, as it related to beer, wine, and
16 liquor licenses, (a), and, as it related to hours and days of sale,
17 8-216(a)(2)(iv)4.

18 Throughout this section, the phrase "may sell beer, wine, and liquor" is
19 substituted for the former phrase "privileges conferred by a ... license may be
20 exercised" for clarity.

21 In subsection (c)(1)(iii)2 of this section, the former phrase "one of the following
22 holidays" is deleted as surplusage.

23 In subsection (d) of this section, the reference to the authority of "a holder of
24 a special B-K beer, wine, and liquor license [to] sell beer, wine, and liquor" is
25 substituted for the former reference to the authority "in the town of
26 Kensington, [of] the Montgomery Board of License Commissioners [to] issue"
27 a special B-K beer, wine, and liquor license to conform to the style used
28 throughout this subtitle.

29 In subsection (h) of this section, the former phrase "pursuant to § 6-301(q)(4)
30 of this article" is deleted as unnecessary in light of the organization of this
31 revised article.

32 The Alcoholic Beverages Article Review Committee notes, for consideration by
33 the General Assembly, that the hours and days of sale for the Class A-TP
34 beer, wine, and liquor license under subsection (b) of this section were not set
35 out in statutory law. The hours and days of sale have been added to this

1 section. The Alcoholic Beverages Article Review Committee brings this
2 addition to the attention of the General Assembly.

3 Defined terms: “Alcoholic beverage” § 1–101

4 “Beer” § 1–101

5 “Club” § 1–101

6 “Wine” § 1–101

7 **25–2006. HOURS ON JANUARY 1.**

8 **THE BOARD MAY ISSUE A PERMIT AUTHORIZING A LICENSE HOLDER TO SELL**
9 **ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION UNTIL 2 A.M. ON**
10 **JANUARY 1 IF THE LICENSE HOLDER APPLIES TO THE BOARD FOR THE PERMIT AT**
11 **LEAST 60 DAYS IN ADVANCE.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 11–402(q)(2).

14 The defined term “Board” is substituted for the former reference to “the
15 Commissioners” to conform to the terminology used throughout this article.

16 The former phrase “[u]pon application to the Board of License Commissioners”
17 is deleted as unnecessary.

18 The former reference to a “special” permit is deleted as surplusage.

19 The former reference to a license holder to “stay open” is deleted as implicit in
20 the reference to the authority of a license holder to sell alcoholic beverages.

21 The former phrase “subject to the provisions of this article” is deleted as
22 implicit in this section.

23 Former Art. 2B, § 11–402(q)(1), which stated that former Art. 2B, § 11–402(q)
24 applied only in Montgomery County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “Board” § 25–101

28 “License holder” § 1–101

29 **25–2007. HOURS WHEN CONSUMPTION IS PROHIBITED.**

30 **(A) SCOPE OF SECTION.**

31 **THIS SECTION APPLIES ONLY TO A LICENSED PREMISES FOR WHICH ONE OF**
32 **THE FOLLOWING LICENSES IS ISSUED:**

- 1 **(1) A CLASS H BEER LICENSE;**
2 **(2) A CLASS B, CLASS D, OR CLASS H BEER AND WINE LICENSE; OR**
3 **(3) A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

4 **(B) IN GENERAL.**

5 **AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A LICENSED**
6 **PREMISES FROM 1:30 A.M. TO THE TIME WHEN THE LICENSE HOLDER MAY BEGIN**
7 **DAILY SALES UNDER THE LICENSE.**

8 **(C) OWNER OR MANAGER.**

9 **AN OWNER OR MANAGER OF THE PREMISES OR PLACE MAY NOT KNOWINGLY**
10 **ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES FROM 1:30 A.M. TO THE TIME**
11 **WHEN THE LICENSE HOLDER MAY BEGIN DAILY SALES OF ALCOHOLIC BEVERAGES**
12 **UNDER THE RESPECTIVE LICENSE LISTED IN THIS SECTION.**

13 **(D) REMOVAL OF CONTAINERS.**

14 **A LICENSE HOLDER SHALL REMOVE ALL CONTAINERS OF ALCOHOLIC**
15 **BEVERAGES FROM TABLES ON THE LICENSED PREMISES:**

- 16 **(1) ON SUNDAY THROUGH THURSDAY, BEFORE 1:30 A.M.; AND**
17 **(2) ON FRIDAY AND SATURDAY, BEFORE 2:30 A.M.**

18 **REVISOR'S NOTE:** This section is new language derived without substantive
19 change from former Art. 2B, § 11-304(q)(2) and (3).

20 In subsection (a)(1) of this section, the former references to Class B, Class C,
21 and Class D beer licenses are deleted as obsolete, as these licenses are no
22 longer issued in the County. Similarly, in subsection (a)(1)(ii) of this section,
23 the former reference to a Class C beer and light wine license is deleted as
24 obsolete.

25 In subsection (c) of this section, the former reference to an "operator" is deleted
26 as included in the reference to a "manager".

27 Also in subsection (c) of this section, the reference to "the time when the
28 license holder may begin daily sales of alcoholic beverages" is substituted for
29 the former reference to "the next succeeding hour authorized by law for sales

1 to begin under the respective licenses listed in subparagraph (i) of this
2 paragraph” for brevity and clarity.

3 In subsection (d) of this section, the former word “table” is deleted in light of
4 GP § 1–202, which provides that the singular generally includes the plural,
5 and vice versa.

6 Former Art. 2B, § 11–304(q)(1), which stated that the provisions of former Art.
7 2B, § 11–304(q) applied only in Montgomery County, is deleted as unnecessary
8 in light of the organization of this revised article.

9 The Alcoholic Beverages Article Review Committee notes, for consideration by
10 the General Assembly, that under subsection (b) of this section, an individual
11 may not consume alcoholic beverages after 1:30 a.m. However, under
12 subsection (d)(2) of this section, a license holder is required to remove all
13 containers of alcoholic beverages from tables on Friday and Saturday before
14 2:30 a.m.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “License holder” § 1–101

17 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

18 **25–2101. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
21 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
22 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

23 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

24 **(2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**

25 **(3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”).**

26 **(B) EXCEPTIONS.**

27 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
28 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY**
29 **IN THE COUNTY:**

30 **(1) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

1 **(2) § 4-606 (“EFFECTS OF REVOCATION”), WHICH IS SUPERSEDED BY**
2 **§ 25-2102 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the revocation and suspension of local licenses.

5 Defined terms: “County” § 25-101

6 “License” § 1-101

7 “Local licensing board” § 1-101

8 **25-2102. EFFECTS OF REVOCATION.**

9 **IF A LICENSE IS REVOKED, THE BOARD MAY ISSUE A LICENSE FOR THE SAME**
10 **PREMISES TO A PERSON OTHER THAN THE FORMER LICENSE HOLDER IN THE SAME**
11 **MANNER AS THE BOARD CONSIDERS AN APPLICATION FOR A NEW LICENSE.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 10-404(d).

14 Defined terms: “Board” § 25-101

15 “License” § 1-101

16 “License holder” § 1-101

17 “Person” § 1-101

18 **SUBTITLE 22. EXPIRATION OF LICENSES.**

19 **25-2201. APPLICATION OF GENERAL PROVISIONS.**

20 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
21 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
23 the general provisions relating to the expiration of local licenses.

24 Defined terms: “County” § 25-101

25 “License” § 1-101

26 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

27 **25-2301. APPLICATION OF GENERAL PROVISIONS.**

28 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
29 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the death of a local license holder.

3 Defined terms: "County" § 25-101
4 "License holder" § 1-101

5 **SUBTITLE 24. JUDICIAL REVIEW.**

6 **25-2401. APPLICATION OF GENERAL PROVISIONS.**

7 **TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE**
8 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

9 REVISOR'S NOTE: This section is new language added to incorporate by reference
10 general provisions relating to the appeal of the decisions of the Board.

11 Defined term: "County" § 25-101

12 **25-2402. COURT MAY REMAND.**

13 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
14 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
15 **REMAND THE PROCEEDINGS TO THE BOARD.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 16-101(e)(4)(ii)9.

18 The reference to the "circuit court for the County" is substituted for the former
19 reference to the "court" for clarity.

20 Defined terms: "Board" § 25-101
21 "County" § 25-101

22 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

23 **25-2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF** 24 **ALCOHOLIC BEVERAGES.**

25 **A LOCATION UNDER THE CONTROL OR POSSESSION OF AN ESTABLISHMENT**
26 **MAY NOT:**

27 **(1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**

28 **(2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**

1 **(3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED OR GIVEN**
2 **ALCOHOLIC BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS**
3 **PREVIOUSLY PURCHASED OR RESERVED; OR**

4 **(4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR**
5 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 20–108.

8 This section is revised as an enumeration of prohibited activities for an
9 unlicensed establishment, rather than as the definition of “bottle club”, for
10 clarity and brevity. In the former law, a “bottle club” was defined as an
11 unlicensed establishment that conducts certain activities. The former law
12 then prohibited a bottle club from conducting those activities.

13 The former reference to a bottle club used “so as to evade the alcoholic
14 beverage license laws or hours of operation” is deleted in light of the revised
15 structure of this section.

16 The former references to “giv[ing]” and “dispens[ing]” alcoholic beverages are
17 deleted in light of the references to “serv[ing]” alcoholic beverages.

18 Defined term: “Alcoholic beverage” § 1–101

19 **25–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
20 **BEVERAGES IS PROHIBITED.**

21 **(A) PROHIBITION AGAINST INDIVIDUAL.**

22 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
23 **ALCOHOLIC BEVERAGES IN:**

24 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

25 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

26 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
27 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
28 **BUSINESS REGULATION ARTICLE.**

29 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

30 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
31 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**

1 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
2 **THIS SECTION.**

3 **(C) PENALTY.**

4 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
5 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

6 REVISOR'S NOTE: This section is new language derived without substantive change
7 from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

8 In subsections (a) and (b) of this section, the references to an "establishment"
9 are substituted for the former references to "premises" to avoid the implication
10 that the establishment is licensed.

11 In subsection (a) of this section, the former reference to the "general" public is
12 deleted as surplusage.

13 In subsection (b) of this section, the former reference to an "operator" is deleted
14 as included in the reference to a "manager".

15 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
16 to conform to the statement of legislative policy in § 14-102 of the Criminal
17 Law Article, which sets forth the general rule that, notwithstanding a
18 statutory minimum penalty, a court may impose a lesser penalty of the same
19 character.

20 Defined terms: "Alcoholic beverage" § 1-101
21 "Person" § 1-101

22 **SUBTITLE 26. ENFORCEMENT.**

23 **25-2601. APPLICATION OF GENERAL PROVISIONS.**

24 **TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE**
25 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

26 REVISOR'S NOTE: This section is new language added to incorporate by reference
27 general provisions relating to enforcement.

28 Defined term: "County" § 25-101

29 **25-2602. ISSUANCE OF CITATIONS.**

1 **AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL**
2 **CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

3 REVISOR’S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 16–408, as it related to inspectors in
5 Montgomery County.

6 The former reference to license violations “under this article” is deleted as
7 surplusage.

8 Defined term: “License” § 1–101

9 **25–2603. SEARCH WARRANTS AND EVIDENTIARY PROCEDURES.**

10 **(A) IN GENERAL.**

11 **(1) IF A PERSON IS CHARGED WITH VIOLATING § 25–2708 OF THIS**
12 **TITLE OR WITH SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL**
13 **WHO IS UNDER THE AGE OF 21 YEARS OR VISIBLY UNDER THE INFLUENCE OF**
14 **ALCOHOLIC BEVERAGES, IN VIOLATION OF § 6–304 OR § 6–307 OF THIS ARTICLE, A**
15 **SEARCH WARRANT TO BE DIRECTED BY THE CHIEF OF POLICE SHALL BE ISSUED FOR**
16 **THE BUILDING OR VEHICLE IN WHICH THE VIOLATION ALLEGEDLY OCCURRED.**

17 **(2) A SEARCH WARRANT UNDER THIS SECTION MAY BE ISSUED BY:**

18 **(I) THE DISTRICT COURT ON REQUEST OF A PERSON WHO**
19 **CHARGES BEFORE THE DISTRICT COURT THAT A VIOLATION HAS OCCURRED; OR**

20 **(II) THE CIRCUIT COURT, ON REQUEST OF A GRAND JURY.**

21 **(3) IF A VIOLATION IS FOUND, THE CHIEF OF POLICE SHALL KEEP AS**
22 **EVIDENCE:**

23 **(I) ALL LIQUOR FOUND IN QUANTITIES AND UNDER**
24 **CONDITIONS TO INDICATE THAT IT IS KEPT FOR BARTER, SALE, OR GIFT TO AN**
25 **INDIVIDUAL UNDER THE AGE OF 21 YEARS;**

26 **(II) THE MATERIALS AND INSTRUMENTALITIES FOR**
27 **MANUFACTURING, DISPENSING, TRANSPORTING, OR OTHERWISE DISPOSING OF THE**
28 **LIQUOR; AND**

29 **(III) THE PARAPHERNALIA OF A BARROOM OR SALOON.**

30 **(B) CHIEF OF POLICE TO WRITE REPORT.**

1 **(1) THE CHIEF OF POLICE SHALL REPORT THE FACTS OF THE**
2 **VIOLATION IN WRITING TO THE STATE’S ATTORNEY FOR THE COUNTY.**

3 **(2) ANY ALCOHOLIC BEVERAGES OR THE MATERIALS AND**
4 **INSTRUMENTALITIES FOR MANUFACTURING, TRANSPORTING, DISPENSING, OR**
5 **OTHERWISE DISPOSING OF ALCOHOLIC BEVERAGES OR THE PARAPHERNALIA OF A**
6 **BARROOM OR SALOON IS PRIMA FACIE EVIDENCE OF THE VIOLATION OF §**
7 **25–2708 OF THIS SUBTITLE OR § 6–304, § 6–307, OR § 6–309 OF THIS ARTICLE.**

8 REVISOR’S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 16–413(b).

10 In subsection (a)(1) of this section, the defined term “person” is substituted for
11 the former references to “any person or persons, house, company, association
12 or body corporate” for brevity.

13 Also in subsection (a)(1) of this section, the reference to “building or vehicle”
14 is substituted for the former references to “house, building or other place or
15 automobile or other vehicle” and “appurtenances” for brevity.

16 Also in subsection (a)(1) of this section, the requirement that the place or
17 vehicle in which the violation is alleged to have occurred be “specially
18 described” is deleted as unnecessary because such a description is normally
19 required for the issuance of a warrant.

20 In subsection (a)(2) of this section, the former reference to a “presentment” by
21 the grand jury is deleted as surplusage.

22 Also in subsection (a)(2) of this section, the former references to “the clerk of
23 the court” are deleted as surplusage.

24 In the introductory language of subsection (a)(3) of this section, the former
25 requirement that the chief of police “take ... possession and safely” keep as
26 evidence certain items is deleted as surplusage.

27 In subsection (a)(3)(i) of this section, the reference to “liquor” is substituted for
28 the former reference to “all alcoholic beverages other than beer and light
29 wine,” for brevity. Under former Art. 2B, § 4–101(q), light wine in Montgomery
30 County was defined to include all wine containing up to 22% of alcohol by
31 volume, including naturally fermented or fortified wines.

32 In subsections (a)(3)(ii) and (b)(2) of this section, the former references to
33 “means” are deleted as included in the references to “materials and
34 instrumentalities”.

1 In subsections (a)(3)(iii) and (b)(2) of this section, the former references to
2 “part of the paraphernalia” are deleted in light of the reference to the
3 “paraphernalia”.

4 In subsection (b)(1) of this section, the reference to “the facts of the violation”
5 is added for clarity.

6 In subsection (b)(2) of this section, the defined term “alcoholic beverage[s]” is
7 substituted for the former reference to “intoxicating liquors” to conform to the
8 terminology used throughout this article.

9 Also in subsection (b)(2) of this section, the former phrase “as charged or
10 presented” is deleted as surplusage.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “County” § 25–101

13 “Person” § 1–101

14 **SUBTITLE 27. PROHIBITED ACTS.**

15 **25–2701. APPLICATION OF GENERAL PROVISIONS.**

16 **(A) WITHOUT EXCEPTION OR VARIATION.**

17 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
18 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
19 **VARIATION:**

20 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

21 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
22 **INDIVIDUAL”);**

23 **(3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
24 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

25 **(4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
26 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
27 **YEARS”);**

28 **(5) § 6–310 (“PROVIDING FREE FOOD”);**

29 **(6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
30 **DEALER”);**

1 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);

2 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
3 CONTAINER”);

4 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
5 DETACHABLE METAL TAB”);

6 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
7 REGULAR LABEL PRESUMED ILLICIT”);

8 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

9 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
10 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

11 (13) § 6-320 (“DISORDERLY INTOXICATION”);

12 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
13 PUBLIC”);

14 (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
15 MACHINE”);

16 (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
17 BEVERAGES”);

18 (17) § 6-327 (“TAX EVASION”);

19 (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

20 (19) § 6-329 (“PERJURY”).

21 (B) VARIATIONS.

22 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
23 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

24 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
25 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 25-2702 OF THIS
26 SUBTITLE;

1 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
2 **INTOXICATED INDIVIDUAL”)**, SUBJECT TO § 25-2703 OF THIS SUBTITLE; AND

3 **(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”)**, SUBJECT TO §
4 **25-2704 OF THIS SUBTITLE.**

5 REVISOR’S NOTE: This section is new language added to incorporate by reference
6 general provisions relating to prohibited acts.

7 Defined terms: “Alcoholic beverage” § 1-101

8 “County” § 25-101

9 “License holder” § 1-101

10 “Retail dealer” § 1-101

11 **25-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
12 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

13 **(A) SUMMONS; BAIL.**

14 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
15 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

16 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
17 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
18 **EMPLOYEE; AND**

19 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
20 **COURT IN THE STATE.**

21 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

22 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
23 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

24 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
25 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
26 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
27 **OF 21 YEARS; AND**

28 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

29 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

1 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
 2 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
 3 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
 4 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

7 In subsection (a)(2) of this section, the former reference to bail "bond" is
 8 deleted as surplusage.

9 In subsection (b)(1) of this section, the reference to the "finder of fact" is
 10 substituted for the former reference to the "jury or the court sitting as a jury"
 11 for brevity.

12 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
 13 as surplusage.

14 Former Art. 2B, § 12-108(f)(1)(viii), which stated that former Art. 2B, §
 15 12-108(f) applied in Montgomery County, is deleted as unnecessary in light of
 16 the organization of this revised article.

17 Defined terms: "Board" § 25-101

18 "License holder" § 1-101

19 "State" § 1-101

20 **25-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
 21 **INDIVIDUAL — CRIMINAL PROCEDURE.**

22 **(A) SUMMONS; BAIL.**

23 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 24 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

25 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 26 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 27 **EMPLOYEE; AND**

28 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 29 **COURT IN THE STATE.**

30 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

31 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
 32 **EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE**

1 **DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE**
2 **LICENSE HOLDER FOR THE VIOLATION.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 12-108(a)(2) and (f)(2).

5 In subsection (a)(2) of this section, the former reference to bail "bond" is
6 deleted as surplusage.

7 Defined terms: "Board" § 25-101

8 "License holder" § 1-101

9 "State" § 1-101

10 **25-2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

11 **AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN**
12 **CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS**
13 **ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN**
14 **CONSENT OF THE OWNER OF THE PROPERTY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 19-301(a)(2).

17 The former definition of "unless authorized" is revised as a substantive
18 statement describing the circumstances under which an individual may
19 possess an alcoholic beverage in an open container for clarity.

20 Former Art. 2B, § 19-301(a)(1)(v), which stated that former Art. 2B, §
21 19-301(a)(2) applied in Montgomery County, is deleted as unnecessary in light
22 of the organization of this revised article.

23 The Alcoholic Beverages Article Review Committee notes, for consideration by
24 the General Assembly, that this section does not specify to whom the written
25 consent must be presented.

26 Defined term: "Alcoholic beverage" § 1-101

27 **25-2705. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL**
28 **DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

29 **(A) "KNOWINGLY" DEFINED.**

30 **IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE**
31 **INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE**
32 **HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

1 **(B) PROHIBITED.**

2 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT**
3 **KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

4 **(1) A HABITUAL DRUNKARD;**

5 **(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

6 **(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN**
7 **WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER**
8 **NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE**
9 **OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND**
10 **MIND.**

11 **(C) PENALTY.**

12 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
13 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
14 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

15 REVISOR'S NOTE: This section is new language derived without substantive change
16 from former Art. 2B, § 12-110(a), except as it related to the specific penalty,
17 and, as it related to Montgomery County, (b).

18 In subsection (a) of this section, the former reference to the definition of
19 knowingly applying "as to habitual drunkards" is deleted as surplusage.

20 In subsection (b) of this section, the defined term "alcoholic beverage" is
21 substituted for the former references to "intoxicating beverages" for clarity
22 and consistency with the terminology used throughout this article.

23 In subsection (b) of this section, the former references to "barter" and "furnish"
24 are deleted as included in the references to "sell" and "provide".

25 In subsection (b)(2) of this section, the reference to an individual with an
26 "intellectual disability" is substituted for the former reference to a "mentally
27 deficient" person to conform to the requirements of Chapter 119 of the Acts of
28 2009. Chapter 119 requires the substitution of the term "mentally retarded"
29 in the Code with "intellectual disability".

30 In subsection (b)(3) of this section, the reference to a "family member or
31 guardian" is substituted for the former reference to "parent or parents,
32 guardian, husband, wife, son, daughter, brother, or sister" for brevity.

1 Also in subsection (b)(3) of this section, the reference to “an employee of the
2 license holder” is added for consistency within this subsection.

3 In subsection (c) of this section, the former references to confinement “in the
4 county jail, or house of correction” and to both fine and imprisonment “in the
5 discretion of the court” are deleted as surplusage and to conform to standard
6 language for imposition of a penalty for a criminal conviction.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
8 the General Assembly, that the penalty stated in subsection (c) of this section
9 applies only to a license holder who violates this section and not to an
10 employee of a license holder, even though, under subsection (b) of this section,
11 both a license holder and the license holder’s employee are prohibited from
12 selling or providing an alcoholic beverage to a habitual drunkard, an
13 individual with an intellectual disability, or an individual whose relative has
14 given notice. The employee would, presumably, be subject to the general
15 penalty for a violation of this article under § 6–402 of this article.

16 Defined terms: “Alcoholic beverage” § 1–101
17 “License holder” § 1–101

18 **25–2706. GIFT TO BOARD MEMBER OR COUNTY EMPLOYEE PROHIBITED.**

19 **A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC**
20 **BEVERAGES, AN AGENT OR AN EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER**
21 **MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

22 **(1) A MEMBER OF THE BOARD;**

23 **(2) A COUNTY EMPLOYEE; OR**

24 **(3) ANYONE ON BEHALF OF THE MEMBER OF THE BOARD OR COUNTY**
25 **EMPLOYEE.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 15–112(q)(4)(ii).

28 In the introductory language of this section, the reference to “offer or make a
29 payment or gift” is substituted for the former reference to “offer ... to pay any
30 commission, profit or remuneration or make any gift” for brevity.

31 Also in the introductory language of this section, the defined term “license
32 holder” is substituted for the former reference to a “licensee licensed under the
33 provisions of this article” for brevity and consistency throughout this article.

1 Also in the introductory language of this section, the former references to a
2 “corporation” are deleted as included in the defined term “person”.

3 Also in the introductory language of this section, the former reference to “beer
4 or other” alcoholic beverages is deleted as included in the defined term
5 “alcoholic beverage”.

6 In items (1) and (3) of this section, the references to a “member of the Board”
7 are substituted for the former references to a “commissioner” to conform to the
8 terminology used throughout this article.

9 Defined terms: “Alcoholic beverage” § 1–101
10 “Board” § 25–101
11 “County” § 25–101
12 “License holder” § 1–101
13 “Person” § 1–101

14 **25–2707. PHARMACIST OR PHARMACY USING OR DISPENSING ALCOHOLIC**
15 **BEVERAGES.**

16 **(A) PROHIBITED.**

17 **A PHARMACIST OR PHARMACY MAY NOT USE OR DISPENSE ALCOHOLIC**
18 **BEVERAGES OTHER THAN THOSE PURCHASED FROM THE COUNTY DEPARTMENT OF**
19 **LIQUOR CONTROL.**

20 **(B) PENALTY.**

21 **A PERSON WHO VIOLATES THIS SECTION ON CONVICTION IS SUBJECT TO**
22 **IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR**
23 **BOTH.**

24 **REVISOR’S NOTE:** This section is new language derived without substantive
25 change from former Art. 2B, § 12–216(b).

26 In subsection (a) of this section, the references to “pharmacist” and
27 “pharmacy” are substituted for the former references to “druggist” and
28 “apothecary” to conform to the terminology used throughout other articles of
29 the Annotated Code of Maryland.

30 Also in subsection (a) of this section, the former reference to a pharmacist or
31 pharmacy “us[ing] or dispens[ing] alcoholic beverages under the provisions of
32 this article” is deleted as surplusage.

1 Also in subsection (a) of this section, the reference to the County “Department
2 of Liquor Control” is substituted for the former erroneous reference to the
3 “Liquor Control Board” for Montgomery County.

4 In subsection (b) of this section, the defined term “person” is substituted for
5 the former reference to “person, persons, house, company, association or body
6 corporate” for brevity.

7 Also in subsection (b) of this section, the former references to a fine “of not less
8 than one hundred dollars (\$100.00) ... and the cost of prosecution” and
9 imprisonment “for not less than three months” are deleted as unenforceable
10 in light of § 14–102 of the Criminal Law Article, which provides that if a law
11 sets a minimum penalty, the court in lieu of the minimum penalty may impose
12 a lesser penalty of the same character.

13 Also in subsection (b) of this section, the reference to “imprisonment” is
14 substituted for the former reference to “confine[ment] in the Maryland House
15 of Correction” to conform to the terminology used throughout this article.

16 Also in subsection (b) of this section, the reference to a fine “or” imprisonment
17 is substituted for the former reference to a fine “and” imprisonment for
18 consistency with other revised articles of the Code. No substantive change is
19 intended.

20 Also in subsection (b) of this section, the former reference to both “fine and
21 imprisonment in the discretion of the court” is deleted as surplusage.

22 Defined terms: “Alcoholic beverage” § 1–101
23 “Liquor Control Board” § 25–101
24 “Person” § 1–101

25 **25–2708. SMOKE SCREEN DEVICES.**

26 **IN A VEHICLE IN WHICH ALCOHOLIC BEVERAGES ARE PRESENT, A PERSON**
27 **MAY NOT HAVE A SMOKE SCREEN OR OTHER DEVICE TO PREVENT THE ARREST OR**
28 **SEIZURE OF THE VEHICLE OR AN OCCUPANT OF THE VEHICLE, REGARDLESS OF**
29 **WHETHER THE DEVICE IS PART OF THE VEHICLE.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 16–413(a).

32 The reference to “a smoke screen or other device” is substituted for the former
33 reference to a device “of the type commonly known as a smoke screen” for
34 brevity.

1 The former reference to a device that “[is] attached as” a part of a vehicle is
2 deleted as surplusage.

3 Defined terms: “Alcoholic beverage” § 1–101
4 “Person” § 1–101

5 **25–2709. SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES CONTRARY TO**
6 **ARTICLE PROHIBITED.**

7 **(A) IN GENERAL.**

8 **EXCEPT AS SPECIFICALLY AUTHORIZED OR PROVIDED IN THIS ARTICLE AND**
9 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN A LICENSED**
10 **ESTABLISHMENT OR OTHER LICENSED PREMISES THAT IS OPEN TO THE PUBLIC:**

11 **(1) A PERSON MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES;**
12 **AND**

13 **(2) ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED.**

14 **(B) EXCEPTION.**

15 **SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IN THE ROOM OF A**
16 **REGISTERED GUEST IN A HOTEL THAT MEETS THE MINIMUM REQUIREMENTS UNDER**
17 **§ 6–201(Q) OF THIS ARTICLE.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 8–216(c).

20 In the introductory language of subsection (a) of this section, the reference to
21 a “licensed establishment” is substituted for the former reference to a
22 “restaurant, tavern, hotel, club, place of public entertainment” for brevity.

23 In subsection (a)(1) of this section, the former references to “give, serve,
24 dispense, keep or allow to be consumed” are deleted as included in the
25 references to “sell” and “provide”.

26 Also in subsection (a)(1) of this section, the former reference to a “corporation,
27 club or organization” is deleted as included in the defined term “person”.

28 Defined terms: “Alcoholic beverage” § 1–101
29 “Hotel” § 1–101
30 “Person” § 1–101

31 **SUBTITLE 28. PENALTIES.**

1 **25-2801. APPLICATION OF GENERAL PROVISION.**

2 **SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE**
3 **APPLIES IN THE COUNTY.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to imposing a penalty for a violation for which no
6 specific penalty is provided.

7 Defined term: “County” § 25-101

8 **25-2802. PENALTY IMPOSED BY BOARD.**

9 **(A) FINE IN LIEU OF SUSPENSION OR REVOCATION ALLOWED.**

10 **IN LIEU OF SUSPENDING OR REVOKING A LICENSE FOR ANY CAUSE FOR WHICH**
11 **LICENSE SUSPENSION OR REVOCATION IS NOT REQUIRED, THE BOARD MAY IMPOSE**
12 **A FINE NOT EXCEEDING \$20,000 FOR EACH CASE, IF:**

13 **(1) THE BOARD DETERMINES THAT THE PUBLIC WELFARE AND**
14 **MORALS WOULD NOT BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO**
15 **OPERATE DURING THE SUSPENSION PERIOD; AND**

16 **(2) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED**
17 **DISCIPLINARY PURPOSES.**

18 **(B) DISPOSITION OF FINES.**

19 **FINES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID INTO THE**
20 **GENERAL FUND OF THE COUNTY.**

21 **(C) WRITTEN RESOLUTION REQUIRED.**

22 **(1) WHEN IMPOSING A FINE ON A LICENSE HOLDER OR SUSPENDING**
23 **OR REVOKING A LICENSE, THE BOARD SHALL ADOPT A WRITTEN RESOLUTION**
24 **CONTAINING:**

25 **(I) A STATEMENT OF THE FACTS AND FINDINGS FORMING THE**
26 **BASIS FOR THE DECISION;**

27 **(II) THE VOTE OF EACH MEMBER OF THE BOARD ON THE**
28 **DECISION; AND**

1 (III) INFORMATION AS TO THE PROCEDURES FOR APPEALING
2 THE DECISION.

3 (2) A COPY OF THE RESOLUTION SHALL BE MAILED OR HAND
4 DELIVERED TO THE LICENSE HOLDER.

5 (D) REGULATIONS.

6 THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 16–507(q).

9 In the introductory language of subsections (a) and (c) of this section, former
10 references to “pursuant to ... § 10–401 of this article” are deleted as
11 surplusage.

12 In the introductory language of subsection (a) of this section, the reference
13 “not required” is substituted for the former reference to “permitted but not
14 required” for brevity.

15 In subsection (b) of this section, the reference to “[f]ines” is substituted for the
16 former reference to “[a]ll moneys” to conform to the terminology used
17 throughout this article.

18 In subsection (d) of this section, the former reference to “rules” is deleted as
19 included in the reference to “regulations”.

20 Defined terms: “Board” § 25–101

21 “County” § 25–101

22 “License” § 1–101

23 “License holder” § 1–101

24 **TITLE 26. PRINCE GEORGE'S COUNTY.**

25 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

26 **26–101. DEFINITIONS.**

27 (A) IN GENERAL.

28 IN THIS TITLE:

29 (1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT
30 EXCEPTION OR VARIATION; AND

1 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

2 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
3 by reference terms defined for the entire article.

4 Item (2) of this subsection is new language added as the standard introductory
5 language to a definition section.

6 **(B) BOARD.**

7 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE**
8 **GEORGE’S COUNTY.**

9 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
10 full reference to the “Board of License Commissioners for Prince George’s
11 County”.

12 **(C) COUNTY.**

13 **“COUNTY” MEANS PRINCE GEORGE’S COUNTY.**

14 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
15 full reference to “Prince George’s County”.

16 **(D) LIGHT WINE.**

17 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
18 **ALCOHOL BY VOLUME.**

19 REVISOR'S NOTE: This subsection is new language derived without substantive
20 change from former Art. 2B, § 4–101(a) and (r).

21 The defined term “wine” is substituted for the former reference to “a fermented
22 beverage” to conform to the terminology used throughout this article.

23 Defined term: “Wine” § 1–101

24 **(E) TAXPAYER.**

25 **“TAXPAYER” MEANS A RESIDENT WHO PAYS REAL ESTATE OR INCOME TAX TO**
26 **THE COUNTY.**

1 REVISOR'S NOTE: This subsection is new language derived without substantive
2 change from former Art. 2B, § 1-102(b)(3), as it related to Prince George's
3 County.

4 The phrase "to the County" is added for clarity.

5 Defined term: "County" § 26-101

6 **26-102. SCOPE OF TITLE.**

7 **THIS TITLE APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

8 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
9 organization of this revised article.

10 **26-103. KEG REGISTRATION.**

11 **(A) "IDENTIFICATION NUMBER" DEFINED.**

12 **IN THIS SECTION, "IDENTIFICATION NUMBER" MEANS THE IDENTIFYING**
13 **NUMBER:**

14 **(1) ON THE PURCHASER'S DRIVER'S LICENSE;**

15 **(2) IF THE PURCHASER IS A RESIDENT OF THE STATE, ON THE**
16 **PURCHASER'S IDENTIFICATION CARD AS PROVIDED FOR IN THE TRANSPORTATION**
17 **ARTICLE;**

18 **(3) IF THE PURCHASER IS NOT A RESIDENT OF THE STATE, ON THE**
19 **PURCHASER'S IDENTIFICATION CARD THAT IS ISSUED BY THE PURCHASER'S HOME**
20 **STATE OR JURISDICTION; OR**

21 **(4) ON A UNITED STATES MILITARY IDENTIFICATION CARD.**

22 **(B) APPLICATION OF GENERAL PROVISIONS.**

23 **SECTION 5-303 ("KEG REGISTRATION") OF DIVISION I OF THIS ARTICLE**
24 **APPLIES IN THE COUNTY, SUBJECT TO SUBSECTION (C) OF THIS SECTION.**

25 **(C) REGISTRATION FORM.**

26 **(1) THE KEG LICENSE HOLDER SHALL COMPLETE A REGISTRATION**
27 **FORM WITH:**

- 1 **(I) THE PURCHASER’S NAME;**
- 2 **(II) THE DATE OF PURCHASE; AND**
- 3 **(III) THE PURCHASER’S ADDRESS AS SHOWN ON THE**
4 **IDENTIFICATION PRODUCED OR, IF THE INDIVIDUAL PROVIDES A UNITED STATES**
5 **MILITARY IDENTIFICATION CARD AS IDENTIFICATION, THE ADDRESS THAT THE**
6 **PURCHASER PROVIDES.**
- 7 **(2) THE PURCHASER SHALL SIGN THE COMPLETED REGISTRATION**
8 **FORM.**
- 9 **(3) THE KEG LICENSE HOLDER SHALL RECORD ON THE COPY OF THE**
10 **REGISTRATION FORM RETAINED BY THE KEG LICENSE HOLDER THE PURCHASER’S**
11 **IDENTIFICATION NUMBER AND THE DATE THAT THE PURCHASER’S IDENTIFICATION**
12 **WAS ISSUED.**

13 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language derived
14 without substantive change from former Art. 2B, § 21–106(c).

15 Subsection (b) of this section is new language added to incorporate by
16 reference general provisions relating to keg registration.

17 Defined terms: “County” § 26–101
18 “State” § 1–101

19 **26–104. MUNICIPAL LICENSE FEE AUTHORIZED.**

20 **NOTWITHSTANDING § 1–203 OF THIS ARTICLE, A MUNICIPALITY MAY REQUIRE**
21 **A LICENSE HOLDER FOR A PLACE OF BUSINESS IN THE MUNICIPALITY TO PAY TO THE**
22 **MUNICIPALITY AN ADDITIONAL ANNUAL LICENSE FEE NOT EXCEEDING 20% OF THE**
23 **FEE PAYABLE UNDER THIS ARTICLE.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 8–101(b)(2).

26 The phrase “[n]otwithstanding § 1–203 of this article,” is added for clarity.

27 Former Art. 2B, § 8–101(b)(1)(i), which stated that former Art. 2B, §
28 8–101(b) applied to Prince George’s County, is deleted as unnecessary in light
29 of the organization of this revised article.

30 Defined terms: “License” § 1–101
31 “License holder” § 1–101

1 **26-105. COPY OF LEGISLATION.**

2 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
 3 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
 4 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
 5 **MARYLAND 21401.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 18-103.

8 The reference to this "title" is substituted for the former reference to this
 9 "subtitle" to conform to the organization of this revised article. Under the
 10 former law, each local governing body derived its authority to enact alcoholic
 11 beverages legislation from a common subtitle. Under this revised article, each
 12 local governing body derives its authority from the title dedicated to the
 13 jurisdiction of the local governing body.

14 Defined terms: "Alcoholic beverage" § 1-101
 15 "County" § 26-101

16 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

17 **26-201. ESTABLISHED.**

18 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S**
 19 **COUNTY.**

20 REVISOR'S NOTE: This section is new language added to state expressly what was
 21 only implied in the former law, that an entity known as the Board of License
 22 Commissioners for Prince George's County exists.

23 **26-202. MEMBERSHIP.**

24 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

25 **(1) THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO THE BOARD.**

26 **(2) THE APPOINTMENTS SHALL BE MADE:**

27 **(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND**
 28 **CONSENT OF THE SENATE; OR**

29 **(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR**
 30 **ALONE.**

1 **(B) QUALIFICATIONS.**

2 **(1) (I) FOUR MEMBERS OF THE BOARD SHALL BE, AT THE TIME OF**
3 **APPOINTMENT, MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING**
4 **GUBERNATORIAL ELECTION POLLED THE HIGHEST NUMBER OF VOTES IN THE**
5 **COUNTY FOR GOVERNOR.**

6 **(II) ONE MEMBER OF THE BOARD SHALL BE, AT THE TIME OF**
7 **APPOINTMENT, A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING**
8 **GUBERNATORIAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN**
9 **THE COUNTY FOR GOVERNOR.**

10 **(2) (I) BEFORE MAKING AN APPOINTMENT OR FILLING A VACANCY,**
11 **THE GOVERNOR SHALL REQUEST THE CENTRAL COMMITTEES FOR THE COUNTY**
12 **REPRESENTING EACH OF THE TWO LEADING POLITICAL PARTIES OF THE STATE TO**
13 **DESIGNATE AT LEAST FOUR ELIGIBLE CANDIDATES FOR EACH POSITION TO BE**
14 **FILLED.**

15 **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**
16 **PARAGRAPH, THE GOVERNOR SHALL APPOINT ONE OF THE DESIGNATED**
17 **INDIVIDUALS.**

18 **(III) IF THE GOVERNOR DECIDES THAT ALL OF THE INDIVIDUALS**
19 **ARE UNFIT OR INCOMPETENT, THE GOVERNOR:**

20 1. **MAY NOT APPOINT ANY OF THE INDIVIDUALS;**

21 2. **SHALL FILE A WRITTEN STATEMENT WITH THE**
22 **SECRETARY OF STATE, SETTING FORTH THE FACTS AND THE GROUNDS FOR THE**
23 **DECISION AND CALLING ON THE CENTRAL COMMITTEES FOR A NEW LIST OF SIX**
24 **NAMES FOR EACH POSITION TO BE FILLED; AND**

25 3. **SHALL MAKE THE APPOINTMENTS FROM THE NEW**
26 **LIST AND THE ORIGINAL LIST.**

27 **(3) A MEMBER SHALL BE:**

28 **(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

29 **(II) A PERSON OF HIGH CHARACTER AND INTEGRITY AND OF**
30 **RECOGNIZED BUSINESS CAPACITY.**

31 **(C) RESTRICTIONS — IN GENERAL.**

1 **(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS**
2 **AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN,**
3 **OR IN ANY OTHER MANNER.**

4 **(2) A MEMBER OF THE BOARD MAY NOT:**

5 **(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A**
6 **PREMISES IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR**
7 **SOLD;**

8 **(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS**
9 **WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC**
10 **BEVERAGES IN THE STATE;**

11 **(III) OWN STOCK IN:**

12 **1. A CORPORATION THAT HAS A DIRECT OR INDIRECT**
13 **INTEREST IN A PREMISES IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE**
14 **MANUFACTURED OR SOLD; OR**

15 **2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE**
16 **MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES IN THE STATE; OR**

17 **(IV) SOLICIT OR RECEIVE A COMMISSION, REMUNERATION, OR**
18 **GIFT FROM:**

19 **1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE**
20 **OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

21 **2. A LICENSE HOLDER.**

22 **(D) RESTRICTIONS — POLITICAL CONTRIBUTIONS.**

23 **(1) IN THIS SUBSECTION, “CANDIDATE”, “CONTRIBUTION”, AND**
24 **“POLITICAL COMMITTEE” HAVE THE MEANINGS STATED IN § 1-101 OF THE**
25 **ELECTION LAW ARTICLE.**

26 **(2) A MEMBER OF THE BOARD MAY NOT SOLICIT OR TRANSMIT A**
27 **CONTRIBUTION FOR THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE**
28 **FROM:**

1 **(I) A PERSON ENGAGED IN THE SALE OF ALCOHOLIC**
2 **BEVERAGES IN THE COUNTY OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

3 **(II) A LICENSE HOLDER.**

4 **(E) TENURE.**

5 **(1) THE TERM OF A MEMBER IS 3 YEARS.**

6 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
7 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

8 **(F) VACANCIES.**

9 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
10 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
11 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
12 **THIS SECTION.**

13 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
14 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
15 **QUALIFIES.**

16 **(G) REMOVAL.**

17 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
18 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

19 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
20 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
21 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

22 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
23 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
24 **MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

25 **(H) RESIGNATION.**

26 **(1) IF A MEMBER OF THE BOARD STOPS RESIDING IN OR BEING A**
27 **REGISTERED VOTER OF THE COUNTY, THE MEMBER SHALL IMMEDIATELY FORFEIT**
28 **THE OFFICE AS A LICENSE COMMISSIONER FOR THE COUNTY.**

1 **(2) (I) A MEMBER OF THE BOARD MAY NOT SERVE IN ANY OTHER**
 2 **POSITION OF PUBLIC OFFICE.**

3 **(II) ON FILING A CERTIFICATE OF CANDIDACY FOR ELECTION**
 4 **TO A PUBLIC OFFICE OR WITHIN 30 DAYS BEFORE THE FILING DEADLINE FOR THE**
 5 **PRIMARY ELECTION FOR THE PUBLIC OFFICE SOUGHT, WHICHEVER OCCURS LATER,**
 6 **A MEMBER OF THE BOARD SHALL CERTIFY TO THE COUNTY BOARD OF ELECTIONS**
 7 **UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF THE BOARD.**

8 **(III) THE CERTIFICATION SHALL BE ACCOMPANIED BY A LETTER**
 9 **ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF THE MEMBER**
 10 **FROM THE BOARD.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, §§ 15–101(a)(3), (4), and as it related to members
 13 of the Board, (1) and (r)(2) through (4), 15–110(a), and 15–112(r)(8), (9), and
 14 (10)(i) and, as they related to members of the Board, (4), (7), and (10)(ii).

15 In subsections (a) and (b) of this section, the references to “member[s]” are
 16 substituted for the former references to “Commissioner[s]” to conform to the
 17 terminology used throughout this title.

18 In subsection (a)(2)(i) of this section, the former reference to “by and” with the
 19 advice and consent of the Senate is deleted as surplusage.

20 In subsection (b)(1) of this section, the references that appointees be a member
 21 of a party “at the time of appointment” are added for clarity.

22 Also in subsection (b)(1) of this section, the references to the last “preceding”
 23 gubernatorial election are added for clarity and consistency with other similar
 24 provisions of this article.

25 Also in subsection (b)(1) of this section, the references to “poll[ing]” a certain
 26 number of votes is substituted for the former reference to “obtaining” votes for
 27 consistency with other similar provisions of this article.

28 Also in subsection (b)(1) of this section, the former redundant reference
 29 prohibiting more than four Board members from belonging to the same
 30 political party is deleted as included in the provisions requiring that four
 31 members be appointed from one party and one member from another party.

32 In subsection (b)(1)(i) of this section, the former reference to the gubernatorial
 33 “general” election is deleted as surplusage.

1 In subsection (b)(1)(ii) of this section, the reference to the “second” highest
2 number of votes is substituted for the former reference to the “next” highest
3 number for clarity.

4 In subsection (b)(2)(ii) and (iii)1 of this section, the references to “individuals”
5 are substituted for the former references to “persons” because only a human
6 being and not the other entities included in the definition of “person” can be
7 appointed to the Board.

8 In the introductory language of subsection (b)(2)(iii) of this section, the
9 reference to the Governor’s “deci[sion]” is substituted for the former reference
10 to the Governor’s “judgment” for clarity.

11 In subsection (b)(2)(iii)2 and 3 of this section, the references to a “new” list are
12 substituted for the former references to “another” list and “which” list for
13 clarity.

14 In subsection (b)(2)(iii)2 of this section, the reference to the “central
15 committees” is substituted for the former reference to “committees for Prince
16 George’s County” for clarity and brevity.

17 In the introductory language of subsections (c)(2) and (d)(2) of this section, the
18 references to a “member” of the Board are substituted for the former
19 references to a “commissioner” of the Board to conform to the terminology used
20 throughout this article.

21 In subsection (c)(2)(iv) of this section, the former reference to any gift
22 “whatsoever” is deleted as surplusage.

23 In subsections (c)(2)(iv)1 and (d)(2)(i) of this section, the former references to
24 “beer or other” alcoholic beverages are deleted as included in the defined term
25 “alcoholic beverage[s]”.

26 Also in subsections (c)(2)(iv)1 and (d)(2)(i) of this section, the former references
27 to “corporation” are deleted as included in the defined term “person”.

28 In subsection (c)(2)(iv)2 of this section, the defined term “license holder” is
29 substituted for the former reference to “any licensee, licensed under the
30 provisions of this article” for brevity. Similarly, in subsection (d)(2)(ii) of this
31 section, the defined term “license holder” is substituted for the former
32 reference to a “[l]icensee licensed under the provisions of this article”.

33 In subsection (e)(2) of this section, the date of “July 1, 2016” is substituted for
34 the former obsolete date of “July 1, 1985”. This substitution is not intended to
35 alter the term of any member of the Board of License Commissioners for
36 Prince George’s County.

1 In subsection (f)(2) of this section, the clause “until a successor is appointed
2 and qualifies” is standard language added to avoid gaps in membership by
3 indicating that a member serves until a successor takes office. This addition
4 is supported by the cases of *Benson v. Mellor*, 152 Md. 481 (1927), and *Grooms*
5 *v. LaVale Zoning Board*, 27 Md. App. 266 (1975).

6 In subsection (g)(1) of this section, the former reference to a member “of any
7 board of license commissioners appointed by him under the provisions of this
8 article” is deleted as surplusage.

9 In subsection (g)(2) of this section, the former phrase “in his own defense” is
10 deleted as surplusage.

11 In subsection (h) of this section, the references to a “member of the Board” are
12 substituted for the former references to a “commissioner” to conform to the
13 terminology used throughout this title.

14 In subsection (h)(2)(ii) of this section, the former reference to the Board “of
15 Supervisors” of Elections is deleted as obsolete.

16 Former Art. 2B, § 15–101(r)(1), which stated that former Art. 2B, § 15–101(r)
17 applied in Prince George’s County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Defined terms: “Alcoholic beverage” § 1–101
20 “Board” § 26–101
21 “County” § 26–101
22 “License holder” § 1–101
23 “Person” § 1–101
24 “State” § 1–101

25 **26–203. CHAIR.**

26 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
27 **FROM AMONG THE MEMBERS OF THE BOARD.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 15–101(a)(2).

30 The defined term “Board” is substituted for the former reference to “Baltimore
31 City and each of the counties” because this section applies only to the Board
32 of License Commissioners for Prince George’s County. Correspondingly, the
33 former phrase “of the respective boards” is deleted.

34 The reference to a “chair” is substituted for the former reference to a
35 “chairman” because SG § 2–1238 requires the use of words that are neutral as
36 to gender to the extent practicable.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that in fact, the Board elects its own chair. The General
3 Assembly may wish to change the revision to reflect current practice.

4 Defined term: "Board" § 26-101

5 **26-204. MEETINGS; COMPENSATION.**

6 **(A) MEETINGS.**

7 **THE BOARD SHALL MEET AT LEAST TWICE EACH MONTH.**

8 **(B) COMPENSATION.**

9 **(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF**
10 **\$22,000 ANNUALLY.**

11 **(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A**
12 **SALARY OF \$20,000 ANNUALLY.**

13 **(2) THE CHAIR AND EACH OTHER MEMBER OF THE BOARD ARE**
14 **ELIGIBLE FOR:**

15 **(I) ALL COUNTY HEALTH BENEFITS; AND**

16 **(II) MEMBERSHIP IN AND RETIREMENT BENEFITS OF THE**
17 **STATE RETIREMENT AND PENSION SYSTEM.**

18 **(3) THE HEALTH BENEFITS UNDER PARAGRAPH (2)(I) OF THIS**
19 **SUBSECTION INCLUDE HOSPITALIZATION, VISION CARE, PRESCRIPTIONS, DENTAL**
20 **CARE, LIFE INSURANCE, AND EXPENSE REIMBURSEMENT.**

21 **(4) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT**
22 **THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO PARAGRAPH (2) OF THIS**
23 **SUBSECTION.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 15-109(r)(2), (3), and (7)(ii) and, as they related
26 to the members of the Board, (i) and (iv).

27 In subsection (b)(1)(i) of this section, the reference to the "chair" is substituted
28 for the former reference to the "chairman" because SG § 2-1238 requires the
29 use of words that are neutral as to gender to the extent practicable.

1 In subsection (b)(2) of this section, the reference to “[t]he chair and each other
2 member” of the Board is substituted for the former reference to “[m]embers”
3 of the Board for clarity.

4 In subsection (b)(2)(ii) of this section, the reference to the State Retirement
5 and Pension System is substituted for the obsolete reference to the State
6 Employees’ Pension System.

7 Defined terms: “Board” § 26–101
8 “County” § 26–101

9 **26–205. STAFF; BUDGET.**

10 **(A) STAFF.**

11 **SUBJECT TO THIS SECTION AND § 26–206 OF THIS SUBTITLE, THE BOARD MAY:**

12 **(1) EMPLOY:**

13 **(I) A SECRETARY;**

14 **(II) INSPECTORS; AND**

15 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

16 **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

17 **(B) ADMINISTRATOR.**

18 **(1) THE BOARD SHALL APPOINT AN ADMINISTRATOR.**

19 **(2) THE ADMINISTRATOR SHALL SERVE AT THE WILL OF THE BOARD**
20 **AND DEVOTE FULL TIME TO THE DUTIES OF THE BOARD.**

21 **(3) THE ADMINISTRATOR MAY RECEIVE A SALARY OF \$40,705**
22 **ANNUALLY AS DETERMINED BY THE BOARD AFTER A PERFORMANCE EVALUATION.**

23 **(4) (I) THE ADMINISTRATOR IS ELIGIBLE TO PARTICIPATE IN THE**
24 **COUNTY’S SUPPLEMENTAL RETIREMENT PLAN.**

25 **(II) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT**
26 **ADOPT THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO SUBPARAGRAPH (I)**
27 **OF THIS PARAGRAPH.**

1 **(C) ATTORNEY.**

2 **(1) THE BOARD SHALL APPOINT AN ATTORNEY WHO SHALL SERVE AT**
3 **THE WILL OF THE BOARD.**

4 **(2) THE COUNTY COUNCIL SHALL PAY THE ATTORNEY:**

5 **(I) A SALARY OF \$18,500 ANNUALLY;**

6 **(II) ALL COURT COSTS AND EXPENSES INCURRED WHILE**
7 **PERFORMING THE DUTIES OF ATTORNEY; AND**

8 **(III) LEGAL FEES THAT THE BOARD APPROVES FOR**
9 **REPRESENTING THE BOARD IN COURT.**

10 **(3) THE BOARD SHALL ESTABLISH THE FEE RATE FOR**
11 **REPRESENTING THE BOARD IN COURT.**

12 **(4) THE ATTORNEY IS ELIGIBLE FOR:**

13 **(I) ALL COUNTY HEALTH BENEFITS, INCLUDING**
14 **HOSPITALIZATION, VISION CARE, PRESCRIPTIONS, DENTAL CARE, LIFE INSURANCE,**
15 **AND EXPENSE REIMBURSEMENT; AND**

16 **(II) MEMBERSHIP IN AND RETIREMENT BENEFITS OF THE**
17 **STATE RETIREMENT AND PENSION SYSTEM.**

18 **(5) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT**
19 **THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO PARAGRAPH (4) OF THIS**
20 **SUBSECTION.**

21 **(D) RESTRICTIONS ON EMPLOYEES.**

22 **(1) THE RESTRICTIONS UNDER § 26-202(C) AND (D) OF THIS**
23 **SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE**
24 **BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES AND SOLICITING OR TRANSMITTING**
25 **POLITICAL CONTRIBUTIONS FOR THE BENEFIT OF A CANDIDATE OR POLITICAL**
26 **COMMITTEE APPLY TO EMPLOYEES OF THE BOARD.**

27 **(2) AN EMPLOYEE OF THE BOARD:**

1 **(I) SHALL DEVOTE FULL TIME TO THE BUSINESS OF THE BOARD**
2 **DURING THE HOURS DESIGNATED BY THE BOARD FOR THE PERFORMANCE OF THE**
3 **EMPLOYEE'S OFFICIAL DUTIES;**

4 **(II) MAY NOT ENGAGE IN AN OCCUPATION, BUSINESS, OR**
5 **PROFESSION CONNECTED TO OR ASSOCIATED WITH THE MANUFACTURE OR SALE OF**
6 **ALCOHOLIC BEVERAGES; AND**

7 **(III) MAY NOT TRANSACT BUSINESS BEYOND THE EMPLOYEE'S**
8 **OFFICIAL DUTIES:**

9 1. **WITH A LICENSE HOLDER; OR**

10 2. **IN CONNECTION WITH THE OPERATION OF AN**
11 **ESTABLISHMENT LICENSED FOR THE MANUFACTURE OR SALE OF ALCOHOLIC**
12 **BEVERAGES.**

13 **(3) AN EMPLOYEE OF THE BOARD WHO VIOLATES THIS SECTION**
14 **SHALL BE REMOVED.**

15 **(E) BUDGET.**

16 **(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON THE**
17 **SUBMISSION BY THE BOARD OF AN ANNUAL BUDGET, THE COUNTY COUNCIL SHALL**
18 **PAY FOR ALL EXPENSES OF THE BOARD.**

19 **(2) IN THE BUDGET, THE SALARIES OF THE MEMBERS AND THE**
20 **ATTORNEY FOR THE BOARD AND ANY ADDITIONAL COMPENSATION FOR LEGAL FEES**
21 **FOR THE ATTORNEY SHALL BE APPROVED AS SET FORTH UNDER SUBSECTION (C) OF**
22 **THIS SECTION AND § 26-204 OF THIS SUBTITLE.**

23 **(3) EXCEPT AS PROVIDED IN § 26-206(G) OF THIS SUBTITLE,**
24 **PAYMENTS FOR ALL OTHER EXPENSES SHALL BE AT THE DISCRETION OF THE**
25 **COUNTY COUNCIL, INCLUDING:**

26 **(I) THE SALARY OF THE ADMINISTRATOR UNDER SUBSECTION**
27 **(B)(3) OF THIS SECTION;**

28 **(II) COMPENSATION OF OTHER PERSONNEL, WHO SHALL BE**
29 **QUALIFIED AND EMPLOYED UNDER THE COUNTY MERIT SYSTEM;**

30 **(III) PRINTING;**

1 **(IV) SUPPLIES; AND**

2 **(V) OFFICE SPACE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 15–109(r)(4), (5), (6), and (7)(ii), (iii), and (iv)
5 and 15–112(a)(2) and (r)(5), (6), and (10)(i) and, as it related to the Board
6 attorney, 15–109(r)(7)(i), as it related to the Board administrator and
7 attorney, 15–112(r)(2), and, as they related to a Board employee, 15–112(r)(4),
8 (7), and (10)(ii).

9 In subsection (a)(1)(iii) of this section, the reference to “assistants” is
10 substituted for the former reference to “assistance” for clarity.

11 In subsections (b)(2) and (d)(2)(i) of this section, the former references to
12 “attention” are deleted in light of the references to “full time”.

13 In subsection (c)(2)(ii) of this section, the reference to costs and expenses
14 incurred “while performing the duties” is substituted for the former reference
15 to costs and expenses incurred “therein” for clarity.

16 In subsection (c)(5) of this section, the former reference to County “personnel
17 law” is deleted as included in the reference to County “public local law[s]”.

18 In subsection (d)(1) of this section, the cross–reference to “§ 26–202(c) and (d)
19 of this subtitle regarding direct and indirect interests of members of the Board
20 in alcoholic beverage activities and soliciting or transmitting political
21 contributions for the benefit of a candidate or political committee” is
22 substituted for the provisions in former Art. 2B, § 15–112(r)(4), (7), and (10)
23 applying to employees for brevity.

24 In subsection (d)(2)(i) and (iii) of this section, the reference to “the employee’s”
25 is substituted for the former reference to “their” for clarity.

26 In subsection (d)(2)(ii) of this section, the former phrase “in any way” is deleted
27 as surplusage.

28 In subsection (d)(2)(iii) of this section, the former reference to business “of any
29 kind whatsoever” is deleted as surplusage.

30 In subsection (e)(2) of this section, the cross–reference to “subsection (c) of this
31 section and § 26–204 of this subtitle” is substituted for the former reference to
32 “as hereinbefore” set forth for clarity. Similarly, in subsection (e)(3)(i) of this
33 section, the cross–reference to “subsection (b)(3) of this section” is substituted
34 for the former reference to “as limited herein”.

1 In the introductory language of subsection (e)(3) of this section, the former
 2 phrase “but not restricted to”, which formerly modified “including”, is deleted
 3 in light of GP § 1–110, which provides that the term “including” is used “by
 4 way of illustration and not by way of limitation”.

5 Former Art. 2B, § 15–109(r)(1), which provided that former Art. 2B, §
 6 15–109(r) applied only in Prince George’s County, is deleted as unnecessary
 7 in light of the organization of this revised article.

8 The Alcoholic Beverages Article Review Committee notes, for consideration by
 9 the General Assembly, that subsection (b)(3) of this section establishing the
 10 annual salary for the Board administrator “as determined by the Board” is
 11 ambiguous. The General Assembly may wish to clarify this provision of law,
 12 perhaps by explicitly stating a maximum annual salary for the Board
 13 administrator.

14 Defined terms: “Alcoholic beverage” § 1–101

15 “Board” § 26–101

16 “County” § 26–101

17 “License holder” § 1–101

18 **26–206. INSPECTORS.**

19 **(A) APPOINTMENT.**

20 **THE BOARD SHALL APPOINT ALL OF ITS INSPECTORS.**

21 **(B) POWERS.**

22 **AN INSPECTOR:**

23 **(1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE**
 24 **STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;**

25 **(2) MAY ISSUE A CIVIL CITATION UNDER § 26–2603 OF THIS TITLE;**
 26 **AND**

27 **(3) HAS THE AUTHORITY TO ORDER THAT AN UNLICENSED**
 28 **ESTABLISHMENT BE CLOSED IMMEDIATELY UNDER § 26–2501 OF THIS TITLE.**

29 **(C) DUTIES.**

30 **AN INSPECTOR SHALL:**

1 (1) VISIT AND INSPECT PERIODICALLY EVERY LICENSED PREMISES;
2 AND

3 (2) CARRY OUT OTHER DUTIES THAT THE BOARD REQUIRES.

4 (D) RESTRICTIONS.

5 INSPECTORS ARE SUBJECT TO THE RESTRICTIONS UNDER:

6 (1) § 26–202(C) AND (D) OF THIS SUBTITLE REGARDING DIRECT AND
7 INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES
8 ACTIVITIES AND SOLICITING OR TRANSMITTING POLITICAL CONTRIBUTIONS FOR
9 THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE; AND

10 (2) § 26–205(D) OF THIS SUBTITLE REQUIRING AN EMPLOYEE TO
11 DEVOTE FULL TIME TO THE BUSINESS OF THE BOARD, PROHIBITING CERTAIN
12 ACTIVITIES, AND REQUIRING REMOVAL FOR VIOLATION OF THOSE REQUIREMENTS
13 AND PROHIBITIONS.

14 (E) OATH.

15 AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE
16 MARYLAND CONSTITUTION.

17 (F) NUMBER OF INSPECTORS.

18 (1) THERE ARE THREE FULL–TIME INSPECTORS AND 24 PART–TIME
19 INSPECTORS OF THE BOARD.

20 (2) TO BE A FULL–TIME OR PART–TIME INSPECTOR, AN INDIVIDUAL
21 SHALL BE A RESIDENT OF THE COUNTY.

22 (3) (I) FROM THE FULL–TIME INSPECTORS, THE BOARD SHALL
23 DESIGNATE ANNUALLY A CHIEF INSPECTOR AND TWO DEPUTY CHIEF INSPECTORS.

24 (II) UNDER THE DIRECTION OF THE BOARD, THE CHIEF
25 INSPECTOR SHALL REGULATE THE DUTIES, HOURS, AND ASSIGNMENTS OF THE
26 INSPECTORS.

27 (4) THE FULL–TIME INSPECTORS WHO ARE CERTIFIED BY THE
28 PERSONNEL DIRECTOR AS MEETING THE STANDARDS THAT THE COUNTY MERIT
29 BOARD SETS OUT ARE INCLUDED IN THE COUNTY MERIT SYSTEM.

1 **(G) SALARY.**

2 **A PART-TIME INSPECTOR SHALL RECEIVE A SALARY OF \$13,900 ANNUALLY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 15-112(r)(3), (5), (6), and (10)(i) and, as they
5 related to inspectors, (2), (4), (7), and (10)(ii).

6 In subsection (a) of this section, the former requirement that the inspectors
7 “[b]e known as ‘alcoholic beverages inspectors for Prince George’s County’” is
8 deleted as surplusage.

9 In subsection (b)(1) of this section, the reference to the powers “arising out of
10 or relating to the enforcement of this article” is added for clarity.

11 Also in subsection (b)(1) of this section, the former reference to a “constable”
12 is deleted as unnecessary in light of the reference to a “peace officer”.

13 In subsection (b)(2) of this section, the cross-reference to “§ 26-2603 of this
14 title” is added for clarity.

15 In subsection (b)(3) of this section, the reference to “an unlicensed
16 establishment” is substituted for the former reference to “a bottle club” to
17 conform to the terminology used throughout this title.

18 In subsection (d)(1) of this section, the cross-reference to “§ 26-202(c) and (d)
19 of this subtitle regarding direct and indirect interests of members of the Board
20 in alcoholic beverages activities and soliciting or transmitting political
21 contributions for the benefit of a candidate or political committee” is
22 substituted for the provisions in former Art. 2B, § 15-112(r)(4), (7), and (10)
23 applying to inspectors for brevity. Similarly, in subsection (d)(2) of this section,
24 the cross-reference to “§ 26-205(d) of this subtitle requiring an employee to
25 devote full time to the business of the Board, prohibiting certain activities,
26 and requiring removal for violation of those requirements and prohibitions” is
27 substituted for the provisions of former Art. 2B, § 15-112(r)(5) and (6).

28 In subsection (e) of this section, the reference to the requirement to “take the
29 oath required by Article I, § 9 of the Maryland Constitution” is substituted for
30 the former reference to the requirement to “[m]ake oath to faithfully perform
31 the duties entrusted to them, as provided in Article I, § 9 of the Maryland
32 Constitution” for brevity.

33 In subsection (f)(4) of this section, the reference to inspectors being “included
34 in” the County merit system is substituted for the former reference to being
35 “entitled to the provisions of” the County merit system for clarity.

1 Former Art. 2B, § 15–112(r)(1), which provided that former Art. 2B, §
2 15–112(r) applied only in Prince George’s County, is deleted as unnecessary
3 in light of the organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 26–101

6 “County” § 26–101

7 “State” § 1–101

8 **26–207. DISPOSITION OF LICENSE FEES.**

9 **(A) IN GENERAL.**

10 **THE DIRECTOR OF FINANCE SHALL COLLECT FEES FOR THE COUNTY**
11 **EXECUTIVE AND COUNTY COUNCIL.**

12 **(B) COLLECTION AND USE OF FEES.**

13 **THE COUNTY EXECUTIVE AND COUNTY COUNCIL SHALL:**

14 **(1) USE THE FEES COLLECTED TO PAY:**

15 **(I) REFUNDS ISSUED IN ACCORDANCE WITH § 26–1410 OF THIS**
16 **TITLE; AND**

17 **(II) THE SALARIES AND EXPENSES OF THE BOARD; AND**

18 **(2) CREDIT THE BALANCE OF THE FEES COLLECTED TO THE GENERAL**
19 **FUND OF THE COUNTY.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 10–204(a)(2) and (r).

22 Defined terms: “Board” § 26–101

23 “County” § 26–101

24 **26–208. REGULATIONS.**

25 **IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE IN THIS ARTICLE, THE**
26 **BOARD MAY ADOPT REGULATIONS:**

27 **(1) REGARDING THE PRESENCE OF ANY INDIVIDUAL UNDER THE AGE**
28 **OF 21 YEARS ON A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES;**

1 **(2) REGARDING LICENSED PREMISES AND THE CONDUCT OF**
 2 **BUSINESS BY LICENSE HOLDERS AND THEIR EMPLOYEES IN RELATION TO THE SALE**
 3 **AND CONSUMPTION OF ALCOHOLIC BEVERAGES;**

4 **(3) TO REQUIRE THE MAINTENANCE OF RECORDS ON THE LICENSED**
 5 **PREMISES BY THE LICENSE HOLDER CONTAINING THE NAMES, ADDRESSES AND**
 6 **AGES OF ALL INDIVIDUALS EMPLOYED BY THE LICENSE HOLDER ON THE PREMISES;**
 7 **AND**

8 **(4) TO MAINTAIN STANDARDS FOR SANITATION AND HEALTH,**
 9 **INCLUDING PROVISIONS FOR:**

10 **(I) ADEQUATE AND SANITARY FACILITIES FOR CONSUMPTION**
 11 **OF ALCOHOLIC BEVERAGES;**

12 **(II) SAFE WATER AND PLUMBING FACILITIES;**

13 **(III) PROPER UTENSIL CLEANING AND STORAGE;**

14 **(IV) REFUSE DISPOSAL AND RODENT CONTROL; AND**

15 **(V) THE PREPARATION AND SERVICE OF MEALS OR OTHER**
 16 **FOOD WITH ALCOHOLIC BEVERAGES; AND**

17 **(5) TO OTHERWISE CARRY OUT THIS ARTICLE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, §§ 8–217(a)(2) and, as it related to the authority
 20 of the Board to adopt regulations, 16–301(a).

21 In the introductory language of this section, the defined term “Board” is
 22 substituted for the former reference to “the board of license commissioners
 23 from any county or Baltimore City, respectively” because this section applies
 24 only to the Board of License Commissioners for Prince George’s County.

25 Also in the introductory language of this section, the former reference to
 26 “duties” is deleted as surplusage, as this section lists only regulations that the
 27 Board may elect but are not required to adopt.

28 Also in the introductory language of this section, the former reference to
 29 “rules” is deleted as unnecessary in light of the reference to “regulations”.

30 Also in the introductory language of this section, the former language “as they
 31 deem necessary” is deleted as surplusage.

1 Also in the introductory language of this section, the phrase “may adopt” is
2 substituted for the former language “in addition to or in lieu of the provisions
3 stated in this section the Board shall prescribe and have the power to enforce
4 such rules and regulations as it may adopt” for brevity.

5 In item (1) of this section, the reference to “individual” is substituted for the
6 former reference to “person” because this section concerns only human beings.
7 Similarly, in item (3) of this section, the reference to “individuals” is
8 substituted for the former reference to “persons”.

9 In item (4) of this section, the former language “such other regulations as may
10 be deemed necessary for” is deleted as surplusage.

11 In item (5) of this section, the reference to the Board “adopt[ing] regulations
12 to otherwise carry out” this article is substituted for the former reference to
13 the Board “hav[ing] full power and authority to adopt such reasonable rules
14 and regulations as they may deem necessary to enable them effectively to
15 discharge the duties imposed upon them by this article for brevity.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “Board” § 26–101

18 “License holder” § 1–101

19 **SUBTITLE 3. LIQUOR CONTROL.**

20 **26–301. LIQUOR CONTROL — NOT APPLICABLE.**

21 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
22 **IN THE COUNTY.**

23 REVISOR’S NOTE: This section is new language added to clarify that there is no
24 liquor control board or department of liquor control in the County.

25 Defined term: “County” § 26–101

26 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

27 **26–401. APPLICATION OF GENERAL PROVISIONS.**

28 **(A) WITHOUT EXCEPTION OR VARIATION.**

29 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
30 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
31 **EXCEPTION OR VARIATION:**

32 **(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**

- 1 (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);
- 2 (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- 3 (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- 4 (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- 5 (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- 6 (7) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- 7 (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- 8 (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- 9 (10) § 2-212 (“ADDITIONAL LICENSES”);
- 10 (11) § 2-213 (“ADDITIONAL FEES”);
- 11 (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- 12 (13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
13 AND RETAILERS”);
- 14 (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
15 PROHIBITED PRACTICES”); AND
- 16 (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
17 RETAILERS — PROHIBITED”).

18 **(B) EXCEPTION.**

19 **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**
20 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

21 **(C) VARIATIONS.**

22 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
23 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

1 **(1) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §**
2 **26-403 OF THIS SUBTITLE; AND**

3 **(2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER**
4 **PROHIBITED”), SUBJECT TO § 26-405 OF THIS SUBTITLE.**

5 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
6 incorporate by reference general provisions relating to the issuance of
7 manufacturer’s licenses.

8 Subsection (b) of this section is new language derived without substantive
9 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
10 implicit in the former law, that a limited distillery license may not be issued
11 in the County.

12 Defined terms: “County” § 26-101
13 “Manufacturer’s license” § 1-101

14 **26-402. HOURS AND DAYS OF SALE OR DELIVERY.**

15 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
16 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
17 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 11-101(b)(12).

20 Defined terms: “Alcoholic beverage” § 1-101
21 “Manufacturer’s license” § 1-101

22 **26-403. CLASS 7 MICRO-BREWERY LICENSE.**

23 **(A) APPLICATION OF SECTION.**

24 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
25 **COUNTY.**

26 **(B) AUTHORIZED HOLDER.**

27 **THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

28 **(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
29 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY;**
30 **AND**

1 **(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR**
 2 **USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE 22ND**
 3 **ALCOHOLIC BEVERAGES DISTRICT OF THE COUNTY.**

4 **(C) HOURS AND DAYS OF SALE.**

5 **IN THE 22ND ALCOHOLIC BEVERAGES DISTRICT OF THE COUNTY ONLY, FOR**
 6 **A HOLDER OF A CLASS D LICENSE THE HOURS AND DAYS FOR RETAIL SALES UNDER**
 7 **THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D**
 8 **LICENSE IN THE COUNTY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 2-208(a), (b)(2)(xvii) and (3)(i) and (iii)1, and
 11 (f)(2).

12 Defined terms: "Beer" § 1-101

13 "County" § 26-101

14 "License" § 1-101

15 "On-sale" § 1-101

16 "Restaurant" § 1-101

17 "Wine" § 1-101

18 **26-404. CLASS B-MB/22 LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS B-MB/22 LICENSE IN THE COUNTY.**

21 **(B) AUTHORIZED HOLDER.**

22 **THE LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A CLASS 7**
 23 **MICRO-BREWERY LICENSE IN THE 22ND LEGISLATIVE DISTRICT.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **THE LICENSE AUTHORIZES THE HOLDER TO SELL LIQUOR BY THE DRINK FOR**
 26 **ON-PREMISES CONSUMPTION.**

27 **(D) ADDITIONAL LICENSE AUTHORIZED.**

28 **A LICENSE HOLDER MAY ALSO HOLD A CLASS D LICENSE.**

29 **(E) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$1,090.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 6-201(r)(14).

4 In subsection (a) of this section, the reference to a license "in the County" is
5 added for consistency within this subtitle.

6 Defined term: "County" § 26-101

7 **26-405. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

8 **(A) CONSTRUCTION OF SECTION.**

9 **(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE**
10 **REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER.**

11 **(2) FOR PURPOSES OF CONSTRUING § 2-215 OF THIS ARTICLE:**

12 **(I) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT**
13 **POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH;**
14 **AND**

15 **(II) A CHECK THAT IS GIVEN IN PAYMENT FOR ALCOHOLIC**
16 **BEVERAGES TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS**
17 **PRIMA FACIE EVIDENCE IN A CIVIL CASE OF A VIOLATION OF THIS SECTION OR §**
18 **2-215 OF THIS ARTICLE.**

19 **(B) PENALTY.**

20 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
21 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A**
22 **FINE NOT EXCEEDING \$500 OR BOTH.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 12-217(c), (d), (e), and, as it related to a license
25 holder, (f).

26 In subsection (a)(2) of this section, the former phrase "in addition to currency"
27 is deleted as surplusage.

28 In subsection (b) of this section, the reference to a "person" is substituted for
29 the former reference to a "manufacturer" for consistency with other similar
30 provisions of the Code.

1 Former Art. 2B, § 12–217(a) is deleted as unnecessary in light of the revised
2 structure of this article.

3 Former Art. 2B, § 12–217(b), which prohibited the sale of alcoholic beverages
4 at retail except for cash, is deleted as obsolete.

5 The Alcoholic Beverages Article Review Committee notes, for consideration by
6 the General Assembly, that subsection (a)(2)(ii) of this section states that a
7 check that is given in payment for “alcoholic beverages” to a license holder and
8 is returned uncollected is prima facie evidence in a civil case of a violation of
9 this section “or § 2–215 of this article”. Section 2–215, however, concerns the
10 sale only of beer and not of any other type of alcoholic beverage.

11 Defined terms: “Beer” § 1–101

12 “License” § 1–101

13 “Person” § 1–101

14 **SUBTITLE 5. WHOLESALER’S LICENSES.**

15 **26–501. APPLICATION OF GENERAL PROVISIONS.**

16 **(A) WITHOUT EXCEPTION OR VARIATION.**

17 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
18 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
19 **EXCEPTION OR VARIATION:**

20 **(1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**

21 **(2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S**
22 **LICENSE”);**

23 **(3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**

24 **(4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**

25 **(5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**

26 **(6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**

27 **(7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**

28 **(8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**

1 **(9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM**
2 **WHOLESALER’S VEHICLE”);**

3 **(10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**

4 **(11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);**

5 **(12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**

6 **(13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF**
7 **LICENSE OR PERMIT”);**

8 **(14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND**
9 **RETAILERS”);**

10 **(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
11 **PROHIBITED PRACTICES”); AND**

12 **(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS**
13 **AND RETAILERS — PROHIBITED”).**

14 **(B) VARIATION.**

15 **SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)**
16 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-504 OF**
17 **THIS SUBTITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to the issuance of wholesaler’s licenses.

20 Defined terms: “County” § 26-101
21 “Wholesaler’s license” § 1-101

22 **26-502. HOURS AND DAYS OF SALE OR DELIVERY.**

23 **EXCEPT AS PROVIDED IN § 26-503 OF THIS SUBTITLE, A HOLDER OF A**
24 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
25 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
26 **SUNDAY.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 11-102(a).

29 Defined terms: “Alcoholic beverage” § 1-101

1 “Wholesaler’s license” § 1–101

2 **26–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

3 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

4 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
5 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
6 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
7 **RETURNS ON THE SAME DAY.**

8 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

9 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
10 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
11 **REQUIRED TO DISPENSE DRAFT BEER.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, §§ 11–102(b) and 11–517(h).

14 In subsection (a) of this section, the reference to a “per diem” license is
15 substituted for the former reference to a “special 1–day” license to conform to
16 the terminology used throughout this article.

17 Also in subsection (a) of this section, the reference to a per diem license issued
18 “under Subtitle 13 of this title” is substituted for the former reference to a
19 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
20 of material relating to per diem licenses in titles for each applicable
21 jurisdiction in this revision.

22 Also in subsection (a) of this section, the reference to delivery of beer on the
23 “effective date of the per diem license” is substituted for the former reference
24 to delivery on the “effective day of the license” for clarity.

25 Also in subsection (a) of this section, the former reference to accepting returns
26 on the same day “of delivery” is deleted as surplusage.

27 In subsection (b) of this section, the language that the “agreement entered into
28 under subsection (a) of this section shall include [the type of equipment to
29 dispense draft beer]” is substituted for the former language that the “parties
30 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

31 Defined terms: “Beer” § 1–101

32 “Wholesaler’s license” § 1–101

33 **26–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

1 **(A) CONSTRUCTION OF SECTION.**

2 **FOR PURPOSES OF APPLYING § 2-314 OF THIS ARTICLE:**

3 **(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE**
4 **REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER;**

5 **(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND**
6 **IS PROMPTLY DEPOSITED FOR COLLECTION BY THE LICENSE HOLDER IS**
7 **CONSIDERED CASH; AND**

8 **(3) A CHECK THAT IS GIVEN IN PAYMENT FOR BEER TO A LICENSE**
9 **HOLDER AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE OF A**
10 **VIOLATION BY THE WHOLESALER OF § 2-314 OF THIS ARTICLE.**

11 **(B) PENALTY.**

12 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
13 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A**
14 **FINE NOT EXCEEDING \$500 OR BOTH.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 12-217(c), (d), and, as it related to a holder of a
17 wholesaler's license, (f).

18 In subsection (a)(1) of this section, the phrase "of beer" is added for clarity.

19 In subsection (a)(2) of this section, the former phrase "in addition to currency"
20 is deleted as surplusage.

21 In subsection (a)(3) of this section, the phrase "by the wholesaler" is added for
22 clarity.

23 Also in subsection (a)(3) of this section, the former phrase "in any civil case" is
24 deleted because a proceeding relating to a violation of § 2-314 of this article is
25 an administrative action rather than a civil case.

26 In subsection (b) of this section, the reference to a "person" is substituted for
27 the former reference to a "wholesaler" for consistency with other similar
28 provisions of the Code.

29 Defined terms: "Beer" § 1-101

30 "Person" § 1-101

31 "License holder" § 1-101

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS B BEER LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
 5 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR**
 6 **RESTAURANT ON THE PREMISES DESCRIBED IN THE LICENSE FOR ON-PREMISES**
 7 **CONSUMPTION.**

8 **(2) A LICENSE HOLDER WHO HELD THIS CLASS OF LICENSE BEFORE**
 9 **JULY 1, 1975, AND WHO HAS BEEN SELLING BEER FOR OFF-PREMISES**
 10 **CONSUMPTION MAY CONTINUE TO DO SO.**

11 **(C) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$365.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 3-201(r) and (a)(1).

15 In subsection (a) of this section, the former reference to a license being "issued
 16 by the license issuing authority of the county in which the place of business is
 17 located" is deleted as surplusage.

18 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
 19 as implicit in the word "sell".

20 Also in subsection (b)(1) of this section, the reference to "on-premises
 21 consumption" is substituted for the former reference to "consumption on the
 22 premises or elsewhere" in accordance with the rule followed in this revision,
 23 that a provision of this article that is applicable to a specific jurisdiction
 24 prevails over an inconsistent general provision.

25 Also in subsection (b)(1) of this section, the former reference to the prohibition
 26 that "the Board of License Commissioners for Prince George's County may not
 27 issue" a license with other than on-sale privileges is deleted as surplusage.

28 In subsection (b)(2) of this section, the former reference to "exercising the
 29 privilege of" selling beer is deleted as surplusage.

30 Defined terms: "Beer" § 1-101

31 "Hotel" § 1-101

32 "Restaurant" § 1-101

1 **26-603. CLASS C BEER LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS C BEER LICENSE.

4 (B) SCOPE OF AUTHORIZATION.

5 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL
6 TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE
7 LICENSE FOR ON-PREMISES CONSUMPTION.

8 (C) FEE.

9 THE ANNUAL LICENSE FEE IS \$245.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 3-301(r) and (a)(1).

12 In subsection (a) of this section, the former reference to a license being "issued
13 by the local licensing authority of the county in which the place of business is
14 located" is deleted as surplusage.

15 In subsection (b) of this section, the former phrase "keep for sale" is deleted as
16 implicit in the word "sell".

17 Also in subsection (b) of this section, the former reference to "bona fide"
18 members is deleted as surplusage.

19 Defined terms: "Beer" § 1-101

20 "Club" § 1-101

21 **26-604. CLASS D BEER LICENSE.**

22 (A) ESTABLISHED.

23 THERE IS A CLASS D BEER LICENSE.

24 (B) SCOPE OF AUTHORIZATION.

25 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE
26 AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE
27 DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

1 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

2 **(C) FEE.**

3 **THE ANNUAL LICENSE FEE IS \$365.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 3-401(r) and (a)(1).

6 In subsection (a) of this section, the former reference to a license being "issued
7 by the license issuing authority of the county in which the place of business is
8 located" is deleted as surplusage.

9 In subsection (b)(1) of this section, the reference to "on- and off-premises"
10 consumption is substituted for the former reference to consumption "on the
11 premises or elsewhere" for clarity.

12 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
13 deleted as implicit in the word "sell".

14 Defined term: "Beer" § 1-101

15 **SUBTITLE 7. LIGHT WINE LICENSES.**

16 **26-701. CLASS A LIGHT WINE LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

19 **(B) AUTHORIZED HOLDER.**

20 **(1) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED**
21 **WINERY LICENSE.**

22 **(2) A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES**
23 **FOR A CLASS A LIGHT WINE LICENSE IS EXEMPT FROM ANY QUOTA ESTABLISHED BY**
24 **THE BOARD CONCERNING THE NUMBER OF LICENSES IN THE ELECTION DISTRICT**
25 **WHERE THE WINERY IS LOCATED.**

26 **(C) SCOPE OF AUTHORIZATION.**

27 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
28 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE**
29 **WINERY.**

1 **(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR**
 2 **CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE**
 3 **LICENSED PREMISES.**

4 **(D) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$50.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 4–201(a)(14), (b)(1), (c)(1) and (4), and (d)(1).

8 In subsection (b)(1) of this section, the reference to a “Class 4 limited winery
 9 license” is substituted for the former reference to a “Class 4 manufacturer’s
 10 license” to conform to the terminology used throughout this article.

11 Also in subsection (b)(1) of this section, the former reference to a license being
 12 issued “by the license issuing authority of the county in which the place of
 13 business is located” is deleted as surplusage.

14 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
 15 as implicit in the word “sell”.

16 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
 17 any consumer” is deleted as surplusage.

18 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
 19 former reference to “delivered” to conform to the terminology used throughout
 20 this article.

21 Defined terms: “Board” § 26–101

22 “County” § 26–101

23 “License” § 1–101

24 “Light wine” § 26–101

25 **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

26 **26–801. CLASS A BEER AND LIGHT WINE LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

29 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
2 **AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

3 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN**
4 **A SEALED PACKAGE OR CONTAINER.**

5 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
6 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT**
7 **WINE IS SOLD.**

8 **(C) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$245.**

10 REVISOR'S NOTE: This section is new language derived without substantive change
11 from former Art. 2B, § 5–101(r) and (a)(1).

12 Subsection (a) of this section is revised in standard language used throughout
13 this article to establish a license.

14 In subsection (a) of this section and throughout this subtitle, the former
15 references to the license being “issued by the license issuing authority of the
16 county in which the place of business is located” are deleted as surplusage.

17 In subsection (b)(1) of this section and throughout this subtitle, the former
18 references to “keep[ing] for sale” are deleted as implicit in the references to
19 “sell[ing]”.

20 In subsection (b)(1) of this section, the former reference to selling beer and
21 light wine “in any quantity to any consumers” is deleted as surplusage.

22 In subsection (b)(2) of this section, the word “sell” is substituted for the former
23 word “deliver” to conform to the terminology used throughout this article.

24 Defined terms: “Beer” § 1–101

25 “Light wine” § 26–101

26 **26–802. CLASS B BEER AND LIGHT WINE LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

29 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE**
 3 **AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE**
 4 **LICENSE, FOR ON-PREMISES CONSUMPTION.**

5 **(2) A HOLDER OF THE LICENSE WHO HAS SOLD BEER AND LIGHT WINE**
 6 **SINCE BEFORE JULY 1, 1975, FOR BOTH ON- AND OFF-PREMISES CONSUMPTION**
 7 **MAY CONTINUE TO DO SO.**

8 **(C) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$365.**

10 REVISOR'S NOTE: This section is new language derived without substantive change
 11 from former Art. 2B, § 5-201(a)(1) and (r)(2) and (3).

12 Subsection (a) of this section is revised in standard language used throughout
 13 this article to establish a license.

14 In subsection (b)(2) of this section, the reference to a "holder of the license who
 15 has sold beer and light wine since before July 1, 1975, for both on- and
 16 off-premises consumption" is substituted for the former phrase "licensees
 17 holding this class of license prior to July 1, 1975, who have been exercising the
 18 privilege of selling alcoholic beverages for consumption off the licensed
 19 premises" for brevity and to state expressly what was only implicit in the
 20 former law, that license holders before July 1, 1975, were allowed to sell beer
 21 and light wine for both on-sale as well as off-sale consumption.

22 Also in subsection (b)(2) of this section, the phrase "may continue to do so" is
 23 substituted for the former phrase "may continue to exercise this privilege" for
 24 clarity.

25 Former Art. 2B, § 5-201(r)(1), which stated that former Art. 2B, § 5-201(r)
 26 applied only in Prince George's County, is deleted as unnecessary in light of
 27 the organization of this revised article.

28 Defined terms: "Beer" § 1-101

29 "Hotel" § 1-101

30 "Light wine" § 26-101

31 "Restaurant" § 1-101

32 **26-803. CLASS C BEER AND LIGHT WINE LICENSE.**

33 **(A) ESTABLISHED.**

34 **THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
3 **WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE**
4 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

5 **(C) FEE.**

6 **THE ANNUAL LICENSE FEE IS \$245.**

7 REVISOR'S NOTE: This section is new language derived without substantive change
8 from former Art. 2B, § 5-301(r) and (a)(1).

9 Subsection (a) of this section is revised in standard language used throughout
10 this article to establish a license.

11 In subsection (b) of this section, the former reference to consumption "only" on
12 the premises is deleted as surplusage.

13 Also in subsection (b) of this section, the former reference to a "bona fide"
14 member is deleted as surplusage.

15 Defined terms: "Beer" § 1-101

16 "Club" § 1-101

17 "Light wine" § 26-101

18 **26-804. CLASS D BEER AND LIGHT WINE LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

21 **(B) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
23 **WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
24 **OFF-PREMISES CONSUMPTION.**

25 **(C) DRUGSTORE PROHIBITION.**

26 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

27 **(D) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$365.**

2 REVISOR'S NOTE: This section is new language derived without substantive change
3 from former Art. 2B, § 5-401(a)(1) and (r)(1).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (b) of this section, the reference to "on- and off-premises
7 consumption" is substituted for the former reference to "consumption on the
8 premises or elsewhere" for clarity.

9 Defined terms: "Beer" § 1-101
10 "Light wine" § 26-101

11 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

12 **26-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

15 **(B) SCOPE OF AUTHORIZATION.**

16 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
17 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

18 **(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR**
19 **IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS**
20 **CONSUMED ON THE LICENSED PREMISES.**

21 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

22 **A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE**
23 **UNLESS THE APPLICANT:**

24 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
25 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
26 **THE LICENSE;**

27 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
28 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
29 **APPLIED FOR; OR**

1 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
2 **LEAST 3 YEARS.**

3 **(D) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$910.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 6–101(r) and (a)(1) and (3).

7 Subsection (a) of this section is revised in standard language used throughout
8 this title to establish a license.

9 In subsection (b) of this section, the references to “beer, wine, [or] liquor” are
10 substituted for the former references to “alcoholic beverages” for clarity.

11 In subsection (b)(1) of this section, the former phrase “in any quantity” is
12 deleted as surplusage.

13 Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for
14 the former phrase “to keep for sale and to sell” for brevity.

15 In subsection (b)(2) of this section, the word “sell” is substituted for the former
16 word “deliver” for clarity.

17 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
18 of the application for the license” is substituted for the former phrase “that
19 length of time” for clarity.

20 In subsection (c)(3) of this section, the former reference to “actually” engaged
21 is deleted as surplusage.

22 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
23 deleted as surplusage.

24 Defined terms: “Beer” § 1–101
25 “Wine” § 1–101

26 **26–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

29 **(B) AUTHORIZED HOLDER.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT**
2 **THAT:**

3 **(I) IS LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT**
4 **SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT**
5 **MEALS TO THE PUBLIC DURING THE RESTAURANT'S HOURS OF OPERATION;**

6 **(II) HAS THE MINIMUM SANITARY FACILITIES REQUIRED BY THE**
7 **COUNTY HEALTH DEPARTMENT REGULATIONS;**

8 **(III) MEETS THE MINIMUM HEALTH REQUIREMENTS ADOPTED**
9 **BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

10 **(IV) HAS A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR**
11 **BOOTHES TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

12 **(V) HAS A KITCHEN THAT HAS COMPLETE FACILITIES AND**
13 **UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

14 **(VI) EMPLOYS A SUFFICIENT NUMBER OF COOKS AND WAIT**
15 **STAFF TO SERVE THE PUBLIC USING THE DINING AREA;**

16 **(VII) MAINTAINS AND DISPLAYS A MENU THAT ADVERTISES THE**
17 **SERVING OF A VARIETY OF HOT MEALS; AND**

18 **(VIII) MAINTAINS SUFFICIENT FOOD ON THE PREMISES AT ALL**
19 **TIMES TO FILL AN ORDER MADE FROM THE MENU.**

20 **(2) A DRUG, CANDY, OR CONFECTIONERY STORE IS NOT A**
21 **RESTAURANT.**

22 **(c) SCOPE OF AUTHORIZATION.**

23 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT A HOTEL OR**
24 **RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, TO SELL BEER,**
25 **WINE, AND LIQUOR:**

26 **(I) FOR ON-PREMISES CONSUMPTION; AND**

27 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR**
28 **OFF-PREMISES CONSUMPTION ONLY:**

1 1. FROM THE MAIN BAR; AND

2 2. IN THE MAIN PORTION OF THE DINING ROOM
3 FACILITIES.

4 (2) THE OFF-SALE PRIVILEGE SET OUT IN PARAGRAPH (1)(II) OF THIS
5 SUBSECTION IS LIMITED TO THOSE LICENSE HOLDERS WHO HAD THE PRIVILEGE ON
6 JULY 1, 1970.

7 (D) INTERRUPTION OF RESTAURANT OPERATIONS TO BE REPORTED
8 PROMPTLY.

9 A LICENSE HOLDER SHALL REPORT PROMPTLY TO THE BOARD WHEN THE
10 RESTAURANT OPERATIONS ARE INTERRUPTED.

11 (E) RESTRICTIONS ON ISSUANCE OR TRANSFER OF LICENSE.

12 IF THE NEW LICENSED ESTABLISHMENT MEETS THE STANDARDS SET OUT IN
13 THIS SECTION, THE BOARD MAY:

14 (1) ISSUE A NEW CLASS B BEER, WINE, AND LIQUOR LICENSE;

15 (2) APPROVE A TRANSFER OF THE LICENSE BY THE SAME LICENSE
16 HOLDER TO A NEW LOCATION; AND

17 (3) APPROVE A TRANSFER OF THE LICENSE FROM ONE LICENSE
18 HOLDER TO ANOTHER AT THE SAME OR DIFFERENT LOCATION.

19 (F) FEE.

20 THE ANNUAL LICENSE FEE IS \$1,455.

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 6-201(a)(1) and (r)(1)(ii)3 and (2)(i) and (iv)
23 through (vii).

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

26 Subsection (b) of this section is revised to incorporate the substance of the
27 former defined term "restaurant" for concision.

28 In subsection (b)(1)(vi) of this section, the reference to "wait staff" is
29 substituted for the former "waiters or waitresses" for gender neutrality.

1 In the introductory language of subsection (c)(1) of this section, the reference
2 to “beer, wine, and liquor” is substituted for the former reference to “alcoholic
3 beverages” for clarity.

4 Also in the introductory language of subsection (c)(1) of this section, the
5 phrase “to sell” is substituted for the former phrase “to keep for sale and sell”
6 for brevity.

7 In subsection (c)(2) of this section, the reference to the privilege “set out in
8 paragraph (1)(ii) of this subsection” is substituted for the former vague
9 reference to “any off–sale privileges referred to in this subsection” for clarity.

10 Also in subsection (c)(2) of this section, the reference to “July 1, 1970” is
11 substituted for the former erroneous reference to “May 28, 1969”, which was
12 the result of an error made in Ch. 5, Acts of 1989.

13 In subsection (d) of this section, the language “[a] license holder shall report”
14 is added to state expressly what was only implicit in the former law, that the
15 license holder has the responsibility to report a restaurant closing to the
16 Board.

17 Also in subsection (d) of this section, the former phrase “for any reason” is
18 deleted as surplusage.

19 In the introductory language of subsection (e) of this section, the former
20 phrase “[o]n and after May 1, 1966” is deleted as unnecessary.

21 In subsection (e)(3) of this section, the former reference to the establishment
22 “where it is proposed to locate or transfer the license” is deleted as surplusage.

23 Former Art. 2B, § 6–201(r)(1)(i), which stated that the provisions of former
24 Art. 2B, § 6–201(r) applied only in Prince George’s County, is deleted as
25 unnecessary in light of the organization of this revised article.

26 Former Art. 2B, § 6–201(r)(1)(ii)1, which was the standard introduction to a
27 definition section, is deleted as unnecessary because no words are defined in
28 this section.

29 Former Art. 2B, § 6–201(r)(1)(ii)2, which defined “Board” as meaning the
30 Board of License Commissioners, is deleted as redundant of the definition of
31 “Board” in § 26–101 of this title.

32 Defined terms: “Beer” § 1–101

33 “Board” § 26–101

34 “Hotel” § 1–101

35 “Off–sale” § 1–101

1 "Restaurant" § 1-101

2 "Wine" § 1-101

3 **26-903. CLASS B-PLUS BEER, WINE, AND LIQUOR LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS B-PLUS BEER, WINE, AND LIQUOR LICENSE.**

6 **(B) AUTHORIZED HOLDER.**

7 **(1) THE LICENSE MAY BE ISSUED FOR USE BY A RESTAURANT THAT:**

8 **(I) IS LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT**
9 **SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT**
10 **MEALS TO THE PUBLIC DURING THE RESTAURANT'S HOURS OF OPERATION;**

11 **(II) HAS THE MINIMUM SANITARY FACILITIES REQUIRED BY THE**
12 **COUNTY HEALTH DEPARTMENT REGULATIONS;**

13 **(III) MEETS THE MINIMUM HEALTH REQUIREMENTS ADOPTED**
14 **BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

15 **(IV) HAS A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR**
16 **BOOTHES TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

17 **(V) IS EQUIPPED WITH A KITCHEN THAT HAS COMPLETE**
18 **FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

19 **(VI) EMPLOYS A SUFFICIENT NUMBER OF COOKS AND WAIT**
20 **STAFF TO SERVE THE PUBLIC USING THE DINING AREA;**

21 **(VII) MAINTAINS AND DISPLAYS A MENU THAT ADVERTISES THE**
22 **SERVING OF A VARIETY OF HOT MEALS; AND**

23 **(VIII) MAINTAINS SUFFICIENT FOOD ON THE PREMISES AT ALL**
24 **TIMES TO FILL AN ORDER MADE FROM THE MENU.**

25 **(2) A DRUG, CANDY, OR CONFECTIONERY STORE IS NOT A**
26 **RESTAURANT.**

27 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT A HOTEL OR**
2 **RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, TO SELL BEER,**
3 **WINE, AND LIQUOR FOR:**

4 **(1) ON-PREMISES CONSUMPTION; AND**

5 **(2) OFF-PREMISES CONSUMPTION BY MAINTAINING “OFF-SALE”**
6 **SHELVES OR COUNTERS THAT SHALL BE IN AN AREA THAT IS PARTITIONED OR**
7 **OTHERWISE PARTLY SEPARATED FROM THE MAIN BAR AND THE USUAL SERVING**
8 **AREA FOR ON-PREMISES CONSUMPTION.**

9 **(D) INTERRUPTION OF RESTAURANT OPERATIONS TO BE REPORTED**
10 **PROMPTLY.**

11 **A LICENSE HOLDER SHALL REPORT PROMPTLY TO THE BOARD WHEN THE**
12 **RESTAURANT OPERATIONS ARE INTERRUPTED.**

13 **(E) RESTRICTIONS ON ISSUANCE OR TRANSFER OF LICENSE.**

14 **IF THE ESTABLISHMENT FOR WHICH A LICENSE IS SOUGHT TO BE ISSUED OR**
15 **TRANSFERRED MEETS THE STANDARDS SET OUT IN THIS SECTION, THE BOARD MAY:**

16 **(1) ISSUE A NEW LICENSE UNDER THIS SECTION;**

17 **(2) APPROVE A TRANSFER OF A LICENSE UNDER THIS SECTION BY**
18 **THE SAME LICENSE HOLDER TO A NEW LOCATION; AND**

19 **(3) APPROVE A TRANSFER OF A LICENSE UNDER THIS SECTION FROM**
20 **ONE LICENSE HOLDER TO ANOTHER AT THE SAME OR DIFFERENT LOCATION.**

21 **(F) HOURS AND DAYS OF SALE.**

22 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
23 **HOURS AND DAYS AS SET OUT UNDER § 26-2004(B) OF THIS TITLE.**

24 **(G) FEE.**

25 **THE ANNUAL LICENSE FEE IS \$2,420.**

26 **REVISOR’S NOTE:** Subsections (a) through (e) and (g) of this section are new
27 language derived without substantive change from former Art. 2B, §
28 6-201(a)(1) and (r)(1)(ii)3 and (2)(ii) and (v) through (vii).

29 Subsection (f) of this section is new language added for clarity.

1 Subsection (a) of this section is standard language used throughout this
2 article to establish a license. In the former law, a Class B-Plus license was
3 categorized as a variation of a Class B beer, wine, and liquor license, but it is
4 set out in this revision as a separate license for clarity. The name “Class
5 B-Plus” license is the name commonly used in the County for the license,
6 which is a regular Class B beer, wine, and liquor license with an added
7 off-sale privilege.

8 In subsection (b)(1)(vi) of this section, the reference to “wait staff” is
9 substituted for the former “waiters or waitresses” for gender neutrality.

10 In subsection (c)(2) of this section, the former reference to “off-sale” shelves
11 or counters “not contained within and an integral part of the main bar and in
12 the main dining facilities where the majority of the meals are served and
13 consumed in the licensed premises” is deleted as unnecessary in light of the
14 requirement that the shelves or counters “be in an area that is partitioned or
15 otherwise partly separated from the main bar and the usual serving area for
16 on-premises consumption”.

17 Also in subsection (c)(2) of this section, the former reference to an “enclosed or
18 open” area is deleted as surplusage.

19 Also in subsection (c)(2) of this section, the former reference to the usual
20 serving area “within these premises for the sale of alcoholic beverages” is
21 deleted as surplusage.

22 In subsection (d) of this section, the language “[a] license holder shall report”
23 is added to state expressly what was only implicit in the former law, that the
24 license holder has the responsibility to report a restaurant closing to the
25 Board.

26 Also in subsection (d) of this section, the former phrase “for any reason” is
27 deleted as surplusage.

28 In the introductory language of subsection (e) of this section, the former
29 phrase “[o]n and after May 1, 1966” is deleted as unnecessary.

30 In subsection (e)(3) of this section, the former reference to the establishment
31 “where it is proposed to locate or transfer the license” is deleted as surplusage.

32 In subsection (g) of this section, the former language allowing a fee to be
33 charged “whenever the applicant for or holder of a Class B (on-sale) beer, wine
34 and liquor license proposes to or in fact establishes and conducts on the
35 licensed premises” sales of beer, wine, and liquor for off-premises
36 consumption is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 6–201(r)(2)(iii), which authorized a license holder to sell alcoholic beverages for off–sale consumption from any portion of the premises other than from the main bar or the usual place maintained for on–premises consumption sales, is deleted as obsolete. This former provision has never been used and may not be used in the future, as no new licenses may be issued under this section.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

26–904. CLASS BH LICENSE.

(A) ESTABLISHED.

THERE IS A CLASS BH (HOTEL) LICENSE.

(B) AUTHORIZED HOLDER.

(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL:

(I) THAT ACCOMMODATES THE PUBLIC;

(II) THAT HAS:

1. AT LEAST 45 BEDROOMS;

2. A LOBBY THAT HAS A REGISTRATION AND MAIL DESK;

3. A SEATING FACILITY; AND

4. A DINING ROOM THAT HAS FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;

(III) WITH AVERAGE DAILY RECEIPTS FROM THE SALE OF A RIGHT TO OCCUPY A ROOM AND THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES;

(IV) THAT COLLECTS THE COUNTY HOTEL OCCUPANCY TAX FROM GUESTS RENTING, USING, OR OCCUPYING A ROOM IN THE ESTABLISHMENT; AND

1 **(V) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN**
2 **WHICH THE CAPITAL INVESTMENT IS AT LEAST \$30,000 PER BEDROOM, INCLUDING:**

3 **1. THE BUILDING AND ALL OF THE BUILDING'S**
4 **ACCOMPANYING FIXTURES AND SYSTEMS;**

5 **2. THE PARKING COMPOUND;**

6 **3. SWIMMING POOL AND OTHER RECREATIONAL AREAS;**

7 **4. LANDSCAPING;**

8 **5. SITE PREPARATION AND IMPROVEMENTS; AND**

9 **6. INFRASTRUCTURE, ENGINEERING, ARCHITECTURAL,**
10 **AND OTHER SIMILAR COSTS.**

11 **(2) FOR PURPOSES OF PARAGRAPH (1)(V) OF THIS SUBSECTION, THE**
12 **CAPITAL INVESTMENT IN THE HOTEL MAY NOT INCLUDE THE COST OF LAND**
13 **FURNISHINGS, REMOVABLE EQUIPMENT, AND PERSONAL PROPERTY.**

14 **(C) SCOPE OF AUTHORIZATION.**

15 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
16 **LIQUOR FOR ON-PREMISES CONSUMPTION:**

17 **(1) INCLUDING BY THE DRINK FROM THE BAR OR A COCKTAIL**
18 **LOUNGE FOR ON-PREMISES CONSUMPTION; AND**

19 **(2) TO A HOTEL GUEST WHO IS AT LEAST 21 YEARS OLD IF THE:**

20 **(I) LIQUOR IS SOLD IN A SEALED CONTAINER OF 200**
21 **MILLILITERS OR LESS;**

22 **(II) BEER, WINE, OR LIQUOR IS SOLD IN A SEALED CONTAINER**
23 **FROM A LOCKED, PRE-STOCKED, PRIVATE BAR IN AN INDIVIDUAL GUEST ROOM; AND**

24 **(III) CHARGE FOR THE BEER, WINE, OR LIQUOR SOLD IS**
25 **INDICATED ON THE GUEST ROOM BILL.**

26 **(D) UNDERAGE GUESTS AT HOTEL.**

1 **(1) HOTEL MANAGEMENT IS RESPONSIBLE FOR REMOVING THE BAR**
2 **KEY FROM A ROOM THAT IS RENTED TO A GUEST UNDER 21 YEARS OF AGE.**

3 **(2) A LICENSE HOLDER THAT OBTAINS AN ENTERTAINMENT PERMIT**
4 **UNDER § 26-1103 OF THIS TITLE MAY ALLOW AN INDIVIDUAL UNDER 21 YEARS OF**
5 **AGE TO BE PRESENT ON THE PREMISES WHILE AN ALCOHOLIC BEVERAGE IS BEING**
6 **SERVED DURING ANY OF THE FOLLOWING EVENTS:**

7 **(I) ANNIVERSARY PARTY;**

8 **(II) BABY SHOWER;**

9 **(III) BAPTISM RECEPTION;**

10 **(IV) BAR MITZVAH;**

11 **(V) BAT MITZVAH;**

12 **(VI) BEAUTILLION;**

13 **(VII) BIRTHDAY PARTY;**

14 **(VIII) BOOK SIGNING;**

15 **(IX) CHURCH EVENT;**

16 **(X) CONFIRMATION RECEPTION;**

17 **(XI) CORPORATE RECEPTION;**

18 **(XII) COTILLION;**

19 **(XIII) ENGAGEMENT PARTY;**

20 **(XIV) FAITH BASED EVENT;**

21 **(XV) FAMILY REUNION;**

22 **(XVI) FAMILY THEMED THEATRICAL;**

23 **(XVII) GRADUATION PARTY;**

24 **(XVIII) PERFORMANCE;**

- 1 **(XIX) POLITICAL EVENT;**
2 **(XX) RETIREMENT PARTY;**
3 **(XXI) RIGHTS OF PASSAGE EVENT;**
4 **(XXII) SCHOLARSHIP AWARD CEREMONY;**
5 **(XXIII) SCHOOL EVENT;**
6 **(XXIV) TEA PARTY;**
7 **(XXV) WEDDING;**
8 **(XXVI) WEDDING RECEPTION;**
9 **(XXVII) WEDDING SHOWER; AND**
10 **(XXVIII) FAMILY-ORIENTED EVENT, AS DEFINED IN**
11 **REGULATIONS OF THE BOARD.**

12 **(E) HOURS AND DAYS OF SALE.**

13 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
14 **HOURS AND DAYS AS SET OUT UNDER § 26-2004(E) OF THIS TITLE.**

15 **(F) REGULATIONS.**

16 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

17 **(G) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$5,000.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 6-201(r)(4) and, except for the reference to
21 Class B beer, wine, and liquor licenses with a special Sunday "on-sale" permit,
22 the fourth sentence of (5)(iv).

23 Subsection (a) of this section is standard language used throughout this
24 article to establish a license.

1 Subsection (b) of this section is revised to incorporate the substance of the
2 former defined term “hotel” for concision.

3 The introductory language of subsection (b)(1) of this section states expressly
4 what was only implicit in the former law, that the Board is the license issuing
5 authority.

6 In subsection (b)(1)(i) of this section, the former phrases “recognized as a
7 hotel” and “providing services ordinarily found in hotels” are deleted as
8 surplusage.

9 In subsection (b)(1)(ii)3 of this section, the reference to a “seating facility” is
10 substituted for the former reference to “seating facilities” in light of GP §
11 1–202, which provides that the singular generally includes the plural.

12 In subsection (b)(1)(iii) of this section, the reference to “sale of a right to occupy
13 a room” is substituted for the former antiquated reference to “hire of rooms”.

14 In subsection (b)(1)(iv) of this section, the references to “renting” and
15 “occupying” are added to clarify the individuals who are taxed and for
16 consistency with § 10–218.01 of the Public Local Laws for Prince George’s
17 County.

18 In subsection (b)(1)(v) of this section, the reference to “at least” is substituted
19 for the former reference to “not less than” to conform to the terminology used
20 throughout this article.

21 In subsection (b)(1)(v)1 of this section, the former reference to “buildings” is
22 deleted in light of the reference to a “building” and GP § 1–202, which provides
23 that the singular generally includes the plural.

24 In the introductory language of subsection (c)(2) of this section, the former
25 phrase “[i]n addition to the other privileges granted under this paragraph” is
26 deleted as unnecessary in light of the revised subsection.

27 In subsection (c)(2)(i) of this section, the reference to “liquor” is substituted for
28 the former reference to “alcoholic beverages, other than beer and wine” for
29 brevity.

30 Also in subsection (c)(2)(i) of this section, the reference to “a sealed container”
31 is substituted for the former reference to “sealed containers” in light of GP §
32 1–202, which provides that the singular generally includes the plural.

33 In subsection (c)(2)(iii) of this section, the former reference to the “respective”
34 guest is deleted as surplusage.

1 In subsection (e) of this section, the former reference to “except that any
2 restrictions against the sale of alcoholic beverages on Sunday appearing in §
3 11–517 of this article and elsewhere in this article do not apply” is deleted as
4 unnecessary in light of the revised subsection.

5 In subsection (f) of this section, the reference to “carry out” this section is
6 substituted for the former reference to “establish compliance with” this section
7 to conform to the terminology used throughout the article.

8 Defined terms: “Alcoholic beverage” § 1–101

9 “Beer” § 1–101

10 “Board” § 26–101

11 “County” § 26–101

12 “Hotel” § 1–101

13 “Wine” § 1–101

14 **26–905. CLASS C LICENSE — RESERVED.**

15 REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see*
16 Subtitle 10 of this title.

17 **26–906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

18 **A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE**
19 **COUNTY.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 6–401(r).

22 Defined terms: “Beer” § 26–101

23 “County” § 26–101

24 “Wine” § 1–101

25 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

26 **26–1001. ARTS AND ENTERTAINMENT LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS B–AE (ARTS AND ENTERTAINMENT) BEER, WINE, AND**
29 **LIQUOR LICENSE.**

30 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE BY AN**
 2 **ESTABLISHMENT IN THE COUNTY ARTS AND ENTERTAINMENT DISTRICT AS**
 3 **APPROVED BY THE COUNTY COUNCIL IN COUNCIL RESOLUTION CR-83-2001.**

4 **(2) A PERSON MAY NOT HOLD MORE THAN TWO CLASS B-AE**
 5 **LICENSES.**

6 **(3) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE,**
 7 **AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

8 **(C) REGULATIONS.**

9 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION,**
 10 **INCLUDING REGULATIONS SPECIFYING HOURS AND DAYS OF SALE.**

11 **(D) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$2,750.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 6-201(r)(18).

15 In subsection (b)(1) of this section, the reference to the issuance of the license
 16 "for use by" an establishment is substituted for the former reference to
 17 issuance of the license "to" an establishment for accuracy.

18 In subsection (b)(3) of this section, the former reference to consumption on the
 19 premises "only" is deleted as unnecessary because the license does not
 20 authorize consumption off the premises.

21 Defined terms: "Board" § 26-101

22 "County" § 26-101

23 "Person" § 1-101

24 **26-1002. CONCESSIONAIRE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS C (CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

28 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A PERSON**
 29 **OPERATING A CONCESSION THAT IS:**

1 **(I) SUBJECT TO CONTRACTUAL AGREEMENT WITH THE**
2 **COUNTY; AND**

3 **(II) ON THE PREMISES OF A GOLF AND COUNTRY CLUB OR**
4 **COUNTRY CLUB OWNED BY THE COUNTY.**

5 **(2) THE LICENSE HOLDER:**

6 **(I) MAY BE AN INDIVIDUAL, ASSOCIATION, FIRM,**
7 **PARTNERSHIP, OR CORPORATION APPROVED BY THE COUNTY COUNCIL; AND**

8 **(II) SHALL BE A RESIDENT OF THE STATE.**

9 **(C) SCOPE OF AUTHORIZATION.**

10 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
11 **WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY THE DRINK OR BOTTLE.**

12 **(2) THE BOARD SHALL:**

13 **(I) REGULATE THE MANNER OF PROVIDING BEER, WINE, AND**
14 **LIQUOR; AND**

15 **(II) AUTHORIZE THE NUMBER OF OUTLETS THAT MAY PROVIDE**
16 **BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES.**

17 **(D) HOURS AND DAYS OF SALE.**

18 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
19 **HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

20 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
21 **THE FOLLOWING DAY; AND**

22 **(II) ON SUNDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

23 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR**
24 **FOR ON-PREMISES CONSUMPTION:**

25 **(I) FROM 2 A.M. TO 6 A.M.; OR**

26 **(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M.**
27 **THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

1 **(E) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$1,815.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 6–301(r)(7)(i), (iii) through (vi), and the first
5 sentence of (ii) and, as it related to the Board issuing the license, the first
6 sentence of (a)(1) and 11–517(b)(1)(i) and (g)(1) and, as it related to Class C
7 licenses, § 11–403(a)(1)(ii) and (7).

8 In the introductory language of subsection (b)(1) of this section, the reference
9 to the “Board” is substituted for the former reference to the “license issuing
10 authority of the county in which the place of business is located” for brevity
11 and clarity.

12 In the introductory language of subsection (b)(2) of this section, the reference
13 to the “license holder” is substituted for the former reference to the
14 “concessionaire” for clarity.

15 In subsection (b)(2)(i) of this section, the reference to an “individual” is
16 substituted for the former reference to a “natural person” for clarity.

17 Also in subsection (b)(2)(i) of this section, the former phrase “as such” is
18 deleted as surplusage.

19 In subsection (c)(1) and (2) of this section, the references to “beer, wine, and
20 liquor” are substituted for the former references to “alcoholic beverages” for
21 clarity.

22 In subsection (c)(1) of this section, the reference to the “license holder” is
23 substituted for the former reference to the “concessionaire holding the license”
24 for brevity.

25 Also in subsection (c)(1) of this section, the former reference to consumption
26 “only” on the licensed premises is deleted as surplusage.

27 Also in subsection (c)(1) of this section, the former reference to “keep[ing] for
28 sale” is deleted as implicit in the reference to “sell[ing]”.

29 Also in subsection (c)(1) of this section, the former reference to selling “at
30 retail” is deleted as surplusage.

31 The second sentence of former Art. 2B, § 6–301(r)(7)(ii), which required that
32 the license fee be paid before the license is issued, regardless of any terms or
33 conditions in any contractual agreement between the concessionaire and the
34 County, is deleted as redundant of § 4–311 of this article.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that in subsection (b)(2)(ii) of this section, the
3 requirement that an applicant be a resident of the State may violate the equal
4 protection guarantees of the Fourteenth Amendment to the United States
5 Constitution and Article 24 of the Maryland Declaration of Rights. Maryland
6 courts look unfavorably on legislation that classify persons by geography,
7 which may be accomplished by residency or registration requirements, if the
8 primary purpose of the legislation is economic. *See Verzi v. Baltimore County*,
9 333 Md. 411 (1994).

10 Defined terms: "Beer" § 1-101

11 "Board" § 26-101

12 "County" § 26-101

13 "State" § 1-101

14 "Wine" § 1-101

15 **26-1003. CONVENTION CENTER LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS B-CC (CONVENTION CENTER) BEER, WINE, AND LIQUOR**
18 **LICENSE.**

19 **(B) AUTHORIZED HOLDER.**

20 **THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE BY A HOTEL THAT HAS:**

21 **(1) AT LEAST 1,500 BEDROOMS;**

22 **(2) AT LEAST THREE DINING AREAS WITH FACILITIES FOR**
23 **PREPARING AND SERVING REGULAR MEALS;**

24 **(3) ROOMS FOR MEETINGS, DISPLAYS, BANQUETS, BALLS, DANCING,**
25 **AND LIVE ENTERTAINMENT; AND**

26 **(4) A BAR AND ENTERTAINMENT OR DANCING AREA COMMONLY**
27 **RECOGNIZED AS A NIGHTCLUB.**

28 **(C) SCOPE OF AUTHORIZATION.**

29 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
30 **WINE, AND LIQUOR:**

1 **(I) FOR CONSUMPTION THROUGHOUT THE LICENSED**
2 **PREMISES, BOTH INDOORS AND OUTDOORS, INCLUDING MEETING AND BANQUET**
3 **ROOMS, PATIOS, VERANDAS, QUAYS, AND GREEN SPACES; AND**

4 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
5 **SUBSECTION, FROM LOCKED, PRESTOCKED PRIVATE BARS IN INDIVIDUAL GUEST**
6 **ROOMS IF THE CHARGES FOR THE BEER, WINE, AND LIQUOR SOLD ARE INDICATED**
7 **ON THE GUEST ROOM BILL.**

8 **(2) THE MANAGEMENT OF THE ESTABLISHMENT SHALL REMOVE THE**
9 **BAR KEY FROM A ROOM THAT IS RENTED TO A GUEST UNDER THE AGE OF 21 YEARS.**

10 **(D) DANCING AND LIVE ENTERTAINMENT ALLOWED.**

11 **THE LICENSE AUTHORIZES DANCING AND LIVE ENTERTAINMENT**
12 **THROUGHOUT THE LICENSED PREMISES.**

13 **(E) DAILY RECEIPTS REQUIREMENT.**

14 **THE TOTAL AVERAGE DAILY RECEIPTS OF THE LICENSE HOLDER FROM THE**
15 **RENTAL OF MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD ARE**
16 **REQUIRED TO EXCEED THE AVERAGE DAILY RECEIPTS OF THE LICENSE HOLDER**
17 **FROM THE SALE OF BEER, WINE, AND LIQUOR.**

18 **(F) HOURS AND DAYS OF SALE.**

19 **THE LICENSE HOLDER MAY SERVE BEER, WINE, AND LIQUOR ON MONDAY**
20 **THROUGH SUNDAY, FROM 6 A.M. TO 3 A.M. THE FOLLOWING DAY.**

21 **(G) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$22,000.**

23 **(H) EFFECT OF SECTION.**

24 **THIS SECTION DOES NOT PRECLUDE A LICENSE HOLDER FROM HAVING AN**
25 **INTEREST IN ANY OTHER ALCOHOLIC BEVERAGES LICENSES IN THE COUNTY.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 6-201(r)(17).

28 In subsections (c), (e), and (f) of this section, the references to "beer, wine, and
29 liquor" are substituted for the former references to "alcoholic beverages" for
30 clarity.

1 In the introductory language of subsection (b) of this section, the reference to
2 a “hotel” is substituted for the former reference to an “establishment that is
3 recognized as a hotel for the accommodation of the public that provides
4 services ordinarily provided in hotels” in light of the definition of “hotel” in §
5 1–101 of this article.

6 In subsections (c)(1)(i) and (d) of this section, the references to a licensed
7 “premises” are substituted for the former references to a licensed
8 “establishment” to conform to the terminology used throughout this article.

9 In subsection (e) of this section, the references to receipts of “the license
10 holder” are substituted for the former reference to receipts of “a Class
11 B–CC licensed establishment” for brevity.

12 Also in subsection (e) of this section, the reference to “rental” of meeting rooms
13 is substituted for the former reference to the “hire” of meeting rooms for
14 clarity.

15 Defined terms: “Alcoholic beverage” § 1–101

16 “Board” § 26–101

17 “County” § 26–101

18 “Hotel” § 1–101

19 **26–1004. COUNTRY CLUB LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS C (COUNTRY CLUB) BEER, WINE, AND LIQUOR LICENSE.**

22 **(B) SIGNATORY REQUIREMENT FOR LICENSE APPLICATION.**

23 **AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE**
24 **OFFICER OF THE COUNTRY CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND**
25 **TAXPAYER.**

26 **(C) AUTHORIZED HOLDER.**

27 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB THAT:**

28 **(1) (I) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75**
29 **PER YEAR PER MEMBER; AND**

30 **(II) AT THE TIME OF APPLICATION FOR THE LICENSE,**
31 **MAINTAINS:**

- 1 1. AT LEAST TWO TENNIS COURTS;
- 2 2. A SWIMMING POOL THAT IS AT LEAST 30 BY 80 FEET;
- 3 AND
- 4 3. AT LEAST 15 ACRES THAT ARE USED IN CONNECTION
- 5 WITH THE LICENSED PREMISES; OR

6 (2) (I) HAS AT LEAST 500 MEMBERS WHO PAY DUES; AND

7 (II) HAS AT LEAST 15 ACRES THAT ARE USED IN CONNECTION

8 WITH THE LICENSED PREMISES.

9 (D) SCOPE OF AUTHORIZATION.

10 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND

11 LIQUOR MONDAY THROUGH SUNDAY FOR ON-PREMISES CONSUMPTION,

12 EXCLUDING THE GROUNDS OF THE COUNTRY CLUB.

13 (E) HOURS AND DAYS OF SALE.

14 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE

15 HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE

16 UNDER § 26-2004 OF THIS TITLE.

17 (F) FEE.

18 THE ANNUAL LICENSE FEE IS \$1,100.

19 REVISOR'S NOTE: This section is new language derived without substantive

20 change from former Art. 2B, § 6-301(r)(6) and (5)(iii) and (vi) and, as it related

21 to the establishment of a Class C beer, wine, and liquor license, the first

22 sentence of (a)(1).

23 In subsection (c)(1)(i) and (2)(i) of this section, the former references to "bona

24 fide" members are deleted as surplusage.

25 In subsection (c)(1)(ii)3 and (2)(ii) of this section, the former reference to 15

26 acres "of ground" is deleted as surplusage.

27 In subsections (d) and (e) of this section, the references to "beer, wine, and

28 liquor" are substituted for the former, broader references to "alcoholic

29 beverages" for clarity.

1 In subsection (d) of this section, the reference to “sell[ing] beer, wine, and
 2 liquor Monday through Sunday for on–premises consumption, excluding the
 3 grounds of the country club” is substituted for the former prohibition that
 4 “[a]lcoholic beverages may not be consumed off their premises or on the
 5 grounds of the club” for brevity and clarity.

6 In subsection (e) of this section, the reference to the authority of the “license
 7 holder” to “sell beer, wine, and liquor during the hours and days as set out for
 8 a Class C beer, wine, and liquor license under § 26–2004 of this title” is
 9 substituted for the former reference to the “[l]icensees are subject to
 10 restrictions appearing in § 11–517 of this article as to the sale of alcoholic
 11 beverages on Sunday” for clarity and consistency with similar provisions on
 12 hours and days of sale in this article.

13 The Alcoholic Beverages Article Review Committee notes, for consideration by
 14 the General Assembly, that in subsection (b) of this section, the requirements
 15 that an applicant be a resident, registered voter, and taxpayer may violate the
 16 equal protection guarantees of the Fourteenth Amendment to the United
 17 States Constitution and Article 24 of the Maryland Declaration of Rights.
 18 Maryland courts look unfavorably on legislation that classify persons by
 19 geography, which may be accomplished by residency or registration
 20 requirements, if the primary purpose of the legislation is economic. *See Verzi*
 21 *v. Baltimore County*, 333 Md. 411 (1994).

22 Defined terms: “Beer” § 1–101

23 “Board” § 26–101

24 “Wine” § 1–101

25 **26–1005. COUNTRY AND GOLF CLUB LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS C (COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR**
 28 **LICENSE.**

29 **(B) SIGNATORY REQUIREMENT FOR LICENSE APPLICATION.**

30 **AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE**
 31 **OFFICER OF THE COUNTRY AND GOLF CLUB WHO IS A RESIDENT, REGISTERED**
 32 **VOTER, AND TAXPAYER OF THE COUNTY.**

33 **(C) AUTHORIZED HOLDER.**

34 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB**
 35 **THAT:**

1 **(1) (I) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75**
2 **PER YEAR PER MEMBER; AND**

3 **(II) AT THE TIME OF THE APPLICATION FOR THE LICENSE,**
4 **MAINTAINS:**

5 **1. AT LEAST TWO TENNIS COURTS;**

6 **2. A SWIMMING POOL THAT IS AT LEAST 30 BY 80 FEET;**

7 **AND**

8 **3. A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT**
9 **LEAST 9 HOLES; OR**

10 **(2) (I) HAS AT LEAST 500 MEMBERS WHO PAY DUES; AND**

11 **(II) AT THE TIME OF THE APPLICATION FOR THE LICENSE,**
12 **MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST 18 HOLES.**

13 **(D) SCOPE OF AUTHORIZATION.**

14 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
15 **LIQUOR:**

16 **(1) FROM MONDAY TO SATURDAY, TO ANY CUSTOMER OF THE CLUB**
17 **FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION; AND**

18 **(2) ON SUNDAY, ONLY TO A MEMBER OF THE GOLF AND COUNTRY**
19 **CLUB AND A GUEST OF A MEMBER FOR ON-PREMISES CONSUMPTION ON THE**
20 **GROUND OF THE CLUB USED IN CONNECTION WITH THE CLUB.**

21 **(E) HOURS AND DAYS OF SALE.**

22 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
23 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
24 **UNDER § 26-2004 OF THIS TITLE, EXCEPT THAT RESTRICTIONS AGAINST THE SALE**
25 **OF ALCOHOLIC BEVERAGES ON SUNDAY DO NOT APPLY.**

26 **(F) FEE.**

27 **THE ANNUAL LICENSE FEE IS \$1,815.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 6–301(r)(5)(i) through (vi) and (vii)² and, as it
3 related to the Board issuing the license, the first sentence of (a)(1) and, as it
4 related to hours and days of sale, (r)(5)(vii)¹.

5 In the introductory language of subsection (c) of this section, the reference to
6 the “Board” is substituted for the former reference to the “license issuing
7 authority of the county in which the place of business is located” for brevity
8 and clarity.

9 In subsections (c)(1)(i) and (2)(i) and (d)(2) of this section, the former
10 references to “bona fide” members are deleted as surplusage.

11 In the introductory language of subsection (d) of this section, the former
12 reference to “keep[ing] for sale” is deleted as implicit in the reference to
13 “sell[ing]”.

14 Also in the introductory language of subsection (d) of this section, the former
15 reference to selling “at retail” is deleted as surplusage.

16 Also in the introductory language of subsection (d) of this section, the former
17 phrase “at the place described in the license” is deleted as surplusage.

18 Also in the introductory language of subsection (d) of this section, the
19 reference to “beer, wine, and liquor” is substituted for the former, broader
20 reference to “alcoholic beverages” for clarity.

21 In subsection (d)(1) of this section, the reference to any customer “of the club”
22 is added for clarity.

23 In subsection (e) of this section, the reference to the authority of the “license
24 holder” to “sell beer, wine, and liquor during the hours and days as set out for
25 a Class C beer, wine, and liquor license under § 26–2004 of this title” is
26 substituted for the former reference to the “license [being] subject to all the
27 provisions of this article” for clarity and consistency with similar provisions
28 on hours and days of sale in this article.

29 Former Art. 2B, § 6–301(r)(5)(vii)¹, which provided that the license is subject
30 to all the provisions of this article, is deleted as an unnecessary statement of
31 common practice except as it related to hours and days of sale.

32 The Alcoholic Beverages Article Review Committee notes, for consideration by
33 the General Assembly, that in subsection (b) of this section, the requirements
34 that an applicant be a resident, registered voter, and taxpayer of the County
35 may violate the equal protection guarantees of the Fourteenth Amendment to
36 the United States Constitution and Article 24 of the Maryland Declaration of
37 Rights. Maryland courts look unfavorably on legislation that classify persons

1 by geography, which may be accomplished by residency or registration
2 requirements, if the primary purpose of the legislation is economic. *See Verzi*
3 *v. Baltimore County*, 333 Md. 411 (1994).

4 Defined terms: "Beer" § 1-101
5 "Board" § 26-101
6 "County" § 26-101
7 "Wine" § 1-101

8 **26-1006. COUNTRY INN LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS B-CI LICENSE.**

11 **(B) ISSUANCE OF LICENSE.**

12 **THE BOARD MAY DETERMINE:**

13 **(1) TO WHOM THE LICENSE SHALL BE ISSUED;**

14 **(2) THE NUMBER OF LICENSES TO BE ISSUED; AND**

15 **(3) WHETHER A PERSON WHO ALREADY HOLDS A LICENSE ISSUED IN**
16 **THE COUNTY MAY ALSO HAVE AN INTEREST IN A CLASS B-CI LICENSE.**

17 **(C) AUTHORIZED HOLDER.**

18 **THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A COUNTRY INN THAT:**

19 **(1) ACCOMMODATES THE PUBLIC;**

20 **(2) IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR**
21 **PREPARING AND SERVING REGULAR MEALS;**

22 **(3) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT**
23 **EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
24 **BEVERAGES; AND**

25 **(4) IS IN A BUILDING THAT MEETS THE REQUIREMENTS OF**
26 **SUBSECTIONS (E) AND (F) OF THIS SECTION.**

27 **(D) SCOPE OF AUTHORIZATION.**

1 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL ALCOHOLIC
2 BEVERAGES FOR ON-PREMISES CONSUMPTION.

3 (E) BUILDING REQUIREMENTS.

4 A COUNTRY INN FOR WHICH THE LICENSE IS ISSUED SHALL BE IN A BUILDING
5 THAT:

6 (1) APPEARS ON THE NATIONAL REGISTER OF HISTORIC PLACES;

7 (2) HAS HISTORIC, CULTURAL, OR ARCHITECTURAL SIGNIFICANCE
8 BECAUSE IT:

9 (I) 1. HAS CHARACTER, INTEREST, OR VALUE AS PART OF
10 THE DEVELOPMENT, HERITAGE, OR CULTURAL CHARACTERISTICS OF THE COUNTY,
11 STATE, OR NATION;

12 2. IS THE SITE OF A SIGNIFICANT HISTORIC EVENT;

13 3. IS IDENTIFIED WITH A PERSON OR A GROUP OF
14 PERSONS WHO INFLUENCED SOCIETY;

15 4. EXEMPLIFIES THE CULTURAL, ECONOMIC,
16 INDUSTRIAL, SOCIAL, POLITICAL, OR HISTORICAL HERITAGE OF THE COMMUNITY;

17 5. EMBODIES THE DISTINCTIVE CHARACTERISTICS OF A
18 TYPE, PERIOD, OR METHOD OF CONSTRUCTION;

19 6. REPRESENTS AN ESTABLISHED AND FAMILIAR
20 VISUAL FEATURE OF THE NEIGHBORHOOD, COMMUNITY, OR COUNTY DUE TO ITS
21 SINGULAR PHYSICAL CHARACTERISTIC OR LANDSCAPE; AND

22 (II) POSSESSES HIGH ARTISTIC VALUES; OR

23 (3) (I) HAS BEEN CONSTRUCTED OR RECONSTRUCTED ON A SITE
24 CLASSIFIED AS A HISTORIC SITE IN THE HISTORIC SITES AND DISTRICTS' PLAN FOR
25 THE COUNTY;

26 (II) EXEMPLIFIES THE CULTURAL, ECONOMIC, INDUSTRIAL,
27 SOCIAL, POLITICAL, OR HISTORICAL HERITAGE OF THE COMMUNITY;

28 (III) EMBODIES THE DISTINCTIVE CHARACTERISTICS OF A TYPE,
29 PERIOD, OR METHOD OF CONSTRUCTION; AND

1 (IV) POSSESSES HIGH ARTISTIC VALUES.

2 (F) ADDITIONAL REQUIREMENTS.

3 IN ADDITION TO THE REQUIREMENTS IN SUBSECTION (D) OF THIS SECTION, A
4 COUNTRY INN SHALL MEET THE FOLLOWING REQUIREMENTS:

5 (1) THE EXTERIOR OF THE BUILDING SHALL GIVE THE APPEARANCE
6 OF APPROPRIATE AGE;

7 (2) THE GROUNDS SHALL INCLUDE APPROPRIATE LANDSCAPING,
8 GARDENS, AND APPURTENANCES;

9 (3) EXCEPT FOR RESTROOMS, THE INTERIOR OF THE BUILDING IN
10 ALL AREAS OPEN TO THE PUBLIC SHALL BE DECORATED AND FURNISHED IN THE
11 STYLE APPROPRIATE TO THE PERIOD IN WHICH THE BUILDING WAS CONSTRUCTED,
12 OR THE PERIOD THE BUILDING WAS CONSTRUCTED TO EXEMPLIFY, EXCEPT THAT
13 ELECTRIC LIGHTING MAY BE USED IF THE LIGHTING FIXTURES ARE OF A STYLE
14 COMPATIBLE WITH THE DECOR OF THE INN;

15 (4) THE EMPLOYEES OF THE COUNTRY INN WHO REGULARLY AND
16 CUSTOMARILY ARE IN VIEW OF PATRONS IN THE DINING AREA SHALL BE ATTIRED IN
17 CLOTHING OR COSTUME APPROPRIATE TO THE PERIOD EXEMPLIFIED BY THE INN;
18 AND

19 (5) ENTERTAINMENT PROVIDED BY THE COUNTRY INN SHALL
20 EXEMPLIFY THE KIND OF ENTERTAINMENT TYPICAL OF THE PERIOD REPRESENTED
21 BY THE INN.

22 (G) LIMIT ON NUMBER OF LICENSES.

23 (1) A LICENSE HOLDER MAY HOLD NOT MORE THAN TWO CLASS
24 B-CI LICENSES.

25 (2) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B-CI
26 LICENSES.

27 (H) HOURS AND DAYS OF SALE.

28 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
29 HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE
30 UNDER § 26-2004 OF THIS TITLE.

1 **(I) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$1,515.**

3 REVISOR'S NOTE: Subsections (a) through (g) and (i) of this section are new
4 language derived without substantive change from former Art. 2B, §
5 6–201(r)(10)(i) through (iii), (v) through (viii), and (iv)1 and 2.

6 Subsection (h) of this section is new language added to provide a
7 cross-reference to the hours and days of sale provision that applies to a Class
8 B beer, wine, and liquor license in Prince George's County.

9 In subsection (a) of this section, the former phrase "special Class B license
10 known as" Class B–CI is deleted as surplusage.

11 In subsection (d) of this section, the phrase "authorizes the license holder to
12 sell" is substituted for the former phrase "are limited and restricted to the
13 purpose of providing" for brevity.

14 Also in subsection (d) of this section, the former reference to consumption on
15 the licensed premises "only, with no off-sale privileges to be exercised
16 therewith" is deleted as redundant.

17 Former Art. 2B, § 6–201(r)(10)(iv)3, which stated that "the Board may adopt
18 regulations that specify additional standards and criteria not inconsistent
19 with this section", is deleted as unnecessary because the Board has power to
20 adopt regulations under § 23–208 of this title.

21 Defined terms: "Alcoholic beverage" § 1–101

22 "Board" 26–101

23 "County" § 26–101

24 "Person" § 1–101

25 **26–1007. DRAFTHOUSE LICENSE.**

26 **(A) "DRAFTHOUSE" DEFINED.**

27 **IN THIS SECTION, "DRAFTHOUSE" MEANS A THEATER WHERE:**

28 **(1) A MOTION PICTURE IS SHOWN TO THE PUBLIC; AND**

29 **(2) PATRONS CAN PURCHASE FOOD, BEER, AND WINE TO CONSUME**
30 **ON THE PREMISES WHILE WATCHING THE MOTION PICTURE.**

31 **(B) SCOPE OF SECTION.**

1 **THIS SECTION APPLIES ONLY IN THE CITY OF GREENBELT.**

2 **(C) ESTABLISHED.**

3 **THERE IS A CLASS B–DH (DRAFTHOUSE) LICENSE.**

4 **(D) AUTHORIZED HOLDER.**

5 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A DRAFTHOUSE**
6 **THAT:**

7 **(I) HAS A MINIMUM AUDITORIUM SIZE OF 3,500 SQUARE FEET;**

8 **(II) HAS A MINIMUM INVESTMENT OF AT LEAST \$150,000 IN**
9 **TANGIBLE PROPERTY, INCLUDING KITCHEN EQUIPMENT, FURNITURE, AND**
10 **INTERIOR IMPROVEMENTS;**

11 **(III) PRESENTS A FAMILY MATINEE EVERY SATURDAY AND**
12 **HOLIDAY THAT THE DRAFTHOUSE IS OPEN FOR BUSINESS;**

13 **(IV) INTENDS TO PROVIDE BEER AND WINE AT TABLES AND**
14 **SEATS IN THE DRAFTHOUSE;**

15 **(V) DOES NOT HAVE A BAR OTHER THAN A SERVICE BAR; AND**

16 **(VI) EXCEPT AS PROVIDED IN SUBSECTION (F)(2) OF THIS**
17 **SECTION, INTENDS TO MAKE BEER AND WINE AVAILABLE FOR PURCHASE ONLY**
18 **BEFORE AND DURING A MOTION PICTURE AND ENDS SERVICE AT THE END OF THE**
19 **MOTION PICTURE.**

20 **(2) BEFORE THE BOARD MAY ISSUE THE LICENSE, THE APPLICANT**
21 **SHALL OBTAIN THE BOARD’S WRITTEN APPROVAL OF THE MENU THE DRAFTHOUSE**
22 **INTENDS TO OFFER, WHICH SHALL INCLUDE BOTH HOT AND COLD FOOD.**

23 **(E) SCOPE OF AUTHORIZATION.**

24 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
25 **AND WINE AT RETAIL IN THE DRAFTHOUSE DESCRIBED IN THE LICENSE FOR**
26 **ON–PREMISES CONSUMPTION.**

27 **(2) THE LICENSE HOLDER MAY NOT MAKE ALCOHOLIC BEVERAGES**
28 **AVAILABLE FOR PURCHASE WHEN SHOWING A FAMILY MATINEE.**

1 **(F) HOURS AND DAYS OF SALE.**

2 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
3 **HOLDER MAY SELL BEER AND WINE:**

4 **(I) ON MONDAYS THROUGH FRIDAYS THAT ARE NOT HOLIDAYS,**
5 **FROM 11 A.M. TO 1:30 A.M. THE FOLLOWING DAY; AND**

6 **(II) ON SATURDAYS, SUNDAYS, AND HOLIDAYS, FROM 5 P.M. TO**
7 **1:30 A.M. THE FOLLOWING DAY.**

8 **(2) IF A FAMILY MATINEE CONTINUES AFTER 5 P.M., THE LICENSE**
9 **HOLDER MAY NOT SELL BEER OR WINE UNTIL 15 MINUTES FOLLOWING THE END OF**
10 **THE MATINEE.**

11 **(G) NUMBER OF LICENSES.**

12 **THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES TO BE ISSUED.**

13 **(H) FEE.**

14 **(1) THE ANNUAL LICENSE FEE IS \$245.**

15 **(2) THE LICENSE FEE ESTABLISHED UNDER PARAGRAPH (1) OF THIS**
16 **SUBSECTION SHALL BE:**

17 **(I) PAID BEFORE THE LICENSE IS ISSUED; AND**

18 **(II) DISTRIBUTED AS PROVIDED UNDER THIS ARTICLE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, §§ 8-702 and 11-517(k).

21 In subsection (b) of this section, the former reference to the City of Greenbelt
22 being located in "Prince George's County" is deleted as unnecessary in light of
23 the organization of this revised title.

24 In the introductory language of subsection (d)(1) of this section, the reference
25 to the authority of "[t]he Board" to issue the license is substituted for the
26 former requirement that the license "be issued by the office where Class B
27 licenses are issued in the county in which the drafthouse is located" for brevity
28 and to state expressly that the Board is the license issuing authority.

1 Also in the introductory language of subsection (d)(1) of this section, the
 2 phrase “for use in a drafthouse that” meets certain requirements is
 3 substituted for the former reference to “applicants for this license shall” meet
 4 certain requirements for clarity.

5 In subsection (d)(1)(iv) and (vi) of this section, the references to “intends to
 6 provide” beer and wine and “intends to make” beer and wine available are
 7 substituted for the former references to “provide” and “make” because the
 8 activities cannot actually be done until the drafthouse is licensed.

9 In subsection (d)(1)(vi) of this section, the references to a “motion picture” are
 10 substituted for the former references to a “motion picture show” and “the
 11 program” to conform to the terminology used in subsection (a) of this section.

12 In subsection (d)(2) of this section, the requirement that “[b]efore the Board
 13 may issue the license, the applicant shall obtain the Board’s written approval”
 14 is substituted for the former requirement that the applicant “[s]ubmit to the
 15 Board of License Commissioners for its prior written approval” for brevity.

16 In subsection (e)(1) of this section, the former reference to “keep for sale” is
 17 deleted as included in the reference to “sell”.

18 In subsection (f) of this section, the reference to the authority of the “license
 19 holder” to “sell beer and wine” is substituted for the former reference to the
 20 “hours and days of sale” for clarity and consistency with other similar
 21 provisions on hours and days of sale in this article.

22 In subsection (h)(2)(i) of this section, the requirement that the annual license
 23 fee be paid as a prerequisite to “the” drafthouse license being issued is
 24 substituted for the former reference to “any” license being issued for clarity.

25 Defined terms: “Alcoholic beverage” § 1–101

26 “Beer” § 1–101

27 “Board” § 23–101

28 “Wine” § 1–101

29 **26–1008. EDUCATIONAL CONFERENCE FACILITY LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY) BEER,**
 32 **WINE, AND LIQUOR LICENSE FOR THE UNIVERSITY COLLEGE CENTER OF ADULT**
 33 **EDUCATION OF THE UNIVERSITY OF MARYLAND.**

34 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO IS:**

2 **(1) AUTHORIZED BY THE UNIVERSITY COLLEGE CENTER OF ADULT**
3 **EDUCATION TO:**

4 **(I) ACT ON ITS BEHALF;**

5 **(II) ASSUME ALL RESPONSIBILITY; AND**

6 **(III) BE SUBJECT TO ALL THE PENALTIES, CONDITIONS, AND**
7 **RESTRICTIONS IMPOSED ON LICENSES; AND**

8 **(2) A RESIDENT AND REGISTERED VOTER OF THE COUNTY.**

9 **(C) SCOPE OF AUTHORIZATION.**

10 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
11 **LIQUOR BY THE DRINK IN THE UNIVERSITY COLLEGE CENTER FOR ADULT**
12 **EDUCATION, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES CONSUMPTION TO**
13 **AN INDIVIDUAL AUTHORIZED TO USE THE CENTER.**

14 **(D) LICENSE APPLICATION.**

15 **THE POLICIES OF THE UNIVERSITY COLLEGE CENTER FOR ADULT**
16 **EDUCATION THAT PERTAIN TO THE SPONSORSHIP OF EVENTS WHERE ALCOHOLIC**
17 **BEVERAGES MAY BE SOLD SHALL BE FILED WITH THE APPLICATION.**

18 **(E) PROFITS FROM BEER, WINE, AND LIQUOR SALES.**

19 **ALL PROFITS FROM THE SALE OF BEER, WINE, AND LIQUOR SHALL BE**
20 **DEPOSITED INTO THE FOOD SERVICES INCOME FUND.**

21 **(F) REGULATIONS.**

22 **THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF**
23 **DISPENSING BEER, WINE, AND LIQUOR AND THE HOURS AND DAYS OF SALE SET OUT**
24 **FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.**

25 **(G) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$4,325.**

1 REVISOR'S NOTE: This section is new language derived without substantive
 2 change from former Art. 2B, § 6–201(r)(9)(i), (ii), (iii)1, (iv), (v)1 and 2, the first
 3 sentence of (iii)2, and the first sentence of (vi).

4 In subsection (a) of this section, the former phrase “[n]otwithstanding the
 5 provisions of § 9–217(e)(1) of this article” is deleted as unnecessary in light of
 6 the organization of this revised article.

7 In subsection (c) of this section, the former reference to “persons” is deleted as
 8 unnecessary in light of the reference to a “person” and § 1–202 of the General
 9 Provisions Article, which provides that the singular generally includes the
 10 plural.

11 In subsections (e) and (f) of this section, the references to “beer, wine, and
 12 liquor” are substituted for the former references to “alcoholic beverages” for
 13 clarity.

14 The second sentence of former Art. 2B, § 6–201(r)(9)(iii)2, which stated that
 15 the application for the license shall be filed and processed in the normal
 16 manner, is deleted as an unnecessary statement of common practice.

17 Former Art. 2B, § 6–201(r)(9)(v)3, which stated that the residency
 18 requirements specified in former Art. 2B, § 9–101 as they pertained to Prince
 19 George’s County do not apply to Class B/ECF licenses, is deleted as redundant
 20 of § 26–1405(a)(6) of this title.

21 The second sentence of former Art. 2B, § 6–201(r)(9)(vi), which stated that the
 22 holder of a Class B/ECF license is subject to all the provisions of this article
 23 and to the regulations of the Board, is deleted as an unnecessary statement of
 24 common practice.

25 The Alcoholic Beverages Article Review Committee notes, for consideration by
 26 the General Assembly, that the residency requirement in subsection (b)(2) of
 27 this section may violate the equal protection guarantees of the Fourteenth
 28 Amendment to the United States Constitution and Article 24 of the Maryland
 29 Declaration of Rights. Maryland courts look unfavorably on legislation that
 30 classifies persons by geography, which may be accomplished by residency or
 31 registration requirements, if the primary purpose of the legislation is
 32 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

33 Defined terms: “Alcoholic beverage” § 1–101

34 “Beer” § 1–101

35 “Board” § 26–101

36 “County” § 26–101

37 “Wine” § 1–101

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS B-ECF/DS (EDUCATION CONFERENCE FACILITY/DINING**
3 **SERVICE) BEER, WINE, AND LIQUOR LICENSE.**

4 **(B) AUTHORIZED HOLDER.**

5 **THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO IS:**

6 **(1) AUTHORIZED BY THE UNIVERSITY OF MARYLAND, COLLEGE**
7 **PARK TO:**

8 **(I) ACT ON ITS BEHALF UNDER THE LICENSE; AND**

9 **(II) BE SUBJECT TO THE PENALTIES, CONDITIONS, AND**
10 **RESTRICTIONS UNDER THIS TITLE; AND**

11 **(2) A RESIDENT AND REGISTERED VOTER OF THE COUNTY.**

12 **(C) SCOPE OF AUTHORIZATION.**

13 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
14 **WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM MULTIPLE**
15 **DESIGNATED OUTLETS ON THE UNIVERSITY'S CAMPUS ONLY AT**
16 **UNIVERSITY-RELATED FUNCTIONS CATERED BY THE DEPARTMENT OF DINING**
17 **SERVICES.**

18 **(2) BEER, WINE, AND LIQUOR PURCHASED AT A DESIGNATED OUTLET**
19 **ARE TO BE CONSUMED IN THE CONFINES OF THAT OUTLET AND MAY NOT BE**
20 **TRANSPORTED TO ANOTHER OUTLET.**

21 **(D) PROFITS FROM BEER, WINE, AND LIQUOR SALES.**

22 **ALL PROFITS FROM THE RETAIL SALE OF BEER, WINE, AND LIQUOR SHALL BE**
23 **DEPOSITED IN THE DINING SERVICES INCOME FUND OF THE UNIVERSITY OF**
24 **MARYLAND.**

25 **(E) AUTHORITY AND DUTIES OF BOARD.**

26 **THE BOARD:**

1 **(1) MAY REGULATE THE MANNER IN WHICH BEER, WINE, AND LIQUOR**
2 **ARE DISPENSED UNDER THE LICENSE;**

3 **(2) BEFORE ISSUING THE LICENSE, SHALL DESIGNATE THE EXACT**
4 **CAMPUS LOCATIONS FOR THE OUTLETS FOR THE SALE OF BEER, WINE, AND LIQUOR;**

5 **(3) SHALL MAINTAIN A MAP AND DESCRIPTION OF THE DESIGNATED**
6 **OUTLETS FOR VERIFICATION ON THE RENEWAL OF THE LICENSE; AND**

7 **(4) SHALL REQUIRE THE DEPARTMENT OF DINING SERVICES OF THE**
8 **UNIVERSITY OF MARYLAND, COLLEGE PARK TO REPORT TO THE BOARD AT LEAST**
9 **5 DAYS BEFORE A UNIVERSITY-RELATED CATERED FUNCTION AT WHICH BEER,**
10 **WINE, OR LIQUOR IS INTENDED TO BE SOLD OR SERVED.**

11 **(F) HOURS AND DAYS OF SALE.**

12 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
13 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
14 **UNDER § 26-2004 OF THIS TITLE.**

15 **(G) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$7,425.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 6-201(r)(12)(i) through (x).

19 In the introductory language of subsection (b) of this section, the former
20 reference to issuing the license "only" to an individual is deleted as
21 surplusage.

22 In subsection (c)(1) of this section, the phrase "for on-premises consumption,"
23 on the licensed premises is substituted for the former phrase "restricted to
24 on-sale privileges only" to conform to the terminology used throughout this
25 article.

26 In subsections (c)(2), (d), and (e)(1) of this section, the references to "[b]eer,
27 wine, and liquor" are substituted for the former references to "alcoholic
28 beverages" for clarity.

29 In subsection (e) of this section, the former authority of the Board to "regulate
30 the manner in which alcoholic beverages are dispensed under a Class
31 B-ECF/DS license" is deleted as an unnecessary statement of an implicit
32 power of the Board.

1 Also in subsection (e) of this section, the former requirement that the Board
2 “process the license in the same manner as any other license issued by the
3 Board” is deleted as an unnecessary statement of common practice.

4 In subsection (f) of this section, the reference to the authority of the “license
5 holder” to “sell beer, wine, and liquor during the hours and days as set out for
6 a Class B beer, wine, and liquor license under § 26–2004 of this title” is
7 substituted for the former reference to the “hours and days of sale under this
8 license are as provided in § 11–517 of this article” for clarity and consistency
9 with similar provisions on hours and days of sale in this article.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that the residency requirement in subsection (b)(2) of
12 this section may violate the equal protection guarantees of the Fourteenth
13 Amendment to the United States Constitution and Article 24 of the Maryland
14 Declaration of Rights. Maryland courts look unfavorably on legislation that
15 classifies persons by geography, which may be accomplished by residency or
16 registration requirements, if the primary purpose of the legislation is
17 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

18 Defined terms: “Beer” § 1–101

19 “Board” § 26–101

20 “County” § 26–101

21 “Wine” § 1–101

22 **26–1010. EQUESTRIAN CENTER RESTAURANT LICENSE.**

23 **(A) “COMMISSION” DEFINED.**

24 **IN THIS SECTION, “COMMISSION” MEANS THE MARYLAND–NATIONAL**
25 **CAPITAL PARK AND PLANNING COMMISSION.**

26 **(B) ESTABLISHED.**

27 **THERE IS A CLASS B–ECR (EQUESTRIAN CENTER RESTAURANT) BEER, WINE,**
28 **AND LIQUOR LICENSE.**

29 **(C) AUTHORIZED HOLDER.**

30 **THE BOARD MAY ISSUE THE LICENSE TO THE COMMISSION ON THE**
31 **APPLICATION AND QUALIFICATION OF THE COMMISSION.**

32 **(D) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 2 **LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION IN THE COMMISSION’S**
 3 **EQUESTRIAN CENTER RESTAURANT BY THE LICENSE HOLDER OR A PRIVATE**
 4 **CONCESSIONAIRE UNDER CONTRACT WITH THE LICENSE HOLDER TO OPERATE THE**
 5 **LICENSED PREMISES.**

6 **(E) PROFIT FROM THE SALE OF BEER, WINE, AND LIQUOR.**

7 **PROFIT FROM THE SALE OF BEER, WINE, AND LIQUOR BY THE LICENSE**
 8 **HOLDER MAY BE FOR THE USE OF THE COMMISSION.**

9 **(F) HOURS AND DAYS OF SALE.**

10 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 11 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
 12 **UNDER § 26-2004 OF THIS TITLE.**

13 **(G) FEE.**

14 **THE ANNUAL LICENSE FEE IS \$2,420.**

15 REVISOR’S NOTE: Subsections (a) through (e) and (g) of this section are new
 16 language derived without substantive change from former Art. 2B, §
 17 6-201(r)(11)(i) through (iv), (v)1, and (vi).

18 Subsection (f) of this section is new language added to provide a
 19 cross-reference to the hours and days of sale provision that applies to a Class
 20 B beer, wine, and liquor license in Prince George’s County.

21 In subsection (b) of this section, the former reference to a “7-day” license is
 22 deleted for consistency in license names throughout this article.

23 In subsection (d) of this section, the former limitation that the license
 24 authorizes the license holder to sell beer, wine, and liquor “for the exclusive
 25 use” on the premises of the Equestrian Center restaurant is deleted as implicit
 26 in the word “authorizes”.

27 Also in subsection (d) of this section, the former reference to the Equestrian
 28 Center restaurant “located within Prince George’s County” is deleted as
 29 unnecessary in light of the organization of this revised article.

30 In subsection (e) of this section, the former reference to the use “and benefit”
 31 is deleted as surplusage.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, subsection (c) of this section, which authorizes the
3 Board to issue the license to the Commission “on the application and
4 qualification of the Commission” appears to vary from the usual Board
5 practice of issuing licenses to individuals and not entities.

6 Defined terms: “Beer” § 1–101

7 “Board” § 26–101

8 “Restaurant” § 1–101

9 “Wine” § 1–101

10 **26–1011. FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS C (FRATERNAL/SORORAL/SERVICE ORGANIZATION) BEER,**
13 **WINE, AND LIQUOR LICENSE.**

14 **(B) AUTHORIZED HOLDER.**

15 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE**
16 **OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL, SORORAL, OR**
17 **SERVICE ORGANIZATION THAT:**

18 **(1) IS COMPOSED SOLELY OF INDUCTED MEMBERS;**

19 **(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE**
20 **APPLICATION WAS MADE;**

21 **(3) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$5 PER**
22 **YEAR PER MEMBER; AND**

23 **(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS**
24 **PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY**
25 **MEMBERS.**

26 **(C) SCOPE OF AUTHORIZATION.**

27 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
28 **WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION BY A MEMBER OR GUEST**
29 **ACCOMPANIED BY A MEMBER.**

30 **(2) THE LICENSE HOLDER MAY ALLOW A PERSON THAT HAS LEASED A**
31 **PRIVATE ROOM OR OTHER AREA OF THE LICENSED PREMISES FOR A PRIVATE**

1 SOCIAL GATHERING TO BRING BEER, WINE, AND LIQUOR ONTO THE LICENSED
2 PREMISES FOR ON-PREMISES CONSUMPTION.

3 (D) HOURS AND DAYS OF SALE.

4 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
5 HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE
6 UNDER § 26-2004 OF THIS TITLE, EXCEPT THAT RESTRICTIONS ON THE SALE OF
7 ALCOHOLIC BEVERAGES ON SUNDAY DO NOT APPLY.

8 (E) FEE.

9 THE ANNUAL LICENSE FEE IS \$910.

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 6-301(r)(3) and, as it related to the Board
12 issuing the license, the first sentence of (a)(1).

13 In subsection (a) of this section, the reference to a fraternal/sororal/service
14 "organization" is added for clarity.

15 In the introductory language of subsection (b) of this section, the reference to
16 "sororal" is added for consistency with subsection (a) of this section.

17 Also in the introductory language of subsection (b) of this section, the reference
18 to the "Board" is substituted for the former reference to the "license issuing
19 authority of the county in which the place of business is located" for brevity
20 and clarity.

21 Also in the introductory language of subsection (b) of this section, the former
22 reference to a "bona fide" organization is deleted as surplusage. Similarly, in
23 subsection (b)(3) of this section, the former reference to a "bona fide"
24 membership is deleted.

25 In subsection (b)(1) of this section, the reference to "inducted" members is
26 substituted for the former reference to members "duly elected and initiated in
27 accordance with the rites and customs of the fraternal, sororal, or service
28 organization" for brevity.

29 In subsection (b)(2) of this section, the former reference to a club "in existence"
30 for 1 year is deleted as included in the reference to a club "operating" for 1
31 year.

32 In subsection (b)(4) of this section, the former requirement that an
33 organization "not [be] directly or indirectly owned or operated as a public

1 business” is deleted as unnecessary because the organization must be
2 nonprofit.

3 In subsections (c) and (d) of this section, the references to “beer, wine, and
4 liquor” are substituted for the former, broader references to “alcoholic
5 beverages” for clarity.

6 In subsection (c)(1) of this section, the former reference to “keep[ing] for sale”
7 is deleted as implicit in the reference to “sell[ing]”.

8 Also in subsection (c)(1) of this section, the former reference to selling “at
9 retail” is deleted as surplusage.

10 In subsection (d) of this section, the reference to the authority of the “license
11 holder” to “sell beer, wine, and liquor during the hours and days as set out for
12 a Class C beer, wine, and liquor license under § 26–2004 of this title” is
13 substituted for the former reference to the “licensee [being] subject to all the
14 provisions of this article relating to beer, wine and liquor license, Class C, in
15 force and effect in Prince George’s County” for clarity and consistency with
16 other similar provisions on hours and days of sale in this article.

17 Defined terms: “Beer” § 1–101
18 “Board” § 26–101
19 “County” § 26–101
20 “Wine” § 1–101

21 **26–1012. GOLF COURSE LICENSE.**

22 **(A) “COMMISSION” DEFINED.**

23 **IN THIS SECTION, “COMMISSION” MEANS THE MARYLAND–NATIONAL**
24 **CAPITAL PARK AND PLANNING COMMISSION.**

25 **(B) ESTABLISHED.**

26 **THERE IS A CLASS B–GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE**
27 **FOR USE ON THE LICENSED PREMISES OF A GOLF COURSE IN THE COUNTY UNDER**
28 **THE JURISDICTION OF THE COMMISSION.**

29 **(C) AUTHORIZED HOLDER.**

30 **(1) THE BOARD SHALL ISSUE A LICENSE TO EACH MANAGER OF A**
31 **GOLF COURSE OF THE COMMISSION WHO APPLIES AND QUALIFIES AS A LICENSE**
32 **HOLDER.**

1 **(2) A SEPARATE LICENSE IS REQUIRED FOR EACH GOLF COURSE.**

2 **(D) SCOPE OF AUTHORIZATION.**

3 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 4 **LIQUOR FROM ONE OR MORE OUTLETS FOR ON-PREMISES CONSUMPTION ON THE**
 5 **GOLF COURSE.**

6 **(E) HOURS AND DAYS OF SALE.**

7 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 8 **THE HOURS AND DAYS OF SALE FOR BEER, WINE, AND LIQUOR ARE FROM 9 A.M. TO**
 9 **10 P.M. DAILY, MONDAY THROUGH SUNDAY.**

10 **(2) THE COMMISSION MAY:**

11 **(I) REDUCE THE HOURS OF SALE OF BEER, WINE, AND LIQUOR;**
 12 **AND**

13 **(II) DISCONTINUE THE SALE OF BEER, WINE, AND LIQUOR FROM**
 14 **LABOR DAY THROUGH MEMORIAL DAY.**

15 **(F) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$500.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 8-505(b) and (a)(1) and (3).

19 Subsection (b) of this section is revised in standard language used throughout
 20 this article to establish a license.

21 In subsection (b) of this section, the former reference to a "7-day" license is
 22 deleted for consistency in license names throughout this article.

23 Also in subsection (b) of this section, the former reference to "the exclusive"
 24 use is deleted as surplusage.

25 In subsection (c)(2) of this section, the former reference to each "applicable"
 26 golf course is deleted as surplusage.

27 In subsection (e)(2) of this section, the former references to the sale of beer,
 28 wine, and liquor "under this license" are deleted as surplusage.

1 Former Art. 2B, § 8–505(a)(2), which defined “Board” to mean the Prince
2 George’s County Board of License Commissioners, is deleted as redundant of
3 the definition of “Board” in § 26–101 of this article.

4 Defined terms: “Beer” § 1–101

5 “Board” § 26–101

6 “County” § 26–101

7 “Jurisdiction” § 1–101

8 “Wine” § 1–101

9 **26–1013. RACETRACK LICENSE.**

10 (A) ESTABLISHED.

11 THERE IS A B–RT (RACETRACK) LICENSE.

12 (B) AUTHORIZED HOLDER.

13 THE LICENSE MAY BE ISSUED FOR:

14 (1) AN AGRICULTURAL ASSOCIATION, AGRICULTURAL FAIR
15 ASSOCIATION, OR OTHER ASSOCIATION AUTHORIZED TO CONDUCT RACING UNDER
16 TITLE 11 OF THE BUSINESS REGULATION ARTICLE WHERE RESTAURANT
17 FACILITIES ARE AVAILABLE;

18 (2) AN AUTHORIZED CONCESSIONAIRE OF AN ASSOCIATION
19 SPECIFIED IN ITEM (1) OF THIS SUBSECTION; OR

20 (3) AN ORGANIZATION, ON A DAY OTHER THAN A RACING DAY, WHEN
21 THE PREMISES AND FACILITIES OF AN ASSOCIATION SPECIFIED IN ITEM (1) OF THIS
22 SUBSECTION ARE USED FOR A LIMITED TIME FOR:

23 (I) A LEGITIMATE THEATRICAL PRODUCTION;

24 (II) A SOCIAL RECEPTION; OR

25 (III) AN ENTERTAINMENT EVENT CONDUCTED BY:

26 1. A CLUB, A SOCIETY, OR AN ASSOCIATION;

27 2. A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS, OR
28 CHARITABLE ORGANIZATION; OR

29 3. A HOSPITAL SUPPORTING ORGANIZATION.

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
3 **LIQUOR FOR ON-PREMISES CONSUMPTION.**

4 **(D) RESIDENCY REQUIREMENT.**

5 **TO OBTAIN THE LICENSE, AT LEAST ONE OFFICER OF THE APPLICANT SHALL**
6 **BE A RESIDENT OF THE STATE.**

7 **(E) FEE.**

8 **THE LICENSE FEE IS \$60 PER DAY FOR EACH DAY THE LICENSE IS USED.**

9 REVISOR'S NOTE: Subsection (a) of this section is new language added as the
10 standard introductory language to a license section.

11 Subsections (b) through (e) of this section are new language derived without
12 substantive change from former Art. 2B, § 6–201(r)(3)(i) and the first sentence
13 of (ii) and, as it related to a Class B beer, wine, and liquor license in Prince
14 George's County, (a)(1).

15 In the introductory language of subsection (b) of this section, the reference to
16 a license issued “for” the listed entities is substituted for the former reference
17 to a license issued “to” the listed entities for accuracy.

18 In subsection (b)(1) of this section, the reference to “Title 11 of the Business
19 Regulation Article” is substituted for the former reference to “the provisions
20 of the Maryland Horse Racing Act” for clarity.

21 In subsection (b)(1) and (2) of this section, the former references to a “duly”
22 authorized association and concessionaire are deleted as surplusage.

23 In subsection (b)(2) of this section, the reference to “an association specified in
24 item (1) of this subsection” is substituted for the former references to “any
25 association” and “any other association” for clarity. Similarly, in subsection
26 (b)(3) of this section, the reference to “an association specified in item (1) of
27 this subsection” is substituted for the former reference to “this association”.

28 In the introductory language of subsection (b)(3) of this section, the reference
29 to “a day other than a racing day” is substituted for the former reference to
30 “any other day, exclusive of racing days” for clarity.

31 In the introductory language of subsection (b)(3)(iii) of this section, the
32 reference to an entertainment “event” is added for clarity.

1 Also in the introductory language of subsection (b)(3)(iii) of this section, the
2 former reference to “bona fide” entertainment is deleted as surplusage.
3 Similarly, in subsection (b)(3)(iii)2 of this section, the former reference to a
4 “bona fide” religious organization is deleted.

5 In subsection (b)(3)(iii)3 of this section, the reference to a hospital “supporting”
6 organization is added for clarity and to conform to the terminology used
7 throughout this article.

8 In subsection (d) of this section, the reference to “the applicant” is substituted
9 for the former reference to the “corporation or the concessionaire, whichever
10 applies for the license” for brevity.

11 In subsection (e) of this section, the phrase “for each day the license is used”
12 is substituted for the former phrase “per day for the period of this license” for
13 clarity.

14 The second sentence of former Art. 2B, § 6–201(r)(3)(ii), which stated that the
15 residency requirements specified in former Art. 2B, § 9–101 as they
16 “pertain[ed] to Prince George’s County do not apply to an issuance, renewal
17 or transfer” of a B–RT license, is deleted as redundant of § 26–1403(a) of this
18 title.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
20 the General Assembly, that the hours and days of sale for the license are not
21 stated in statutory law.

22 Defined terms: “Club” § 1–101

23 “Restaurant” § 1–101

24 “State” § 1–101

25 **26–1014. STADIUM BEER AND LIGHT WINE LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS B–STADIUM (BASEBALL STADIUM) BEER AND LIGHT WINE**
28 **LICENSE.**

29 **(B) AUTHORIZED HOLDER.**

30 **THE BOARD MAY ISSUE THE LICENSE TO:**

31 **(1) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING**
32 **COMMISSION; OR**

1 **(2) A PRIVATE CONCESSIONAIRE THAT IS UNDER CONTRACT WITH**
 2 **THE COMMISSION.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
 5 **WINE AT RETAIL TO CONSUMERS FOR ON-PREMISES CONSUMPTION IN A BASEBALL**
 6 **STADIUM OWNED OR OPERATED BY THE MARYLAND-NATIONAL CAPITAL PARK AND**
 7 **PLANNING COMMISSION.**

8 **(D) PROFITS FROM BEER AND LIGHT WINE SALES.**

9 **PROFIT FROM THE SALE OF BEER OR LIGHT WINE MADE BY A LICENSE**
 10 **HOLDER MAY ACCRUE TO THE USE OF THE COMMISSION OR THE CONCESSIONAIRE.**

11 **(E) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$2,420.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 5-201(r)(4)(i) through (v) and (vii).

15 In subsection (a) of this section, the former reference to a "7-day" license is
 16 deleted for consistency in license names throughout this article.

17 In the introductory language of subsection (b) of this section, the reference to
 18 the "Board" is added to state expressly what was only implied in the former
 19 law, that the Board is the unit that issues the license.

20 In subsection (c) of this section, the former phrase "only for exclusive use" is
 21 deleted as surplusage.

22 Also in subsection (c) of this section, the reference to "beer and light wine" is
 23 substituted for the former reference to "alcoholic beverages" for clarity.

24 In subsection (d) of this section, the former reference to the use and "benefit"
 25 is deleted as surplusage.

26 The Alcoholic Beverages Article Review Committee notes, for consideration by
 27 the General Assembly, that the hours and days of sale for the license are not
 28 stated in statutory law.

29 Defined terms: "Beer" § 1-101

30 "Board" § 26-101

31 "Wine" § 1-101

1 **26-1015. STADIUM BEER, WINE, AND LIQUOR LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS B BEER, WINE, AND LIQUOR STADIUM LICENSE.

4 (B) SCOPE OF AUTHORIZATION.

5 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
6 WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE, FROM ONE OR MORE
7 OUTLETS, FOR ON-PREMISES CONSUMPTION.

8 (2) THE LICENSE MAY BE EXERCISED ONLY AT A STADIUM LOCATED
9 IN LANDOVER OCCUPIED BY A NATIONAL FOOTBALL LEAGUE FRANCHISE.

10 (C) FEE.

11 THE ANNUAL LICENSE FEE IS \$21,780.

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 6-201(r)(13).

14 In subsection (a) of this section, the former reference to a "7-day" license is
15 deleted for consistency in license names throughout this article.

16 In subsection (b)(2) of this section, the reference to "a stadium located in
17 Landover occupied by a National Football League franchise" is substituted for
18 the former reference to "the Redskins Stadium" for accuracy.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
20 the General Assembly, that the hours and days of sale for the license are not
21 stated in statutory law.

22 Defined terms: "Beer" § 1-101
23 "Wine" § 1-101

24 **26-1016. THEME PARK LICENSE.**

25 (A) "THEME PARK" DEFINED.

26 IN THIS SECTION, "THEME PARK" MEANS AN ENTERTAINMENT COMPLEX THAT
27 INCLUDES ROLLER COASTERS AND OTHER RIDES, SHOWS, A WATER PARK,
28 RESTAURANTS, AND SHOPS.

1 **(B) ESTABLISHED.**

2 **THERE IS A CLASS B-TP (THEME PARK) BEER, WINE, AND LIQUOR LICENSE.**

3 **(C) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE FOR A THEME PARK IN MITCHELLVILLE**
 5 **TO AN APPLICANT WHO FILES:**

6 **(1) AN APPLICATION ON A FORM THAT THE BOARD PROVIDES; AND**

7 **(2) THE POLICIES OF THE THEME PARK FOR THE SPONSORSHIP OF**
 8 **SPECIAL EVENTS HELD WHEN:**

9 **(I) THE THEME PARK IS CLOSED TO THE PUBLIC; AND**

10 **(II) BEER, WINE, AND LIQUOR IS SOLD.**

11 **(D) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 13 **LIQUOR BY THE DRINK IN THE THEME PARK, FROM ONE OR MORE OUTLETS, FOR**
 14 **ON-PREMISES CONSUMPTION.**

15 **(E) REGULATIONS.**

16 **THE BOARD SHALL ADOPT REGULATIONS RELATING TO THE SERVING OF**
 17 **BEER, WINE, AND LIQUOR AND THE HOURS AND DAYS OF SALE.**

18 **(F) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$4,290.**

20 REVISOR'S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 6-201(r)(16).

22 In subsection (b) of this section, the former reference to a "7-day" license is
 23 deleted for consistency in license names throughout this article.

24 In the introductory language of subsection (c) of this section, the reference to
 25 the authority of the Board to "issue the license for a theme park" is substituted
 26 for the former reference to "[t]he license privileges may be exercised only at a
 27 theme park" to conform to the terminology used throughout this article.

1 In subsections (c)(2)(ii) and (e) of this section, the references to “beer, wine,
2 and liquor” are substituted for the former references to “alcoholic beverages”
3 for clarity.

4 In subsection (d) of this section, the former reference to consumption on the
5 licensed premises “only” is deleted as surplusage.

6 Defined terms: “Beer” § 1–101
7 “Board” § 26–101
8 “Restaurant” § 1–101
9 “Wine” § 1–101

10 **26–1017. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS C (VETERANS’ ORGANIZATION OR CLUB) BEER, WINE, AND**
13 **LIQUOR LICENSE.**

14 **(B) AUTHORIZED HOLDER.**

15 **THE BOARD SHALL ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A**
16 **NATIONWIDE NONPROFIT VETERANS’ ORGANIZATION OR CLUB THAT:**

17 **(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED**
18 **FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN**
19 **ENGAGED;**

20 **(2) HAS A CHARTER FROM A NATIONAL VETERANS’ ORGANIZATION**
21 **THAT WAS GRANTED BEFORE THE LICENSE APPLICATION WAS MADE;**

22 **(3) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$5 PER**
23 **YEAR PER MEMBER;**

24 **(4) OPERATES ONLY FOR ITS MEMBERS AND GUESTS WHEN**
25 **ACCOMPANIED BY MEMBERS; AND**

26 **(5) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS**
27 **AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

28 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
2 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
3 **CONSUMPTION.**

4 **(D) HOURS AND DAYS OF SALE.**

5 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
6 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
7 **UNDER § 26-2004 OF THIS TITLE.**

8 **(E) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$910.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 6-301(r)(2)(i) through (iii) and, as it related to
12 hours and days of sale, (iv) and, as it related to Prince George's County, (a)(1).

13 In subsection (a) of this section, the reference to a veterans' "organization or
14 club" is added for clarity.

15 In the introductory language of subsection (b) of this section, the reference to
16 a "veterans" club is added for clarity.

17 Also in the introductory language of subsection (b) of this section, the reference
18 to the "Board" is substituted for the former reference to the "license issuing
19 authority of the county in which the place of business is located" for brevity
20 and clarity.

21 Also in the introductory language of subsection (b) of this section, the former
22 reference to a "bona fide" organization or club is deleted as surplusage.
23 Similarly, in subsection (b)(1)(iii) of this section, the former reference to "bona
24 fide" members is deleted.

25 In subsection (b)(2) of this section, the reference to a charter "that was
26 granted" before the license application was made is added for clarity.

27 In subsection (b)(5) of this section, the reference to a clubhouse used for "its
28 members and guests when accompanied by members" is substituted for the
29 former reference to "no other purpose" for clarity.

30 In subsection (c) of this section, the reference to "beer, wine, and liquor" is
31 substituted for the former, broader reference to "all alcoholic beverages" for
32 clarity.

1 Also in subsection (c) of this section, the former reference to “keep[ing] for sale”
2 is deleted as implicit in the reference to “sell[ing]”.

3 Also in subsection (c) of this section, the former reference to “at any club” is
4 deleted as surplusage.

5 In subsection (d) of this section, the reference to the authority of the “license
6 holder” to “sell beer, wine, and liquor during the hours and days as set out for
7 a Class C beer, wine, and liquor license under § 26–2004 of this title” is
8 substituted for the former reference to the “licensee is subject to all other
9 provisions of this article relating to beer, wine and liquor licenses, Class C, in
10 force and effect in Prince George’s County” for clarity and consistency with
11 similar provisions on hours and days of sale in this article.

12 Former Art. 2B, § 6–301(r)(1), which stated that former Art. 2B, § 6–301(r)
13 applied only in Prince George’s County, is deleted as unnecessary in light of
14 the organization of this revised article.

15 Former Art. 2B, § 6–301(r)(2)(iv), which stated that the license holder is
16 subject to all other provisions of this article relating to Class C beer, wine, and
17 liquor licenses in force and effect in Prince George’s County, except as it
18 related to hours and days of sale for this license, is deleted as an unnecessary
19 statement of common practice.

20 Defined terms: “Beer” § 1–101

21 “Board” § 26–101

22 “Club” § 1–101

23 “Wine” § 1–101

24 **26–1018. WATERFRONT LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS D (WATERFRONT) BEER AND WINE LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

28 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ESTABLISHMENT IN A**
29 **WATERFRONT ENTERTAINMENT RETAIL COMPLEX, AS DEFINED IN THE COUNTY**
30 **ZONING ORDINANCE.**

31 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
 2 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES OR**
 3 **OFF-PREMISES CONSUMPTION.**

4 **(D) HOURS AND DAYS OF SALE.**

5 **THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES AND**
 6 **OFF-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY FROM 9 A.M. TO 2**
 7 **A.M. THE FOLLOWING DAY.**

8 **(E) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$660.**

10 REVISOR'S NOTE: This section is new language derived without substantive change
 11 from former Art. 2B, § 5-401(r)(2)(ii), (iii), (v), and (vi) and, as it related to
 12 Prince George's County, the second sentence of (a)(1).

13 Subsection (a) of this section is revised in standard language used throughout
 14 this article to establish a license.

15 In subsection (a) of this section, the former reference to a "special" Class D
 16 license is deleted as surplusage.

17 In subsection (c) of this section, the reference to "on-premises and
 18 off-premises consumption" is substituted for the former reference to
 19 "consumption on the premises or elsewhere" for clarity.

20 Also in subsection (c) of this section, the former reference to selling "at retail"
 21 is deleted as surplusage.

22 In subsection (d) of this section, the reference to the authority of the "license
 23 holder" to "sell beer and wine" from 9 a.m. to 2 a.m. the following day is
 24 substituted for the former reference to the "hours of operation are" from 9 a.m.
 25 to 2 a.m. the following day for clarity and consistency with similar provisions
 26 on hours and days of sale in this article.

27 Former Art. 2B, § 5-401(r)(2)(i), which stated that former Art. 2B, §
 28 5-401(r)(2) applied only in Prince George's County, is deleted as unnecessary
 29 in light of the organization of this revised article.

30 Former Art. 2B, § 5-401(r)(2)(iv), which stated that a license holder need not
 31 meet any food requirements, is deleted as surplusage.

32 Defined terms: "Beer" § 1-101

33 "County" § 26-101

1 "Wine" § 1-101

2 **26-1019. YACHT CLUB LICENSE.**

3 (A) ESTABLISHED.

4 THERE IS A CLASS C (YACHT CLUB) BEER, WINE, AND LIQUOR LICENSE.

5 (B) SIGNATORY REQUIRED FOR LICENSE APPLICATION.

6 THE APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE
7 OFFICER OF THE YACHT CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND
8 TAXPAYER OF THE COUNTY.

9 (C) AUTHORIZED HOLDER.

10 THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A YACHT CLUB THAT:

11 (1) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$75 PER
12 YEAR PER MEMBER; AND

13 (2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:

14 (I) A CLUBHOUSE WITH A SEATING CAPACITY OF AT LEAST 100;

15 (II) SLIPS OR BERTHS FOR AT LEAST 75 BOATS; AND

16 (III) AT LEAST 5 ACRES.

17 (D) SCOPE OF AUTHORIZATION.

18 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
19 LIQUOR FOR ON-PREMISES CONSUMPTION BY A MEMBER OF THE YACHT CLUB OR A
20 GUEST WHEN ACCOMPANIED BY A MEMBER.

21 (E) HOURS AND DAYS OF SALE.

22 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE
23 HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE
24 UNDER § 26-2004 OF THIS TITLE.

25 (F) SUNDAY SALES.

1 **THE LICENSE HOLDER IS NOT SUBJECT TO THE RESTRICTIONS ON THE SALE**
2 **OF BEER, WINE, AND LIQUOR ON SUNDAY IN § 26–1004(I)(2) OF THIS TITLE.**

3 **(G) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$1,575.**

5 REVISOR'S NOTE: Subsections (a) through (d), (f), and (g) of this section are new
6 language derived without substantive change from former Art. 2B, §
7 6–301(r)(4)(i) through (v), the second sentence of (vi), and (vii), and, as it
8 related to the Board issuing the license, the first sentence of (a)(1).

9 Subsection (e) of this section is new language added for clarity.

10 In subsection (b) of this section, the former reference to a license “filed on
11 behalf of any such yacht club” is deleted as surplusage.

12 In the introductory language of subsection (c) of this section, the reference to
13 the “Board” is substituted for the former reference to the “license issuing
14 authority of the county in which the place of business is located” for brevity
15 and clarity.

16 In subsection (c)(1) of this section, the former reference to “bona fide” members
17 is deleted as surplusage.

18 In subsection (c)(2)(i) of this section, the reference to a seating capacity “of at
19 least 100” is substituted for the former reference to a seating capacity
20 “sufficient to accommodate at one time at least 100 persons” for brevity.

21 In subsection (c)(2)(iii) of this section, the former reference to 5 acres “of
22 ground” is deleted as surplusage.

23 In subsection (d) of this section, the reference to “beer, wine, and liquor” is
24 substituted for the former reference to “alcoholic beverages” for clarity.

25 In subsection (d) of this section, the former reference to “keep[ing] for sale” is
26 deleted as implicit in the reference to “sell[ing]”.

27 Also in subsection (d) of this section, the former references to selling “at retail”
28 and “at the place described in the license” are deleted as surplusage.

29 Also in subsection (d) of this section, the former reference to consumption
30 “only” on the licensed premises is deleted as surplusage.

31 The first sentence of former Art. 2B, § 6–301(r)(4)(vi), which stated that the
32 license holder is subject to all other provisions of this article relating to Class

1 C beer, wine, and liquor licenses in force and effect in Prince George's County,
2 is deleted as an unnecessary statement of common practice.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that in subsection (b) of this section, the requirements
5 that an applicant be a resident, registered voter, and taxpayer of the County
6 may violate the equal protection guarantees of the Fourteenth Amendment to
7 the United States Constitution and Article 24 of the Maryland Declaration of
8 Rights. Maryland courts look unfavorably on legislation that classifies persons
9 by geography, which may be accomplished by residency or registration
10 requirements, if the primary purpose of the legislation is economic. *See Verzi*
11 *v. Baltimore County*, 333 Md. 411 (1994).

12 Defined terms: "Alcoholic beverage" § 1-101

13 "Beer" § 1-101

14 "Board" § 26-101

15 "County" § 26-101

16 "Wine" § 1-101

17 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

18 **26-1101. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 ("ADDITIONAL LICENSE**
21 **PRIVILEGES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
22 **EXCEPTION OR VARIATION:**

23 **(1) § 4-1102 ("CORKAGE — CONSUMING WINE NOT PURCHASED**
24 **FROM LICENSE HOLDER ON LICENSED PREMISES"); AND**

25 **(2) § 4-1103 ("REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
26 **FROM LICENSED PREMISES").**

27 **(B) EXCEPTION.**

28 **SECTION 4-1105 ("REFILLABLE CONTAINER PERMIT — WINE") OF DIVISION**
29 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

30 **(C) VARIATION.**

31 **SECTION 4-1104 ("REFILLABLE CONTAINER PERMIT — DRAFT BEER") OF**
32 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-1102 OF**
33 **THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to additional privileges of license holders.

3 Defined terms: "Beer" § 1-101

4 "County" § 26-101

5 "License" § 1-101

6 "License holder" § 1-101

7 "Wine" § 1-101

8 **26-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

9 **(A) AUTHORIZED PERMIT HOLDER.**

10 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
11 **TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH**
12 **OFF-SALE PRIVILEGES.**

13 **(B) APPLICATION FORM.**

14 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
15 **BOARD PROVIDES.**

16 **(C) HOURS OF SALE.**

17 **THE HOURS OF SALE FOR THE PERMIT:**

18 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
19 **LICENSE; AND**

20 **(2) END AT MIDNIGHT.**

21 **(D) REGULATIONS.**

22 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

23 **(E) FEE.**

24 **THE BOARD SHALL SET AN ANNUAL PERMIT FEE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 8-217.1(d) through (g).

27 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

1 In subsection (b) of this section, the former language “[b]efore the Board issues
2 a refillable container permit to an applicant” is deleted because it merely
3 states the normal practice of the Board.

4 In subsection (c)(1) of this section, the reference to the “underlying license” is
5 substituted for the former reference to the “license already held by the person
6 to whom the refillable container permit is issued” for brevity.

7 Former Art. 2B, § 8–103(a)(1)(vi), which stated that former Art. 2B, §
8 8–103 applied with respect to draft beer in Prince George’s County, and former
9 Art. 2B, § 8–217.1(a), which stated that former Art. 2B, § 8–217.1 applied only
10 in Prince George’s County, are deleted as unnecessary in light of the
11 organization of this revised article.

12 Former Art. 2B, § 8–217.1(b), which defined “Board” to mean the Board of
13 License Commissioners, is deleted as redundant of the defined term “Board”
14 in § 26–101 of this title.

15 Former Art. 2B, § 8–217.1(c), which stated that there is a refillable container
16 permit in Prince George’s County, is deleted as unnecessary in light of §
17 26–1101(c) of this subtitle.

18 Defined terms: “Beer” § 1–101

19 “Board” § 26–101

20 “Wine” § 1–101

21 **26–1103. ENTERTAINMENT PERMIT.**

22 **(A) SCOPE OF SECTION.**

23 **THIS SECTION DOES NOT APPLY TO A LICENSE HOLDER THAT SEEKS TO**
24 **PROVIDE ENTERTAINMENT IF:**

25 **(1) THE LICENSE OF THE LICENSE HOLDER IS ISSUED UNDER §**
26 **26–1003, § 26–1006, § 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, §**
27 **26–1015, OR § 26–1016 OF THIS TITLE;**

28 **(2) THE BOARD DETERMINES THAT THE LICENSE HOLDER’S**
29 **PRINCIPAL BUSINESS IS TO PROVIDE FAMILY ENTERTAINMENT;**

30 **(3) THE LICENSE IS A CLASS B (ON-SALE) LICENSE ISSUED FOR A**
31 **RESTAURANT, AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT FOR ADULTS**
32 **AND CHILDREN THAT:**

1 **(I) IS ANCILLARY TO THE OPERATION OF THE BUSINESS; AND**

2 **(II) IS NOT THE PRIMARY FOCUS OF MARKETING OR PROMOTION**
3 **FOR THE BUSINESS; OR**

4 **(4) THE LICENSE IS A VETERANS OR FRATERNAL CLASS C LICENSE**
5 **AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT THAT:**

6 **(I) IS UNDER THE DIRECT SUPERVISION OF THE LICENSE**
7 **HOLDER;**

8 **(II) IS FOR ADULTS, CHILDREN, AND FAMILIES OF THE**
9 **ORGANIZATION OR THE PUBLIC; AND**

10 **(III) WHEN OFFERED, ENDS NOT LATER THAN MIDNIGHT.**

11 **(B) ESTABLISHED.**

12 **THERE IS AN ENTERTAINMENT PERMIT.**

13 **(C) AUTHORIZED HOLDER.**

14 **THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B**
15 **(ON-SALE) LICENSE IN ACCORDANCE WITH THIS SECTION.**

16 **(D) SCOPE OF AUTHORIZATION.**

17 **(1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
18 **PERMIT AUTHORIZES THE PERMIT HOLDER TO IMPOSE A COVER CHARGE, OFFER**
19 **FACILITIES FOR PATRON DANCING, AND PROVIDE ENTERTAINMENT.**

20 **(II) THE PERMIT HOLDER SHALL COMPLY WITH ALL**
21 **REQUIREMENTS UNDER COUNTY LAW, INCLUDING ZONING AND USE AND**
22 **OCCUPANCY LAWS.**

23 **(2) THE BOARD SHALL DETERMINE THE NUMBER OF DAYS IN A WEEK**
24 **THAT A PERMIT HOLDER MAY EXERCISE THE PRIVILEGES OF THE PERMIT.**

25 **(3) THE PERMIT IS IN EFFECT FROM 9 P.M. TO 2 A.M. THE FOLLOWING**
26 **DAY.**

27 **(E) REQUIREMENTS FOR APPLICANT.**

1 **BEFORE BEING ISSUED THE PERMIT, AN APPLICANT SHALL:**

2 **(1) SUBMIT EVIDENCE TO THE SATISFACTION OF THE BOARD THAT:**

3 **(I) THE APPLICANT HOLDS A CLASS B (ON-SALE) LICENSE;**

4 **(II) THERE ARE NO UNPAID TAXES DUE FROM THE APPLICANT**
5 **TO THE STATE, THE COUNTY, OR A MUNICIPAL CORPORATION; AND**

6 **(III) THE APPLICANT MEETS ALL OTHER REQUIREMENTS FOR**
7 **THE PERMIT; AND**

8 **(2) (I) DEVELOP A SECURITY PLAN TO PREVENT THE PREMISES**
9 **FOR WHICH THE PERMIT IS SOUGHT FROM POSING A THREAT TO THE PEACE AND**
10 **SAFETY OF THE SURROUNDING AREA; AND**

11 **(II) SUBMIT THE PLAN FOR REVIEW TO THE BOARD AND THE**
12 **CHIEF OF THE COUNTY POLICE DEPARTMENT.**

13 **(F) SECURITY PLAN.**

14 **(1) THE CHIEF OF THE COUNTY POLICE DEPARTMENT MAY SUBMIT**
15 **COMMENTS TO THE BOARD ON THE ADEQUACY OF THE SECURITY PLAN WITHIN 30**
16 **DAYS AFTER RECEIPT OF THE SECURITY PLAN.**

17 **(2) THE BOARD SHALL CONSIDER THE COMMENTS, IF ANY, OF THE**
18 **CHIEF OF THE COUNTY POLICE DEPARTMENT AND SUBSEQUENTLY ISSUE THE**
19 **PERMIT, REFUSE TO ISSUE THE PERMIT, OR CONDITION THE ISSUANCE OF THE**
20 **PERMIT ON CHANGES TO THE SECURITY PLAN.**

21 **(3) IF THE BOARD ISSUES THE PERMIT WITH A SECURITY PLAN THAT**
22 **THE CHIEF OF THE COUNTY POLICE DEPARTMENT DOES NOT SUPPORT, THE**
23 **BOARD SHALL SPECIFY IN WRITING TO THE CHIEF OF THE COUNTY POLICE**
24 **DEPARTMENT THE REASONS WHY THE BOARD HAS DETERMINED THAT THE**
25 **SECURITY PLAN IS ADEQUATE.**

26 **(G) PUBLIC HEARING REQUIRED.**

27 **(1) BEFORE ISSUING THE PERMIT, THE BOARD SHALL HOLD A**
28 **PUBLIC HEARING IN ACCORDANCE WITH THE REQUIREMENTS FOR A PUBLIC**
29 **HEARING ON AN APPLICATION FOR A LICENSE UNDER § 26-1511 OF THIS TITLE.**

1 **(2) AT THE PUBLIC HEARING, THE BOARD SHALL GIVE THE**
2 **APPLICANT, SUPPORTERS OF THE APPLICANT, AND OPPONENTS OF THE APPLICANT**
3 **AN OPPORTUNITY TO BE HEARD.**

4 **(3) IN MAKING ITS DETERMINATION WHETHER TO APPROVE THE**
5 **APPLICATION AND ISSUE THE PERMIT, THE BOARD SHALL CONSIDER WHETHER:**

6 **(I) APPROVAL AND ISSUANCE OF THE PERMIT IS NECESSARY**
7 **FOR THE ACCOMMODATION OF THE PUBLIC;**

8 **(II) THE APPLICANT IS A FIT PERSON TO RECEIVE THE PERMIT;**

9 **(III) THE APPLICANT HAS MADE A MATERIAL FALSE STATEMENT**
10 **IN THE APPLICATION;**

11 **(IV) THE APPLICANT HAS COMMITTED ANY FRAUDULENT ACT IN**
12 **CONNECTION WITH THE APPLICATION;**

13 **(V) THE OPERATION OF THE BUSINESS, IF THE PERMIT IS**
14 **ISSUED, WILL UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE**
15 **NEIGHBORHOOD WHERE THE PLACE OF BUSINESS IS LOCATED OR TO BE LOCATED;**
16 **AND**

17 **(VI) THERE ARE ANY OTHER REASONS THAT JUSTIFY THE**
18 **DISAPPROVAL OF THE APPLICATION OR THE REFUSAL TO ISSUE THE PERMIT.**

19 **(4) THE BOARD SHALL HOLD A SIMILAR PUBLIC HEARING ON**
20 **RECEIPT OF A PETITION TO:**

21 **(I) REVOKE THE PERMIT; OR**

22 **(II) PROTEST THE RENEWAL OF THE PERMIT.**

23 **(H) IMPLEMENTATION OF SECURITY PLAN.**

24 **THE PERMIT HOLDER:**

25 **(1) SHALL IMPLEMENT AND FOLLOW THE APPROVED SECURITY PLAN**
26 **DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION AT ALL TIMES WHEN THE**
27 **PERMIT HOLDER EXERCISES THE PRIVILEGES OF THE PERMIT;**

28 **(2) WHEN THE PRIVILEGES AUTHORIZED BY THE PERMIT ARE BEING**
29 **EXERCISED, MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS**

1 ON THE PREMISES FOR WHICH THE PERMIT IS ISSUED UNLESS THE INDIVIDUAL IS
2 EMPLOYED BY OR IS AN IMMEDIATE FAMILY MEMBER OF THE PERMIT HOLDER; AND

3 (3) MAY EMPLOY SWORN SECURITY PERSONNEL AS PART OF THE
4 SECURITY PLAN DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION IF THE
5 SWORN SECURITY PERSONNEL HAVE FULL POLICE POWERS IN THE JURISDICTION
6 WHERE THE PREMISES OF THE PERMIT HOLDER IS LOCATED.

7 (I) RESTRICTIONS ON ENTERTAINMENT.

8 THE BOARD AT ANY TIME MAY PROHIBIT, CONDITION, OR RESTRICT THE TYPE
9 OF ENTERTAINMENT OFFERED BY A PERMIT HOLDER, INCLUDING LEWD, EXOTIC,
10 LOUD, OR RAUCOUS ENTERTAINMENT, IF AFTER A HEARING THE BOARD
11 DETERMINES THAT THE ENTERTAINMENT:

12 (1) ADVERSELY IMPACTS OR UNDULY DISTURBS THE COMMUNITY;
13 AND

14 (2) IS NOT CONDUCTIVE TO THE PEACE, HEALTH, WELFARE, OR SAFETY
15 OF THE RESIDENTS OF THE COUNTY.

16 (J) SUSPENSION OR REVOCATION OF PERMIT.

17 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD
18 MAY IMMEDIATELY SUSPEND THE PERMIT IF THE BOARD REASONABLY BELIEVES
19 THAT THE PERMIT HOLDER:

20 (I) VIOLATED THIS SECTION; OR

21 (II) IS NOT IN COMPLIANCE WITH A COUNTY ZONING PROPERTY
22 STANDARD OR USE AND OCCUPANCY REQUIREMENT.

23 (2) IF THE BOARD IMMEDIATELY SUSPENDS A PERMIT, THE BOARD
24 SHALL:

25 (I) GIVE THE PERMIT HOLDER NOTICE OF THE SUSPENSION
26 AND A HEARING ON THE SUSPENSION AT WHICH THE PERMIT HOLDER MAY BE
27 HEARD AND PRESENT EVIDENCE; AND

28 (II) HOLD THE HEARING WITHIN 30 DAYS AFTER THE
29 SUSPENSION IS IMPOSED.

30 (K) HEARING ON SUSPENSION.

1 **(1) AT THE HEARING, THE BOARD SHALL DETERMINE:**

2 **(I) WHETHER THE PERMIT HOLDER VIOLATED THIS SECTION**
3 **OR OTHER LAW; AND**

4 **(II) IF A VIOLATION OCCURRED, WHAT PENALTY TO IMPOSE**
5 **AMONG THOSE LISTED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.**

6 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF THE BOARD**
7 **FINDS THAT A PERSON HAS VIOLATED THIS SECTION OR ANY OTHER LAW, THE**
8 **BOARD:**

9 **(I) MAY REVOKE OR CONTINUE THE SUSPENSION OF THE**
10 **PERMIT; AND**

11 **(II) SHALL IMPOSE ON THE PERSON A PENALTY OF:**

12 **1. FOR A FIRST OFFENSE, AT LEAST \$1,000 BUT NOT**
13 **MORE THAN \$12,500; AND**

14 **2. FOR EACH SUBSEQUENT OFFENSE, AT LEAST \$5,000.**

15 **(3) THE BOARD:**

16 **(I) SHALL REVOKE THE PERMIT OF A PERSON WHO THE BOARD**
17 **DETERMINES VIOLATED THIS SECTION OR ANY OTHER LAW TWICE IN 24 MONTHS;**
18 **AND**

19 **(II) MAY NOT CONSIDER AN APPLICATION FROM THE PERSON**
20 **FOR A NEW PERMIT OR AN APPLICATION FOR A NEW PERMIT FOR THE PREMISES**
21 **THAT WAS THE SUBJECT OF THE REVOCATION UNTIL AT LEAST 12 MONTHS AFTER**
22 **THE ORDER OF REVOCATION IS ISSUED.**

23 **(4) IF THE BOARD DETERMINES THAT THE PERMIT HOLDER DID NOT**
24 **VIOLATE THIS SECTION, THE BOARD SHALL IMMEDIATELY REINSTATE THE PERMIT.**

25 **(L) TEMPORARY RESTRAINING ORDER.**

26 **(1) THE CIRCUIT COURT MAY ISSUE A TEMPORARY RESTRAINING**
27 **ORDER TO IMMEDIATELY CLOSE TO THE PUBLIC THE ENTIRE OPERATION OF THE**
28 **PREMISES IF THE COUNTY ESTABLISHES THAT:**

1 **(I) THE SECURITY PLAN DESCRIBED UNDER SUBSECTION**
 2 **(E)(2) OF THIS SECTION HAS NOT BEEN IMPLEMENTED; AND**

3 **(II) THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES**
 4 **EMERGENCY ACTION.**

5 **(2) ON ISSUANCE OF A TEMPORARY RESTRAINING ORDER UNDER**
 6 **PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY SHALL GIVE THE PERMIT**
 7 **HOLDER WRITTEN NOTICE OF AND REASONS FOR THE CLOSURE.**

8 **(3) THE PERMIT HOLDER PROMPTLY SHALL BE GIVEN AN**
 9 **OPPORTUNITY FOR A HEARING IN CIRCUIT COURT ON THE GRANTING OF THE**
 10 **TEMPORARY RESTRAINING ORDER IN ACCORDANCE WITH TITLE 15, CHAPTER 500**
 11 **OF THE MARYLAND RULES.**

12 **(M) REGULATIONS.**

13 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

14 **(N) FEE.**

15 **THE ANNUAL FEE FOR THE PERMIT IS \$1,500, WHICH IS IN ADDITION TO THE**
 16 **ANNUAL FEE FOR THE CLASS B LICENSE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 6-201(r)(19).

19 In subsection (d)(1)(ii) of this section, the former reference to "regulations" is
 20 deleted as included in the reference to "laws".

21 In subsection (g)(1) of this section, the former phrase "approving an
 22 application" is deleted as implicit in the phrase "issuing the permit".

23 Defined terms: "Board" § 26-101

24 "County" § 26-101

25 "License" § 1-101

26 "License holder" § 1-101

27 "On-sale" § 1-101

28 "Person" § 1-101

29 "Restaurant" § 1-101

30 "State" § 1-101

31 **26-1104. SUNDAY OFF-SALE PERMIT.**

32 **(A) ESTABLISHED.**

1 **THERE IS A SUNDAY OFF-SALE PERMIT.**

2 **(B) AUTHORIZED HOLDER.**

3 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
4 **THE BOARD MAY ISSUE THE PERMIT TO THE HOLDER OF:**

5 **(I) A CLASS A BEER, WINE, AND LIQUOR LICENSE; OR**

6 **(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN**
7 **OFF-SALE PRIVILEGE.**

8 **(2) THE BOARD MAY NOT ISSUE A SUNDAY OFF-SALE PERMIT TO A**
9 **LICENSE HOLDER THAT THE BOARD FINDS TO HAVE SOLD LIQUOR ON SUNDAY**
10 **WITHOUT A SUNDAY OFF-SALE PERMIT.**

11 **(C) SCOPE OF AUTHORIZATION.**

12 **THE PERMIT AUTHORIZES THE HOLDER TO SELL ALCOHOLIC BEVERAGES FOR**
13 **OFF-PREMISES CONSUMPTION ON SUNDAY FROM 8 A.M. TO MIDNIGHT.**

14 **(D) REQUIRED REINVESTMENT.**

15 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
16 **AN APPLICANT FOR THE PERMIT SHALL COMMIT IN THE APPLICATION TO**
17 **REINVESTING A MINIMUM OF \$50,000 IN THE BUSINESS WITHIN 1 YEAR AFTER THE**
18 **PERMIT IS ISSUED.**

19 **(2) THE BOARD MAY WAIVE THE REINVESTMENT REQUIREMENT.**

20 **(3) THE BOARD SHALL REVOKE THE PERMIT IF:**

21 **(I) THE BOARD DID NOT WAIVE THE REINVESTMENT**
22 **REQUIREMENT UNDER ITEM (II) OF THIS PARAGRAPH; AND**

23 **(II) THE PERMIT HOLDER FAILS TO MAKE THE REQUIRED**
24 **REINVESTMENT.**

25 **(E) WAIVER OF RESTAURANT OR FOOD REQUIREMENTS.**

1 **IF THE PERMIT IS ISSUED TO THE HOLDER OF A CLASS B BEER, WINE, AND**
2 **LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE, THE HOLDER NEED NOT COMPLY**
3 **WITH ANY RESTAURANT OR FOOD REQUIREMENT.**

4 **(F) LIMIT ON PERMITS.**

5 **NOT MORE THAN 100 SPECIAL SUNDAY OFF-SALE PERMITS MAY BE IN EFFECT**
6 **AT ANY ONE TIME.**

7 **(G) FEES.**

8 **(1) THE APPLICATION FEE FOR THE PERMIT IS \$750.**

9 **(2) THE ANNUAL FEES FOR THE PERMIT ARE:**

10 **(I) \$2,590 FOR THE HOLDER OF A CLASS A BEER, WINE, AND**
11 **LIQUOR LICENSE; AND**

12 **(II) \$1,080 FOR THE HOLDER OF A CLASS B BEER, WINE, AND**
13 **LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE.**

14 **(3) THE FEES LISTED IN PARAGRAPHS (1) AND (2) OF THIS**
15 **SUBSECTION ARE IN ADDITION TO THE ANNUAL FEE FOR THE CLASS A BEER, WINE,**
16 **AND LIQUOR LICENSE OR CLASS B BEER, WINE, AND LIQUOR LICENSE TO WHICH IT**
17 **IS ATTACHED.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 11-517(l)(1) through (3) and (5) through (10).

20 In subsection (b)(1) of this section, the former reference to a Class B beer, wine
21 and liquor license with an off-sale privilege "under 6-201(r)(2)(ii) of this
22 article" is deleted as surplusage.

23 Former Art. 2B, § 11-517(l)(4), which prohibited the Board from issuing a
24 special Sunday off-sale permit to persons who violated a restriction on selling
25 liquor on Sunday between July 1, 2014, and June 30, 2015, is deleted as
26 obsolete.

27 Former Art. 2B, § 11-517(l)(11), which authorized the Board to adopt
28 regulations to implement the provisions of this section relating to the issuance
29 of a Sunday off-sale permit, is deleted as unnecessary because the Board has
30 the power to adopt regulations under § 26-208 of this title.

31 Defined terms: "Board" § 26-101

32 "License" § 1-101

1 "Off-sale" § 1-101

2 "Restaurant" § 1-101

3 **26-1105. SUNDAY ON-SALE PERMIT.**

4 (A) ESTABLISHED.

5 THERE IS A SUNDAY ON-SALE PERMIT.

6 (B) AUTHORIZED PERMIT HOLDER.

7 THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B BEER, WINE,
8 AND LIQUOR LICENSE WHO MEETS THE STANDARDS SET OUT IN §§ 26-902 AND
9 26-903 OF THIS TITLE.

10 (C) SCOPE OF AUTHORIZATION.

11 THE PERMIT AUTHORIZES THE PERMIT HOLDER ON SUNDAY TO SELL BEER,
12 WINE, AND LIQUOR BY THE DRINK FROM THE BAR OR A COCKTAIL LOUNGE FOR
13 ON-PREMISES CONSUMPTION.

14 (D) HOURS OF SALE.

15 THE HOURS OF SALE ARE FROM NOON TO 2 A.M. THE FOLLOWING DAY.

16 (E) PERMIT REQUIREMENTS.

17 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
18 FOR THE BOARD TO ISSUE THE PERMIT, THE AVERAGE DAILY RECEIPTS FROM THE
19 SALE OF FOOD SHALL BE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS FROM THE
20 SALE OF "ON-SALE" FOOD AND ALCOHOLIC BEVERAGES AT THE APPLICANT'S
21 LICENSED PREMISES FOR AT LEAST 6 MONTHS BEFORE THE APPLICATION IS
22 SUBMITTED.

23 (2) THE BOARD MAY IMMEDIATELY ISSUE THE PERMIT FOR A NEWLY
24 LICENSED ESTABLISHMENT IF:

25 (I) THE BOARD DETERMINES THAT THE APPLICANT MEETS THE
26 SPECIFICATIONS OF §§ 26-902 AND 26-903 OF THIS TITLE FOR THE PREPARATION,
27 SERVING, AND SALE OF FOOD; AND

28 (II) THE LICENSE HOLDER COMPLIES WITH THIS SECTION.

1 **(3) AN APPLICANT FOR THE PERMIT SHALL PROVIDE THE BOARD**
2 **WITH THE EVIDENCE THAT THE BOARD REQUIRES INDICATING THE**
3 **QUALIFICATIONS OF THE APPLICANT.**

4 **(F) STATEMENT FROM PERMIT HOLDER REQUIRED.**

5 **A PERMIT HOLDER SHALL PROVIDE THE BOARD, AT REGULAR INTERVALS**
6 **THAT THE BOARD ESTABLISHES, A STATEMENT INDICATING IN DETAIL THE RATIO**
7 **OF FOOD SALES TO THE SALES OF ALCOHOLIC BEVERAGES.**

8 **(G) REVOCATION.**

9 **IF THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FAIL FOR 3**
10 **SUCCESSIVE MONTHS TO AT LEAST EQUAL 40% OF THE TOTAL DAILY RECEIPTS**
11 **FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES, THE BOARD SHALL REVOKE**
12 **THE PERMIT.**

13 **(H) FEE.**

14 **THE ANNUAL PERMIT FEE IS \$850.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 6-201(r)(5)(i) through (iii) and the second, third,
17 and, except as it related to Class BH license holders, fourth sentences of (iv).

18 In subsection (c) of this section, the former phrase "to keep for sale" is deleted
19 as included in the phrase "to sell".

20 In subsection (e) of this section, the reference to "the applicant's licensed
21 premises" is substituted for the former reference to "the establishments where
22 it is proposed to locate this permit" for brevity.

23 In subsection (f) of this section, the former phrase "from time to time" is
24 deleted as surplusage.

25 In subsection (h) of this section, the former reference to the \$850 "which is in
26 addition to the annual fee for the Class B beer, wine and liquor license to
27 which it is attached" is deleted because it is implicit in the reference to a
28 "permit fee".

29 The first sentence of former Art. 2B, § 6-201(r)(5)(iv), which stated that the
30 permit is subject to all other provisions of this article "except that any
31 restrictions on the sale of alcoholic beverages on Sunday appearing in §
32 11-517 of this article and elsewhere may not apply", is deleted as unnecessary
33 in light of the organization of this revised article.

1 Former Art. 2B, § 6–201(r)(5)(v), which authorized the Board to adopt
2 regulations it considered necessary relating to special Sunday “on–sale”
3 permits, is deleted as unnecessary because the Board has the power to adopt
4 regulations under § 26–208 of this title.

5 Defined terms: “Alcoholic beverage” § 1–101

6 “Beer” § 1–101

7 “Board” § 26–101

8 “On–sale” § 1–101

9 “Wine” § 1–101

10 **SUBTITLE 12. CATERER’S LICENSES.**

11 **26–1201. CLASS BCE CATERER’S LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS BCE (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

14 **(B) AUTHORIZED HOLDER.**

15 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CATERING**
16 **ESTABLISHMENT.**

17 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
18 **BOARD SHALL ADOPT REGULATIONS THAT DEFINE A CATERING ESTABLISHMENT.**

19 **(II) THE REGULATIONS ADOPTED BY THE BOARD SHALL**
20 **REQUIRE A CATERING ESTABLISHMENT TO HAVE:**

21 **1. A MINIMUM CAPITAL INVESTMENT OF \$1,000,000 FOR**
22 **DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, EXCLUDING THE COST OF**
23 **LAND, BUILDINGS, OR A LEASE; AND**

24 **2. A MINIMUM SEATING CAPACITY OF 150 INDIVIDUALS.**

25 **(3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE**
26 **BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION BY PARTICIPANTS OF**
27 **CATERED EVENTS ONLY.**

28 **(C) FOOD REQUIREMENT.**

1 **THE LICENSE HOLDER SHALL SERVE FOOD WITH THE BEER, WINE, AND**
2 **LIQUOR.**

3 **(D) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$3,630.**

5 **(E) HOURS AND DAYS OF SALE.**

6 **THE BOARD SHALL ADOPT REGULATIONS SPECIFYING THE HOURS AND DAYS**
7 **OF SALE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 6-201(r)(8).

10 In subsection (a) of this section, the former reference to a "special Class B ...
11 license ... to be known as Class BCE" is deleted as surplusage in light of the
12 revised structure of this article.

13 In subsection (b)(2)(i) of this section, the requirement that the Board "adopt"
14 regulations is added for clarity.

15 In subsection (c) of this section, the requirement that the "license holder" serve
16 food is added for clarity.

17 Defined terms: "Beer" § 1-101

18 "Board" § 26-101

19 "On-sale" § 1-101

20 "Wine" § 1-101

21 **SUBTITLE 13. TEMPORARY LICENSES.**

22 **PART I. IN GENERAL.**

23 **26-1301. APPLICATION OF GENERAL PROVISIONS.**

24 **(A) WITHOUT EXCEPTION OR VARIATION.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY**
26 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
27 **EXCEPTION OR VARIATION:**

28 **(1) § 4-1202 ("PER DIEM LICENSES");**

1 (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
2 AND WINE LICENSES”);

3 (3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

4 (4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

5 (5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

6 (6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

7 (B) EXCEPTION.

8 SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT
9 APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-1314 OF THIS SUBTITLE.

10 (C) VARIATION.

11 SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”)
12 OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 26-1311
13 AND 26-1313 OF THIS SUBTITLE.

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 the general provisions relating to local temporary licenses.

16 Defined term: “County” § 26-101

17 26-1302. RESERVED.

18 26-1303. RESERVED.

19 PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

20 26-1304. WINE FESTIVAL LICENSE.

21 (A) “FESTIVAL” DEFINED.

22 IN THIS SECTION, “FESTIVAL” MEANS THE PRINCE GEORGE’S COUNTY WINE
23 FESTIVAL.

24 (B) ESTABLISHED.

25 (1) THERE IS A PRINCE GEORGE’S COUNTY WINE FESTIVAL
26 LICENSE.

1 **(2) THE BOARD MAY ISSUE ONE LICENSE EACH YEAR.**

2 **(C) AUTHORIZED HOLDER.**

3 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
4 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

5 **(D) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL WINE**
7 **THAT IS:**

8 **(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

9 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**
10 **FILED.**

11 **(E) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

12 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

13 **(1) FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

14 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

15 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

16 **(1) THE BOARD SHALL:**

17 **(I) CHOOSE A LOCATION FOR THE FESTIVAL THAT:**

18 **1. IS NOT IN THE 24TH LEGISLATIVE DISTRICT; AND**

19 **2. IS NOT ALREADY LICENSED; AND**

20 **(II) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
21 **THE PROMOTION OF MARYLAND WINE.**

22 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH YEAR**
23 **THE BOARD MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY, INCLUSIVE, FOR**
24 **THE FESTIVAL.**

1 **(3) THE WEEKEND CHOSEN FOR THE FESTIVAL MAY NOT:**

2 **(I) BE WITHIN 14 DAYS BEFORE OR AFTER THE DATES CHOSEN**
3 **FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY; OR**

4 **(II) CONFLICT WITH THE DATES CHOSEN FOR THE:**

5 1. **ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL;**

6 2. **CALVERT COUNTY WINE FESTIVAL;**

7 3. **CHARLES COUNTY BEER AND WINE FESTIVAL; OR**

8 4. **HOWARD COUNTY WINE FESTIVAL.**

9 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

10 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
11 **OR NATURE.**

12 **(H) INVOICING AND DELIVERY.**

13 **WINE DISPLAYED AND SOLD SHALL BE:**

14 **(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED**
15 **WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

16 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
17 **THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

18 **(I) DELIVERY AGREEMENT.**

19 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
20 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

21 **(1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
22 **EFFECTIVE DATE OF THE LICENSE; AND**

23 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
24 **EXPIRATION DATE OF THE LICENSE.**

25 **(J) FEE.**

26 **THE BOARD MAY SET THE LICENSE FEE.**

1 **(K) REGULATIONS.**

2 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8–310.2(c) through (i), (a)(1) and (3), and (b)(2).

5 Subsection (b)(1) of this section is revised in standard language used
6 throughout this article to establish a license.

7 In subsection (c) of this section, the reference to a “retail” license is substituted
8 for the former reference to a “retail alcoholic beverages” license for brevity.

9 Also in subsection (c) of this section, the former phrase “[n]otwithstanding any
10 other provision of this article” is deleted as unnecessary in light of the
11 organization of this revised article.

12 In the introductory language of subsection (d) of this section, the reference to
13 the “license authoriz[ing] the license holder to display and sell wine that”
14 meets specified criteria is substituted for the former reference to the
15 requirement that the “wine shall” meet the criteria for clarity and consistency
16 with terminology used throughout this article.

17 In subsection (d) of this section, the former requirement that wine must be
18 “[p]rice filed in accordance with regulations that the Comptroller adopts” is
19 deleted as obsolete. *See* General Revisor’s Note to Division II.

20 In subsection (f)(1)(i)2 of this section, the reference to a location that “is not
21 already licensed” is substituted for the former reference to a location “which
22 is not licensed under this article” for consistency with terminology used
23 throughout this article.

24 Also in subsection (f)(1)(i)2 of this section, the former reference to the Board
25 being required to choose a location for the Festival “in the county” is deleted
26 as surplusage.

27 In subsection (f)(3) of this section, the former requirement that the weekend
28 for the Festival not “[b]e longer than 3 days” is deleted as unnecessary in light
29 of the language in (f)(2) authorizing the Board to choose “1 weekend, Friday
30 through Sunday, inclusive, for the Festival”.

31 In subsection (g) of this section, the reference to a license holder who “may
32 hold” another license is substituted for the former statement that “[t]his
33 section does not prohibit the holder of a wine festival license from holding”
34 another license for clarity.

1 In the introductory language of subsection (h) of this section, the reference to
2 “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

3 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
4 winery, or Class 4 limited winery” is substituted for the former reference to a
5 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
6 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
7 or Class 4 limited winery” is substituted for the former reference to a
8 “wholesaler, winery, or limited winery” and in the introductory language of
9 subsection (i) of this section, the reference to a “holder of a wholesale, Class 3
10 winery, or Class 4 limited winery license” is substituted for the former
11 reference to “holders of wholesale, winery, or limited winery licenses”.

12 In the introductory language of subsection (i) of this section, the former phrase
13 “[w]henver a wine festival license is issued under this section” is deleted as
14 surplusage.

15 In subsection (i)(1) of this section, the reference to delivery “not earlier than”
16 2 days before the effective date is added for clarity. Similarly, in subsection
17 (i)(2) of this section, the reference to acceptance of returns “not later than” 2
18 days after the expiration date is added.

19 Former Art. 2B, § 8–310.2(a)(2), which defined “Board” as meaning the Prince
20 George’s County Board of License Commissioners, is deleted as redundant in
21 light of the defined term “Board” in § 26–101 of this title.

22 Former Art. 2B, § 8–310.2(b)(1), which stated that former Art. 2B, § 8–310.2
23 applied only in Prince George’s County, is deleted as unnecessary in light of
24 the organization of this revised article.

25 The Alcoholic Beverages Article Code Revision Committee notes, for
26 consideration by the General Assembly, that in subsection (f)(1)(i)1 of this
27 section, it is unclear whether the reference to “the 24th Legislative District”
28 refers to the legislative district as constituted on the date when the provision
29 was enacted or as constituted today.

30 Defined terms: “Beer” § 1–101
31 “Board” § 26–101
32 “State” § 1–101
33 “Wholesaler” § 1–101
34 “Wine” § 1–101

35 **26–1305. BEER TASTING LICENSE.**

36 **(A) ESTABLISHED.**

37 **THERE IS A BEER TASTING LICENSE.**

1 **(B) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER (B) LICENSE, A**
3 **BEER AND WINE (BW) LICENSE, OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF**
6 **BEER FOR TASTING.**

7 **(D) LIMIT ON SERVINGS.**

8 **A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 3 OUNCES**
9 **FROM EACH OFFERING OF BEER TO AN INDIVIDUAL.**

10 **(E) FEE.**

11 **(1) IN ADDITION TO THE COST OF THE BEER AND WINE LICENSE OR**
12 **BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$120.**

13 **(2) IN ADDITION TO THE COST OF A BEER LICENSE, THE ANNUAL**
14 **LICENSE FEE IS \$110.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 8–409(a)(1), (2)(ii), (3)(ii), (4)(ii), and (5)(i), as
17 they related to the beer tasting license.

18 Subsection (a) of this section is revised in standard language used throughout
19 this article to establish a license.

20 In subsection (c) of this section, the reference to the license “authoriz[ing] the
21 holder” to allow the consumption of beer is added for clarity and consistency
22 with the terminology used throughout this article.

23 Also in subsection (c) of this section, the former reference to “sampling” is
24 deleted as redundant of the reference to “tasting”.

25 In subsection (d) of this section, the reference to each “offering” is substituted
26 for the former reference to each “brand” for clarity.

27 Also in subsection (d) of this section, the reference to an “individual” is
28 substituted for the former, overly broad reference to a “person” for clarity.

Former Art. 2B, § 8–409(c), which authorized the Prince George’s County Board of License Commissioners to adopt rules or regulations providing additional requirements to implement former § 8–409, is deleted as unnecessary in light of the general power of the Board to adopt regulations.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Wine” § 1–101

26–1306. WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A WINE TASTING LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW) LICENSE OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME FOR TASTING.

(D) LIMIT ON SERVINGS.

A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING OF WINE TO AN INDIVIDUAL.

(E) FEE.

IN ADDITION TO THE COST OF THE BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$120.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–409(a)(1), (2)(i), (3)(i), (4)(i), and (5)(i) and (ii), as they related to the wine tasting license.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder to allow” the consumption of wine is added for clarity and consistency with the terminology used throughout this article.

1 Also in subsection (c) of this section, the former reference to a “sampling” is
2 deleted as redundant of the reference to “tasting”.

3 In subsection (d) of this section, the reference to each “offering” is substituted
4 for the former reference to each “given brand” for clarity.

5 Also in subsection (d) of this section, the reference to an “individual” is
6 substituted for the former, overly broad reference to a “person” for clarity.

7 Defined terms: “Beer” § 1–101

8 “Board” § 26–101

9 “License” § 1–101

10 “License holder” § 1–101

11 “Wine” § 1–101

12 **26–1307. BEER AND WINE TASTING LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A BEER AND WINE TASTING LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW)**
17 **LICENSE OR A BEER, WINE, AND LIQUOR (BWL) LICENSE.**

18 **(C) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW, FOR TASTING, THE**
20 **CONSUMPTION OF:**

21 **(1) BEER; OR**

22 **(2) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY**
23 **VOLUME.**

24 **(D) LIMIT ON SERVINGS.**

25 **A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL A QUANTITY OF NOT MORE**
26 **THAN:**

27 **(1) 1 OUNCE FROM EACH OFFERING OF WINE; OR**

28 **(2) 3 OUNCES FROM EACH OFFERING OF BEER.**

1 **(E) FEE.**

2 **THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8–409(a)(5) and, as they related to the beer and
5 wine tasting license, (1), (2)(i) and (ii)1, (3), and (4).

6 Subsection (a) of this section is revised in standard language used throughout
7 this article to establish a license.

8 In subsection (c) of this section, the reference to the license “authoriz[ing] the
9 holder to allow” the consumption of beer or wine is added for clarity.

10 Also in subsection (c) of this section, the former reference to “sampling” is
11 deleted as redundant of the reference to “tasting”.

12 In subsection (d) of this section, the reference to an “individual” is substituted
13 for the former, overly broad reference to a “person” for clarity.

14 Also in subsection (d) of this section, the references to each “offering” are
15 substituted for the former references to each “brand” or each “given brand” for
16 clarity.

17 Defined terms: “Beer” § 1–101

18 “Board” § 26–101

19 “License” § 1–101

20 “License holder” § 1–101

21 “Wine” § 1–101

22 **26–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLТ) LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND**
27 **LIQUOR LICENSE.**

28 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF**
2 **BEER, WINE, AND LIQUOR FOR TASTING.**

3 **(D) LIMIT ON SERVINGS.**

4 **A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL A QUANTITY OF NOT MORE**
5 **THAN:**

6 **(1) 0.5 OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES**
7 **FROM ALL OFFERINGS OF LIQUOR IN A DAY;**

8 **(2) 1 OUNCE FROM EACH OFFERING OF WINE; AND**

9 **(3) 3 OUNCES FROM EACH OFFERING OF BEER.**

10 **(E) FEE.**

11 **THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 8-409(b).

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 In subsection (c) of this section, the reference to the license "authoriz[ing] the
17 holder to allow" the consumption of beer, wine, and liquor is added for clarity
18 and consistency with the terminology used throughout this article.

19 Also in subsection (c) of this section, the former reference to "sampling" is
20 deleted as redundant of the reference to "tasting".

21 In the introductory language of subsection (d) of this section, the reference to
22 an "individual" is substituted for the former, overly broad reference to a
23 "person" for clarity.

24 Also in subsection (d) of this section, the references to "1 ounce from each
25 offering of wine" and "3 ounces from each offering of beer" are substituted for
26 the former reference to "the limitations on the consumption of beer and wine
27 under subsection (a)(4) of this section" for clarity.

28 Defined terms: "Beer" § 1-101

29 "Board" § 26-101

30 "License" § 1-101

31 "License holder" § 1-101

1 “Wine” § 1–101

2 **26–1309. RESERVED.**

3 **26–1310. RESERVED.**

4 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

5 **26–1311. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

6 **(A) NOTICE TO GOVERNMENT OFFICIALS.**

7 **WHEN THE BOARD ISSUES A CLASS C PER DIEM BEER, WINE, AND LIQUOR**
 8 **LICENSE, THE BOARD SHALL PROVIDE NOTICE OF THE EVENT FOR WHICH THE**
 9 **LICENSE IS ISSUED TO:**

10 **(1) THE COUNTY POLICE CHIEF;**

11 **(2) THE COUNTY FIRE CHIEF;**

12 **(3) THE DIRECTOR OF THE COUNTY DEPARTMENT OF**
 13 **ENVIRONMENTAL RESOURCES; AND**

14 **(4) IF APPLICABLE, THE CHIEF ADMINISTRATIVE OFFICER OF THE**
 15 **MUNICIPALITY IN WHICH THE EVENT IS TO BE HELD.**

16 **(B) NOTICE REQUIREMENTS.**

17 **THE NOTICE SHALL INCLUDE THE TIME, PLACE, AND EXPECTED SIZE OF THE**
 18 **EVENT.**

19 REVISOR’S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 7–101(d)(13)(iv).

21 In subsection (a) of this section, the reference to “[t]he Board” determining
 22 that the applicant is unqualified is added for clarity.

23 Former Art. 2B, § 7–101(d)(13)(i), which stated that former Art. 2B, §
 24 7–101(d)(13) applied only in Prince George’s County, is deleted as unnecessary
 25 in light of the organization of this revised article.

26 Former Art. 2B, § 7–101(d)(13)(v), which stated that the Board may deny an
 27 application for the license if it is determined that the applicant does not
 28 qualify under this article, is deleted as an unnecessary statement of common
 29 practice.

1 Defined terms: "Board" § 26-101
2 "County" § 26-101

3 **26-1312. CLASS D PER DIEM BEER AND WINE LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS D PER DIEM BEER AND WINE LICENSE.**

6 **(B) AUTHORIZED HOLDER.**

7 **(1) THE BOARD MAY ISSUE THE LICENSE:**

8 **(I) TO AN INDIVIDUAL; OR**

9 **(II) ON BEHALF OF AN ENTITY THAT HOLDS AN EVENT IN THE**
10 **PROPERTY OF A CONCEPTUAL SITE PLAN, SUBJECT TO PARAGRAPH (2) OF THIS**
11 **SUBSECTION.**

12 **(2) AT LEAST PART OF THE PROPERTY OF THE CONCEPTUAL SITE**
13 **PLAN SHALL INCLUDE A WATERFRONT ENTERTAINMENT RETAIL COMPLEX AS**
14 **DEFINED UNDER THE COUNTY ZONING ORDINANCE.**

15 **(C) SCOPE OF AUTHORIZATION.**

16 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE**
17 **HOLDER MAY DISPLAY AND SELL BEER AND WINE AT RETAIL FOR ON-PREMISES AND**
18 **OFF-PREMISES CONSUMPTION DURING THE HOURS AND DAYS DESIGNATED FOR**
19 **THE EVENT FOR WHICH THE LICENSE WAS ISSUED.**

20 **(2) THE BOARD MAY NOT ISSUE THE LICENSE FOR A PERIOD LONGER**
21 **THAN 7 CONSECUTIVE DAYS.**

22 **(D) ADDITIONAL LICENSES.**

23 **A LICENSE HOLDER MAY HOLD ANOTHER ALCOHOLIC BEVERAGES LICENSE OF**
24 **A DIFFERENT CLASS OR NATURE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 7-101(b)(11)(iv)1 through 4.

27 Former Art. 2B, § 7-101(b)(11)(iii), which stated that the Board may deny an
28 application for the license if it is determined that the applicant does not

1 qualify under this article, is deleted as an unnecessary statement of common
2 practice.

3 Former Art. 2B, § 7–101(b)(11)(iv)5, which stated that the Board “may adopt
4 regulations to carry out this subparagraph”, is deleted as unnecessary because
5 the Board has the power to adopt regulations under § 26–208 of this title.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Beer” § 1–101

8 “Board” § 26–101

9 “County” § 26–101

10 “License” § 1–101

11 “Wine” § 1–101

12 **26–1313. CLASS C (3–DAY) BEER, WINE, AND LIQUOR LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS C (3–DAY) BEER, WINE, AND LIQUOR LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION THAT**
17 **IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

18 **(C) LICENSE PERIOD.**

19 **THE BOARD MAY NOT ISSUE A LICENSE TO AN ORGANIZATION:**

20 **(1) FOR MORE THAN 3 CONSECUTIVE DAYS IN A SINGLE CALENDAR**
21 **YEAR; OR**

22 **(2) IN 2 CONSECUTIVE YEARS.**

23 **(D) SCOPE OF AUTHORIZATION.**

24 **A LICENSE HOLDER MAY SELL BEER, WINE, OR LIQUOR AT NATIONAL HARBOR**
25 **FOR ON– AND OFF–PREMISES CONSUMPTION.**

26 **(E) PURCHASES FROM AND DONATIONS BY LICENSED WHOLESALER.**

27 **(1) A LICENSE HOLDER MAY PURCHASE BEER, WINE, OR LIQUOR**
28 **ONLY FROM A LICENSED WHOLESALER.**

1 **(2) A LICENSED WHOLESALER MAY DONATE ALCOHOLIC BEVERAGES**
2 **TO THE LICENSE HOLDER.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 7-101(x)(2) through (4), (6), and (7).

5 Former Art. 2B, § 7-101(x)(1), which stated that former Art. 2B, § 7-101(x)
6 applied only in Prince George's County, is deleted as unnecessary in light of
7 the organization of this revised article.

8 Defined terms: "Alcoholic beverage" § 1-101

9 "Beer" § 1-101

10 "Board" § 26-101

11 "License" § 1-101

12 "Licensed wholesaler" § 1-101

13 "Wine" § 1-101

14 **26-1314. FEES.**

15 **(A) CLASS C PER DIEM BEER, CLASS C PER DIEM BEER AND WINE, AND**
16 **CLASS D (3-DAY) BEER AND WINE LICENSES.**

17 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
18 **FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE**
19 **LICENSE, THE FEE IS \$75 PER DAY.**

20 **(2) (I) FOR A CLUB HOLDING A GAMING EVENT, THE FEE IS \$100**
21 **PER DAY.**

22 **(II) THE FEE UNDER THIS PARAGRAPH SHALL BE:**

23 **1. PAID BY THE CLUB; AND**

24 **2. CONSIDERED AS PART OF THE LICENSE FEE OF THE**
25 **CLUB.**

26 **(3) FOR A CLASS D (3-DAY) BEER AND WINE LICENSE, THE FEE IS**
27 **\$100 PER DAY.**

28 **(B) CLASS C BEER, WINE, AND LIQUOR LICENSES.**

29 **(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
30 **SUBSECTION, FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, THE FEE**
31 **IS \$200 PER DAY.**

1 **(2) (I) FOR A CLUB HOLDING A GAMING EVENT, THE FEE IS \$150**
 2 **PER DAY.**

3 **(II) THE FEE UNDER THIS PARAGRAPH SHALL BE:**

4 **1. PAID BY THE CLUB; AND**

5 **2. CONSIDERED AS PART OF THE LICENSE FEE OF THE**
 6 **CLUB.**

7 **(3) FOR A CLASS C (3-DAY) BEER, WINE, AND LIQUOR LICENSE, THE**
 8 **FEE IS \$200 PER DAY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 7-101(b)(11)(i), (ii), and (iv)6, (d)(13)(ii) and
 11 (iii), and (x)(5).

12 Throughout this section, former references to "society, or association" are
 13 deleted as included in the defined term "club".

14 Defined terms: "Club" § 1-101
 15 "License" § 1-101

16 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

17 **26-1401. APPLICATION OF GENERAL PROVISIONS.**

18 **(A) WITHOUT EXCEPTION OR VARIATION.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
 20 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
 21 **WITHOUT EXCEPTION OR VARIATION:**

22 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
 23 **BOARD");**

24 **(2) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

25 **(3) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**

26 **(4) § 4-111 ("PAYMENT OF LICENSE FEES");**

27 **(5) § 4-112 ("DISPOSITION OF LICENSE FEES"); AND**

1 **(6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

2 **(B) EXCEPTIONS.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
4 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

5 **(1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH**
6 **IS SUPERSEDED BY § 26-1405 OF THIS SUBTITLE;**

7 **(2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
8 **WHICH IS SUPERSEDED BY § 26-1406 OF THIS SUBTITLE;**

9 **(3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
10 **COMPANY”), WHICH IS SUPERSEDED BY § 26-1406 OF THIS SUBTITLE;**

11 **(4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
12 **PETITION OF SUPPORT”); AND**

13 **(5) § 4-113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY**
14 **§ 26-1410 OF THIS SUBTITLE.**

15 **(C) VARIATIONS.**

16 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
17 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

18 **(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
19 **26-1403 AND 26-1404 OF THIS SUBTITLE; AND**

20 **(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
21 **GENERAL”):**

22 **(I) IN ADDITION TO § 26-1408 OF THIS SUBTITLE; AND**

23 **(II) SUBJECT TO § 26-1407 OF THIS SUBTITLE.**

24 **REVISOR’S NOTE:** Subsections (a), (c), and (b)(1) through (3) and (5) of this section
25 are new language added to incorporate by reference general provisions
26 relating to applications for local licenses.

1 Subsection (b)(4) of this section is new language derived without substantive
 2 change from former Art. 2B, § 10–103(b)(18)(iii), as it related to Prince
 3 George’s County.

4 Defined term: “County” § 26–101

5 **26–1402. CONSIDERATION OF APPLICATION.**

6 **(A) APPLICATION NOT PRIMA FACIE EVIDENCE OF RIGHT TO LICENSE.**

7 **THE BOARD MAY NOT CONSIDER AN APPLICATION FOR A LICENSE TO BE**
 8 **PRIMA FACIE EVIDENCE THAT THE APPLICANT IS ENTITLED TO THE LICENSE.**

9 **(B) BURDEN OF PROOF.**

10 **THE BURDEN OF PROOF IS ON THE APPLICANT TO SHOW TO THE BOARD THAT**
 11 **THE ISSUANCE OF A LICENSE TO THE APPLICANT IS NECESSARY FOR THE**
 12 **ACCOMMODATION OF THE PUBLIC AT THE PREMISES APPLIED FOR.**

13 **(C) CONSTRUCTION OF LIMITATIONS ON NUMBER OF LICENSES.**

14 **THE LIMITATIONS ON LICENSES SPECIFIED IN § 26–1601 OF THIS TITLE MAY**
 15 **NOT BE CONSTRUED AS THE NUMBER OF LICENSES THE BOARD IS OBLIGATED TO**
 16 **ISSUE.**

17 REVISOR’S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 9–217(i).

19 Throughout this section, the former reference to an applicant “or applicants”
 20 is deleted in light of § 1–202 of the General Provisions Article, which provides
 21 that the singular generally includes the plural.

22 In subsection (a) of this section, the reference to “[t]he Board” considering
 23 applications is added for clarity.

24 In subsection (b) of this section, the former reference to “[b]ecause of the
 25 limitation on licenses as set forth in subsection (b) of this section” is deleted
 26 as surplusage.

27 Defined term: “Board” § 26–101
 28 “License” § 1–101

29 **26–1403. OBTAINING CRIMINAL HISTORY RECORD INFORMATION.**

1 **THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON**
2 **LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1C.

5 The reference to “criminal history record information” is substituted for the
6 former reference to “criminal records” to conform to the terminology used in
7 CP § 10–201.

8 Defined terms: “Board” § 26–101
9 “License” § 1–101

10 **26–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
11 **APPLICATION PROCESS.**

12 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
13 **OBTAINED UNDER § 4–107 OF THIS ARTICLE OR § 26–1403 OF THIS SUBTITLE ON**
14 **COMPLETION OF ITS NECESSARY USE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10–103(b)(13)(ii)1C and, as it related to Prince
17 George's County, (i)2.

18 The reference to “criminal history record information” is substituted for the
19 former reference to “records” to conform to the terminology used in CP §
20 10–201.

21 Defined term: “Board” § 26–101

22 **26–1405. APPLICATION ON BEHALF OF SOLE PROPRIETORSHIP OR PARTNERSHIP.**

23 **(A) SCOPE OF SECTION.**

24 **THIS SECTION DOES NOT APPLY TO:**

- 25 **(1) A RACETRACK LICENSE;**
26 **(2) A CLASS BLX LICENSE;**
27 **(3) AN ARENA LICENSE;**
28 **(4) A CLASS BCE (CATERING) LICENSE;**
29 **(5) A CLASS B–CC (CONVENTION CENTER) LICENSE;**

1 **(6) A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY)**
2 **LICENSE;**

3 **(7) THE ISSUANCE, RENEWAL, OR TRANSFER OF CLASS B-DD**
4 **(DEVELOPMENT DISTRICT) LICENSES; OR**

5 **(8) A BUSINESS WHOSE STOCK OR INTEREST IS AUTHORIZED FOR**
6 **SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

7 **(B) IN GENERAL.**

8 **(1) AN APPLICATION FOR A LICENSE FOR A PROPRIETORSHIP SHALL**
9 **STATE THE NAME AND ADDRESS OF THE PARTNERSHIP AND THE NAME AND ADDRESS**
10 **OF THE APPLICANT.**

11 **(2) AN APPLICATION FOR A LICENSE FOR A PARTNERSHIP SHALL:**

12 **(I) BE MADE BY AND THE LICENSE ISSUED TO EACH PARTNER**
13 **AS AN INDIVIDUAL; AND**

14 **(II) STATE THE NAME AND ADDRESS OF THE PARTNERSHIP AND**
15 **THE NAMES AND ADDRESSES OF EACH APPLICANT.**

16 **(C) RESIDENCY AND VOTER REGISTRATION REQUIREMENTS FOR**
17 **APPLICANT.**

18 **(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B-STADIUM**
19 **BEER AND LIGHT WINE LICENSE OR A 7-DAY CLASS B-ECR ON-SALE BEER, WINE,**
20 **AND LIQUOR LICENSE.**

21 **(2) TO BE ELIGIBLE TO RECEIVE A LICENSE, A PARTNER SHALL:**

22 **(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 1**
23 **YEAR BEFORE THE APPLICATION IS FILED AND CONTINUE TO BE A RESIDENT AS**
24 **LONG AS THE LICENSE IS IN EFFECT; AND**

25 **(II) BE A REGISTERED VOTER OF THE STATE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, §§ 5-201(r)(4)(vi), 6-201(r)(11)(v)2, and
28 9-101(a)(4) and (d)(6) and, as it related to partnerships, (4)(iii).

1 In the introductory language of subsection (c)(2) of this section, the phrase
2 “[t]o be eligible to receive a license” is added for clarity.

3 Former Art. 2B, § 10–103(b)(4)(ii), which stated that the Board shall apply the
4 residency requirements as specified in former Art. 2B, § 9–101, is deleted as
5 unnecessary because those requirements are stated in this section and §
6 26–1407 of this subtitle.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
8 the General Assembly, that the requirements that an applicant reside and be
9 a registered voter in the State in subsection (c)(2) of this section may violate
10 the equal protection guarantees of the Fourteenth Amendment to the United
11 States Constitution and Article 24 of the Maryland Declaration of Rights.
12 Maryland courts look unfavorably on legislation that classifies persons by
13 geography, which may be accomplished by residency or registration
14 requirements, if the primary purpose of the legislation is economic. *See Verzi*
15 *v. Baltimore County*, 333 Md. 411 (1994).

16 Defined terms: “License” § 1–101
17 “State” § 1–101

18 **26–1406. APPLICATION ON BEHALF OF CORPORATION, CLUB, OR LIMITED LIABILITY**
19 **COMPANY.**

20 **(A) SCOPE OF SECTION.**

21 **THIS SECTION DOES NOT APPLY TO:**

22 **(1) A RACETRACK LICENSE;**

23 **(2) A CLASS BLX LICENSE;**

24 **(3) AN ARENA LICENSE;**

25 **(4) A CLASS BCE (CATERING) LICENSE;**

26 **(5) A CLASS B–CC (CONVENTION CENTER) LICENSE;**

27 **(6) A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY)**
28 **LICENSE;**

29 **(7) THE ISSUANCE, RENEWAL, OR TRANSFER OF CLASS B–DD**
30 **(DEVELOPMENT DISTRICT) LICENSES; OR**

1 **(8) A BUSINESS WHOSE STOCK OR INTEREST IS AUTHORIZED FOR**
2 **SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

3 **(B) IN GENERAL.**

4 **(1) AN APPLICATION FOR A LICENSE ON BEHALF OF A CORPORATION,**
5 **AN INCORPORATED OR UNINCORPORATED CLUB, OR A LIMITED LIABILITY COMPANY**
6 **SHALL BE MADE BY AND THE LICENSE ISSUED TO THREE OFFICERS OF THE**
7 **CORPORATION OR CLUB OR THREE AUTHORIZED PERSONS OF THE LIMITED**
8 **LIABILITY COMPANY, AS INDIVIDUALS.**

9 **(2) AN APPLICATION FOR A LICENSE SHALL:**

10 **(I) STATE THE NAME AND ADDRESS OF EACH OFFICER OF THE**
11 **CORPORATION OR CLUB OR AUTHORIZED PERSON OF THE LIMITED LIABILITY**
12 **COMPANY;**

13 **(II) STATE THE NAME AND ADDRESS OF THE CORPORATION,**
14 **CLUB, OR LIMITED LIABILITY COMPANY; AND**

15 **(III) BE SIGNED BY:**

16 **1. THE PRESIDENT OR VICE PRESIDENT OF THE**
17 **CORPORATION OR CLUB; OR**

18 **2. THREE OFFICERS OR AUTHORIZED PERSONS TO**
19 **WHOM THE LICENSES ARE TO BE ISSUED.**

20 **(3) IF A CORPORATION OR CLUB HAS FEWER THAN THREE OFFICERS**
21 **OR DIRECTORS OR A LIMITED LIABILITY COMPANY HAS FEWER THAN THREE**
22 **AUTHORIZED PERSONS, EACH OFFICER, DIRECTOR, OR AUTHORIZED PERSON SHALL**
23 **APPLY FOR A LICENSE.**

24 **(C) RESIDENCY AND VOTER REGISTRATION REQUIREMENTS FOR**
25 **APPLICANT.**

26 **(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B-STADIUM**
27 **BEER AND LIGHT WINE LICENSE OR A 7-DAY CLASS B-ECR ON-SALE BEER, WINE,**
28 **AND LIQUOR LICENSE.**

29 **(2) TO BE ELIGIBLE TO RECEIVE A LICENSE, AN APPLICANT SHALL:**

1 **(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 1**
2 **YEAR BEFORE THE APPLICATION IS FILED AND CONTINUE TO BE A RESIDENT AS**
3 **LONG AS THE LICENSE IS IN EFFECT; AND**

4 **(II) BE A REGISTERED VOTER OF THE STATE.**

5 **(D) OWNERSHIP REQUIREMENTS.**

6 **(1) A LICENSE MAY NOT BE ISSUED, RENEWED, OR TRANSFERRED TO**
7 **AN INDIVIDUAL APPLYING FOR A LICENSE FOR A CORPORATION, AN**
8 **UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY, UNLESS**
9 **RESIDENTS OF THE STATE OWN:**

10 **(I) 25% OF THE TOTAL ISSUED CAPITAL STOCK OF THE**
11 **CORPORATION OR UNINCORPORATED ASSOCIATION; OR**

12 **(II) 25% OF THE INTEREST IN THE LIMITED LIABILITY**
13 **COMPANY.**

14 **(2) IF A CLOSE CORPORATION DOES NOT HAVE OFFICERS OR**
15 **DIRECTORS:**

16 **(I) AT LEAST 25% OF THE STOCK SHALL BE HELD BY RESIDENTS**
17 **OF THE STATE;**

18 **(II) THERE SHALL BE AN AFFIRMATIVE VOTE OF THE MAJORITY**
19 **STOCKHOLDERS;**

20 **(III) AT LEAST ONE STOCKHOLDER SHALL APPLY FOR THE**
21 **LICENSE AS PROVIDED IN THIS SECTION; AND**

22 **(IV) EACH YEAR, THE APPLICANTS OR CORPORATION SHALL**
23 **SUBMIT TO THE BOARD A SWORN STATEMENT THAT INCLUDES THE NAME AND**
24 **ADDRESS OF EACH STOCKHOLDER OF THE CORPORATION AND THE NUMBER OF**
25 **SHARES THAT EACH STOCKHOLDER OWNS AND HAS A RIGHT TO VOTE AT A**
26 **STOCKHOLDERS MEETING.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, §§ 5-201(r)(4)(vi), 6-201(r)(11)(v)2, and
29 9-101(a)(4) and (d)(2), (3), (5), (6), and (4)(i), (ii), (iv), and, except as it related
30 to partnerships, (iii).

31 Throughout this section, the former phrase "as the case may be" is deleted as
32 surplusage.

1 In subsection (b)(2)(ii) of this section, the former reference to an “association”
2 is deleted as included in the defined term “club”.

3 Also in subsection (b)(2)(ii) of this section, the former phrase “as well as the
4 names and addresses of the applicants” is deleted as repetitive in light of the
5 inclusion in the application of the names and addresses of the officers and
6 authorized persons.

7 In the introductory language of subsection (d)(2) of this section, the former
8 phrase “in order to make the application” is deleted as surplusage.

9 Former Art. 2B, § 9–101(d)(1), which stated that the provisions of former Art.
10 2B, § 9–101(d) applied only in Prince George’s County, is deleted as
11 unnecessary in light of the organization of this revised article.

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
13 the General Assembly, that the requirements that an applicant reside and be
14 a registered voter in the State in subsection (c)(2) of this section may violate
15 the equal protection guarantees of the Fourteenth Amendment to the United
16 States Constitution and Article 24 of the Maryland Declaration of Rights.
17 Maryland courts look unfavorably on legislation that classifies persons by
18 geography, which may be accomplished by residency or registration
19 requirements, if the primary purpose of the legislation is economic. *See Verzi*
20 *v. Baltimore County*, 333 Md. 411 (1994).

21 Defined terms: “Board” § 26–101

22 “Club” § 1–101

23 “State” § 1–101

24 **26–1407. RESIDENT STATUS.**

25 **AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE**
26 **APPLICATION:**

27 **(1) A STATEMENT WHETHER THE APPLICANT IS A NATURAL–BORN OR**
28 **NATURALIZED CITIZEN; OR**

29 **(2) IF THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES:**

30 **(I) A STATEMENT THAT THE APPLICANT’S IMMIGRATION**
31 **STATUS IS IN ACCORDANCE WITH FEDERAL LAW; AND**

32 **(II) EVIDENCE TO VERIFY THE IMMIGRATION STATUS OF THE**
33 **APPLICANT.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-103(b)(3)(ii) and (b-1).

3 In this section, the references to "immigration status" are substituted for the
4 former references to "legal status" to conform to the terminology used
5 throughout this article.

6 Item (1) of this section is new language added to state expressly what was only
7 implied in the former law, that an applicant who is a citizen of the United
8 States is required to state that fact in the application.

9 In item (2)(ii) of this section, the reference to "evidence to verify" the
10 immigration status of the applicant is substituted for the former reference to
11 "proof of" the applicant's legal status to conform to the terminology used
12 throughout this article.

13 Defined terms: "County" § 26-101
14 "License" § 1-101
15 "United States" § 1-101

16 **26-1408. FELONY CONVICTIONS.**

17 **IN ADDITION TO THE STATEMENT REQUIRED UNDER § 4-109(A)(9) OF THIS**
18 **ARTICLE, AN APPLICANT FOR A LICENSE SHALL INCLUDE A SIGNED STATEMENT**
19 **THAT IF THE APPLICATION IS MADE ON BEHALF OF A CORPORATION, THAT NEITHER**
20 **THE APPLICANT NOR ANY OF THE STOCKHOLDERS OF THE CORPORATION HAVE**
21 **BEEN CONVICTED OF A FELONY.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10-103(b)(9)(iv)1, as it related to Prince
24 George's County.

25 Defined term: "License" § 1-101

26 **26-1409. APPLICATION FEE.**

27 **(A) IN GENERAL.**

28 **THE BOARD SHALL CHARGE AN APPLICATION FEE FOR A NEW LICENSE.**

29 **(B) NOT APPLICABLE TO RENEWAL OR TRANSFER.**

30 **THE APPLICATION FEE DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF**
31 **A LICENSE FOR THE SAME PREMISES.**

1 **(C) COST.**

2 **THE APPLICATION FEE IS \$300 AND IN ADDITION TO ANY OTHER FEE**
3 **REQUIRED FOR A LICENSE.**

4 **(D) FEE NOT REFUNDABLE.**

5 **THE APPLICATION FEE MAY NOT BE REFUNDED WHETHER THE LICENSE IS**
6 **ISSUED OR DENIED.**

7 **(E) USE.**

8 **THE BOARD SHALL USE THE APPLICATION FEE TO COVER ITS EXPENSES.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10–104(r).

11 In subsection (a) of this section, the former reference to a license “of any class”
12 is deleted as surplusage.

13 In subsection (b) of this section, the reference to the “application fee” is
14 substituted for the former reference to the “provisions of this subsection” for
15 brevity.

16 Also in subsection (b) of this section, the former phrase “by way of” is deleted
17 as surplusage.

18 In subsection (e) of this section, the former reference to the expenses of the
19 Board “in connection with its functions” is deleted as surplusage.

20 Defined terms: “Board” § 26–101

21 “License” § 1–101

22 **26–1410. REFUND OF LICENSE FEES.**

23 **(A) PROHIBITED.**

24 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A REFUND OF ANY**
25 **PART OF A LICENSE FEE IS NOT ALLOWED.**

26 **(B) EXCEPTION.**

27 **(1) A LICENSE FEE REFUND MAY BE MADE ON THE DEATH OF THE**
28 **LICENSE HOLDER BEFORE THE LICENSE EXPIRES.**

1 **(2) A PERSONAL REPRESENTATIVE MAY APPLY FOR A REFUND.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 10–205(d).

4 In subsection (b)(2) of this section, the reference to a “personal representative”
5 is substituted for the former reference to the “executor or administrator of the
6 decedent” to conform to the terminology used in the Estates and Trusts
7 Article.

8 Defined terms: “License” § 1–101
9 “License holder” § 1–101

10 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

11 **26–1501. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **SECTION 4–207 (“LICENSES ISSUED TO MINORS”) OF DIVISION I OF THIS**
14 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

15 **(B) EXCEPTIONS.**

16 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
17 **OF LICENSE APPLICATIONS”) DO NOT APPLY IN THE COUNTY:**

18 **(1) § 4–206 (“LIMITATIONS ON RETAIL FLOOR SPACE”) AND IS**
19 **SUPERSEDED BY § 26–1504 OF THIS SUBTITLE;**

20 **(2) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”) AND**
21 **IS SUPERSEDED BY § 26–1513 OF THIS SUBTITLE; AND**

22 **(3) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
23 **APPLICATIONS”) AND IS SUPERSEDED BY § 26–1516 OF THIS SUBTITLE.**

24 **(C) VARIATIONS.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
26 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

27 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), IN**
28 **ADDITION TO §§ 26–1502 AND 26–1503 OF THIS SUBTITLE;**

1 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 2 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 26-1505 OF THIS SUBTITLE**
 3 **AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

4 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 5 **FOR SAME PREMISES”), SUBJECT TO § 26-1505 OF THIS SUBTITLE AND SUBTITLE**
 6 **13, PART III OF THIS TITLE;**

7 **(4) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”),**
 8 **SUBJECT TO § 26-1509 OF THIS SUBTITLE;**

9 **(5) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
 10 **SUBJECT TO § 26-1512 OF THIS SUBTITLE;**

11 **(6) § 4-209 (“HEARING”), IN ADDITION TO § 26-1511 OF THIS**
 12 **SUBTITLE;**

13 **(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”), IN**
 14 **ADDITION TO § 26-1508 OF THIS SUBTITLE;**

15 **(8) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 26-1506 OF**
 16 **THIS SUBTITLE; AND**

17 **(9) § 4-213 (“REPLACEMENT LICENSES”), SUBJECT TO § 26-1517 OF**
 18 **THIS SUBTITLE.**

19 REVISOR’S NOTE: Subsections (a), (c), and (b)(2) and (3) of this section are new
 20 language added to incorporate by reference general provisions relating to the
 21 issuance of local licenses.

22 Subsection (b)(1) of this section is new language derived without substantive
 23 change from former Art. 2B, § 9-108(a).

24 Defined terms: “County” § 26-101

25 “License” § 1-101

26 “Local licensing board” § 1-101

27 **26-1502. ISSUANCE OF LICENSE BEFORE COMPLETION OF CONSTRUCTION OR**
 28 **ALTERATION OF PREMISES.**

29 **THE BOARD MAY ISSUE A LICENSE BEFORE THE CONSTRUCTION OR**
 30 **ALTERATION OF THE PREMISES TO BE LICENSED IS COMPLETED.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 8-217(a)(4).

3 The former references to the authority of the Board to "prescribe rules and
4 regulations" are deleted in light of § 26-208 of this title, which grants the
5 Board the authority to adopt regulations to carry out its duties under this
6 article.

7 The former prohibition against construing this section "to prevent the
8 issuance, or renewal, of a license previously issued, or authorized for issuance,
9 where the premises licensed or to be licensed are under construction or the
10 alterations to be made therein are in progress" is deleted as unnecessary.

11 The former phrase "in addition to the other powers and duties conferred upon
12 them" is deleted as surplusage.

13 The reference to "before the construction or alteration of the premises" is
14 substituted for the former reference to "when the actual use of the license is
15 to be deferred until the completion of ... [the] licensed premises and the use
16 thereof" for brevity.

17 Defined terms: "Board" § 26-101
18 "License" § 1-101

19 **26-1503. TAX PAYMENTS.**

20 **(A) PAYMENT OF TAXES REQUIRED BEFORE ISSUANCE OF LICENSE.**

21 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A**
22 **LICENSE TO AN APPLICANT UNLESS THE BOARD IS PROVIDED VERIFICATION FROM**
23 **THE COMPTROLLER AND THE COUNTY THAT THE APPLICANT HAS:**

24 **(1) PAID ALL UNDISPUTED TAXES PAYABLE TO THE COMPTROLLER**
25 **AND THE COUNTY; OR**

26 **(2) PROVIDED FOR PAYMENT OF THE TAXES DESCRIBED IN ITEM (1)**
27 **OF THIS SUBSECTION IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT**
28 **RESPONSIBLE FOR COLLECTION.**

29 **(B) LICENSE APPLICATION ON BEHALF OF ENTITY.**

30 **IF AN APPLICATION FOR THE ISSUANCE OF A LICENSE IS MADE ON BEHALF OF**
31 **A CORPORATION, A CLUB, OR ANY OTHER ENTITY, THE VERIFICATION**
32 **REQUIREMENTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION APPLY TO**
33 **UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-202(i-1)(2) and (3).

3 Former Art. 2B, § 10-202(i-1)(1), which stated that former Art. 2B, §
4 10-202(i-1) applied only in Prince George's County, is deleted as unnecessary
5 in light of the organization of this revised article.

6 Defined terms: "Board" § 26-101

7 "Club" § 1-101

8 "Comptroller" § 1-101

9 "County" § 26-101

10 "License" § 1-101

11 **26-1504. RESTRICTIONS ON FLOOR SPACE FOR OFF-SALE USE.**

12 **(A) MAXIMUM SPACE RESTRICTED TO 10,000 SQUARE FEET.**

13 **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A LICENSE**
14 **HOLDER MAY NOT DEVOTE MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE TO**
15 **OFF-SALE USE.**

16 **(B) DETERMINATION OF FLOOR SPACE.**

17 **(1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**
18 **FLOOR SPACE IS THE SPACE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR**
19 **OFF-PREMISES CONSUMPTION, INCLUDING:**

20 **(I) A BASEMENT ON THE LICENSED PREMISES; AND**

21 **(II) ANY OTHER AREA OFF THE LICENSED PREMISES WHERE THE**
22 **ALCOHOLIC BEVERAGES ARE LAWFULLY STORED.**

23 **(2) FOR A LICENSE WITH ONLY AN OFF-SALE PRIVILEGE, FLOOR**
24 **SPACE IS THE SPACE WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE**
25 **LICENSED ESTABLISHMENT OPERATES.**

26 **(3) FOR A LICENSE WITH ON-SALE AND OFF-SALE PRIVILEGES,**
27 **FLOOR SPACE IS THE SPACE ACTUALLY USED FOR THE SALE, DISPLAY, OR STORAGE**
28 **OF ALCOHOLIC BEVERAGES.**

29 **(C) EXPANSION OF FLOOR SPACE FOR OFF-SALE USE.**

1 **(1) THE FLOOR SPACE USED FOR THE SALE, DISPLAY, OR STORAGE OF**
2 **ALCOHOLIC BEVERAGES MAY NOT BE EXPANDED BEYOND 10,000 SQUARE FEET.**

3 **(2) THE BOARD IS NOT REQUIRED TO APPROVE A REQUEST BY A**
4 **LICENSE HOLDER TO EXPAND THE FLOOR SPACE DEVOTED TO OFF-SALE USE UP TO**
5 **10,000 SQUARE FEET UNLESS THE BOARD FINDS EVIDENCE, BASED ON THE**
6 **EVIDENCE PRESENTED TO THE BOARD, THAT:**

7 **(I) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE**
8 **PUBLIC; AND**

9 **(II) THE LICENSE HOLDER OTHERWISE CONTINUES TO MEET**
10 **THE CRITERIA FOR THE ISSUANCE OR TRANSFER OF A LICENSE AND ANY OTHER**
11 **CONDITION THAT THE BOARD IMPOSES.**

12 **(D) FOOD STORES WITH A LICENSE ON OR BEFORE JANUARY 1, 1995.**

13 **(1) A FOOD STORE FOR WHICH A LICENSE WAS ISSUED ON OR BEFORE**
14 **JANUARY 1, 1995:**

15 **(I) IS EXEMPT FROM THE 10,000 SQUARE FOOT FLOOR SPACE**
16 **RESTRICTION UNDER SUBSECTION (A) OF THIS SECTION;**

17 **(II) MAY HAVE THE LICENSE RENEWED OR OWNERSHIP OR**
18 **LOCATION OF THE LICENSE TRANSFERRED EVEN IF THE FOOD STORE HAD MORE**
19 **THAN 10,000 SQUARE FEET DEVOTED TO OFF-SALE USE; BUT**

20 **(III) MAY NOT EXPAND THE SQUARE FOOTAGE OF ITS ALCOHOLIC**
21 **BEVERAGES DEPARTMENT, INCLUDING SALES, DISPLAY, AND STORAGE AREAS,**
22 **BEYOND 10,000 SQUARE FEET.**

23 **(2) THE 10,000 SQUARE FOOT LIMIT SPECIFIED UNDER PARAGRAPH**
24 **(1)(III) OF THIS SUBSECTION IS TO BE DETERMINED WITHOUT REGARD TO THE**
25 **TOTAL AREA AVAILABLE WITHIN THE FOUR WALLS OF THE ESTABLISHMENT.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 9-217(m)(2) through (4) and (1)(iii).

28 Throughout this section, the references to an "establishment" are substituted
29 for the former references to a "business" or "business premises" to conform to
30 the terminology used throughout this article.

31 In subsection (a) of this section, the former phrase "[w]ithout regard to its class
32 of license" is deleted as surplusage.

1 In the introductory language of subsection (b)(1) of this section, the former
2 phrase “[i]n all cases” is deleted as surplusage.

3 In subsection (b)(1)(ii) of this section, the former reference to the licensed
4 premises on which alcoholic beverages are “at any time” lawfully stored is
5 deleted as surplusage.

6 In subsection (c)(2) of this section, the reference to the evidence presented to
7 “the Board” is substituted for the former reference to the evidence presented
8 to “them” for clarity.

9 In subsection (d)(1)(iii) of this section, the former reference to “actual” square
10 footage is deleted as surplusage. Similarly, in the same subsection, the former
11 reference to “a total of” 10,000 square feet is deleted.

12 In subsection (d)(2) of this section, the reference to “[t]he 10,000 square foot
13 limit” is substituted for the former reference to the “[t]his size” for clarity.

14 Former Art. 2B, § 9–217(m)(1)(i), which was the standard introductory
15 language for a definition subsection, is deleted as surplusage because this
16 revised section does not contain a definition subsection.

17 Former Art. 2B, § 9–217(m)(1)(ii), which defined “Board” to mean “the Board
18 of License Commissioners”, is deleted as unnecessary in light of the definition
19 of “Board” in § 26–101 of this title.

20 Former Art. 2B, § 9–217(m)(1)(iv), which defined “off–sale” to mean “the sale
21 of alcoholic beverages that are to be consumed off the licensed premises”, is
22 deleted as unnecessary in light of the definition of “off–sale” in § 1–101 of this
23 article.

24 Former Art. 2B, § 9–217(m)(1)(v), which defined “on–sale” to mean “the sale
25 of alcoholic beverages that are to be consumed only on the licensed premises”,
26 is deleted as unnecessary in light of the definition of “on–sale” in § 1–101 of
27 this article.

28 The Alcoholic Beverages Article Review Committee notes, for consideration by
29 the General Assembly, that two provisions in subsection (b) seem in conflict.
30 Subsection (b)(1)(ii) states that floor space includes any other area off the
31 licensed premises on which alcoholic beverages are stored. Subsection (b)(2),
32 however, states that for a license with only an off–sale privilege, floor space is
33 within the four walls of the building from which the licensed establishment
34 operates.

35 Defined terms: “Alcoholic beverage” § 1–101
36 “Board” § 26–101

1 "License" § 1-101
 2 "License holder" § 1-101
 3 "Off-sale" § 1-101
 4 "On-sale" § 1-101

5 **26-1505. MULTIPLE LICENSES FOR PERSONS AND PREMISES.**

6 (A) **INTEREST IN MORE THAN ONE LICENSE.**

7 **UNLESS OTHERWISE AUTHORIZED BY THIS ARTICLE, A PERSON MAY NOT HAVE**
 8 **AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF**
 9 **WHETHER THE PERSON ACTS ON THE PERSON'S OWN BEHALF OR ON BEHALF OF**
 10 **ANOTHER PERSON.**

11 (B) **EXCEPTION FOR BOWLING ESTABLISHMENTS.**

12 **THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR THE SAME**
 13 **PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A**
 14 **PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED**
 15 **LIABILITY COMPANY DOES NOT APPLY IF:**

16 (1) **EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 17 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS; AND**

18 (2) **THE LICENSES WERE ISSUED BEFORE JUNE 1, 1982.**

19 (C) **EXCEPTION FOR CLASS B-ECF/DS LICENSES.**

20 **THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR THE SAME**
 21 **PERSON OR PREMISES DOES NOT APPLY TO A CLASS B-ECF/DS LICENSE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, §§ 6-201(r)(12)(xii), 9-217(f)(1)(i), and
 24 9-102(b-1)(3) and (2)(v).

25 In subsection (a) of this section, the former reference to "entity, corporation,
 26 association, partnership, limited partnership or other combination of persons
 27 (natural or otherwise)" is deleted as included in the defined term "person".

28 Also in subsection (a) of this section, the former phrase "for whatever reason
 29 formed" is deleted as surplusage.

30 Also in subsection (a) of this section, the former reference to a license
 31 "authorizing the retail or wholesale sale of alcoholic beverages" is deleted as
 32 included in the defined term "license".

1 In subsection (b) of this section, the former statement that “[t]hese provisions
 2 do not authorize the issuance of new or additional licenses in violation of
 3 subsection (a) of this section” is deleted as unnecessary because this section
 4 does not expressly state or imply that the authorization is given.

5 Defined terms: “Board” § 26–101
 6 “License” § 1–101
 7 “Person” § 1–101

8 **26–1506. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

9 **A LICENSE IS NOT SUBJECT TO:**

10 **(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE**
 11 **HOLDER; OR**

12 **(2) EXCEPT AS PROVIDED IN § 26–1507 OF THIS SUBTITLE, A**
 13 **DISTRAINT FOR RENT.**

14 REVISOR’S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 10–501(b)(2).

16 In item (2) of this section, the phrase “except as provided in § 26–1507 of this
 17 subtitle” is added for clarity.

18 Defined terms: “License” § 1–101
 19 “License holder” § 1–101

20 **26–1507. CREATION OF SECURITY INTEREST.**

21 **(A) ALLOWED.**

22 **A LICENSE HOLDER MAY CREATE A SECURITY INTEREST IN THE LICENSE**
 23 **IN FAVOR OF A LANDLORD OR A CREDITOR OF THE LICENSE HOLDER.**

24 **(B) PERFECTION OF SECURITY INTEREST.**

25 **THE SECURITY INTEREST SHALL BE PERFECTED IN ACCORDANCE WITH**
 26 **THE COMMERCIAL LAW ARTICLE.**

27 **(C) COPY OF SECURITY AGREEMENT TO BE DELIVERED TO BOARD.**

1 **THE LICENSE HOLDER SHALL DELIVER TO THE BOARD A COPY OF THE**
2 **UNDERLYING SECURITY AGREEMENT THAT IS SIGNED BY OR ON BEHALF OF THE**
3 **INDIVIDUAL OR ENTITY THAT HOLDS THE LICENSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10-501(b)(4)(i) and (ii).

6 In subsection (c) of this section, the phrase "to the Board" is added to state
7 expressly what was only implied in the former law, that the Board is the
8 recipient of the copy of the security agreement that a license holder is required
9 to deliver.

10 Former Art. 2B, § 10-501(b)(1), which stated that former Art. 2B, §
11 10-501(b) applied only in Prince George's County, is deleted as unnecessary
12 in light of the organization of this revised article.

13 Defined terms: "Board" § 26-101

14 "License" § 1-101

15 "License holder" § 1-101

16 **26-1508. LICENSE EXPIRATION DATE.**

17 **A LICENSE SHALL EXPIRE:**

18 **(1) FOR A CLASS B LICENSE, ON THE NEXT MAY 31 AFTER ITS**
19 **ISSUANCE; AND**

20 **(2) FOR A CLASS C OR CLASS D LICENSE, ON THE NEXT JUNE 30**
21 **AFTER ITS ISSUANCE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, §§ 10-206(d) and, as it related to the expiration
24 of licenses, 10-302(a)(2).

25 The former reference to the April 30 expiration date for Class A licenses is
26 deleted as included in § 3-410(c) of this article, which sets April 30 for the
27 expiration date for all licenses except as otherwise provided in this article.

28 For renewal application dates, *see* Subtitle 18 of this title.

29 Defined term: "License" § 1-101

30 **26-1509. RESTRICTIONS ON ISSUANCE TO CHAIN STORES, SUPERMARKETS, OR**
31 **DISCOUNT HOUSES.**

1 **(A) IN GENERAL.**

2 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
 3 **NOT ISSUE A LICENSE THAT HAS AN OFF-SALE PRIVILEGE TO:**

4 **(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE,**
 5 **SUPERMARKET, OR DISCOUNT HOUSE; OR**

6 **(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE**
 7 **ESTABLISHMENT.**

8 **(B) EFFECT OF SECTION.**

9 **AN ESTABLISHMENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION THAT**
 10 **HELD A LICENSE ON JULY 1, 1973:**

11 **(1) MAY CONTINUE TO HOLD THE LICENSE; AND**

12 **(2) AT THE DISCRETION OF THE BOARD, MAY CHANGE THE CLASS OF**
 13 **THE LICENSE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 9-217(h)(1), as it related to the issuance of a
 16 license to a chain store, supermarket, or discount house.

17 In the introductory language of subsection (a) of this section, reference to the
 18 "Board" is added for clarity.

19 Also in the introductory language of subsection (a) of this section, the former
 20 reference to a license "of any class" is deleted as included in the defined term
 21 "license".

22 In subsection (a)(1) of this section, the former reference to a "business"
 23 establishment is deleted as surplusage.

24 In the introductory language of subsection (b) of this section, the reference to
 25 "[a]n establishment described in subsection (a) of this section" is substituted
 26 for the former reference to "those establishments" for clarity.

27 Also in the introductory language of subsection (b) of this section, the reference
 28 to a business establishment that held a license "on July 1, 1973" is substituted
 29 for the former reference to a business establishment that held a license "at the
 30 time of enactment of this section" for clarity and brevity. *See* Chapter 462 of
 31 the Acts of 1973, which enacted former Art. 2B, § 53(7) (recodified as former
 32 Art. 2B, § 9-217(h)) effective July 1, 1973.

1 Defined terms: "Board" § 26-101

2 "License" § 1-101

3 "Off-sale" § 1-101

4 **26-1510. EXTINGUISHING CLASS A LICENSE.**

5 **(A) IN GENERAL.**

6 **(1) A PERSON MAY OBTAIN A CLASS A LICENSE OF ANY KIND TO HAVE**
7 **THE BOARD DECLARE THE LICENSE TO BE EXTINGUISHED.**

8 **(2) (I) THE PERSON SHALL INFORM THE BOARD OF THE PURPOSE**
9 **FOR OBTAINING THE LICENSE.**

10 **(II) THE BOARD SHALL DECLARE THE LICENSE TO BE**
11 **EXTINGUISHED WHEN THE PERSON COMES INTO POSSESSION OF THE LICENSE.**

12 **(3) A PERSON THAT OBTAINS A LICENSE UNDER THIS SECTION MAY**
13 **NOT EXERCISE THE PRIVILEGES OF, SELL, ASSIGN, OR APPLY FOR TRANSFER OF THE**
14 **LICENSE.**

15 **(4) A LICENSE THAT IS EXTINGUISHED UNDER THIS SECTION:**

16 **(I) MAY NOT BE REPLACED BY THE BOARD; AND**

17 **(II) COUNTS AS ONE OF THE NUMBER OF LICENSES IN THE**
18 **APPROPRIATE CLASS LISTED IN § 26-1601 OF THIS ARTICLE.**

19 **(B) PROCEDURES.**

20 **WITHIN 10 DAYS AFTER COMING INTO POSSESSION OF THE LICENSE FROM A**
21 **TRANSFER, THE PERSON SHALL:**

22 **(1) SURRENDER THE LICENSE TO THE BOARD; AND**

23 **(2) PROVIDE EVIDENCE TO SATISFY THE BOARD THAT ALL TAXES OR**
24 **OBLIGATIONS OWED BY THE TRANSFERORS TO WHOLESALERS OR OTHER PERSONS**
25 **HAVE BEEN PAID.**

26 **(C) PENALTY.**

27 **THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES THIS SECTION A**
28 **PENALTY NOT EXCEEDING \$1,000.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9-217(b-1).

3 In the introductory language of subsection (b) of this section, the reference to
4 possession of the license "from a transfer" is added for clarity. Similarly, in
5 subsection (b)(2) of this section, the reference to taxes or obligations "owed by
6 the transferors" is added.

7 The Alcoholic Beverages Article Review Committee notes, for consideration by
8 the General Assembly, that it is not clear how the process of extinguishing a
9 license under this section works in practice. The General Assembly may want
10 to clarify how a license may be extinguished.

11 Defined terms: "Board" § 26-101

12 "License" § 1-101

13 "Person" § 1-101

14 **26-1511. CALENDAR OF HEARING AND FILING DATES FOR LICENSE APPLICATIONS.**

15 **(A) IN GENERAL.**

16 **(1) THE BOARD MAY ADOPT A CALENDAR THAT ESTABLISHES:**

17 **(I) FILING DATES BY WHICH LICENSE APPLICATIONS ARE**
18 **REQUIRED TO BE FILED; AND**

19 **(II) HEARING DATES FOR LICENSE APPLICATION HEARINGS.**

20 **(2) A FILING DATE FOR A LICENSE APPLICATION SHALL BE AT LEAST**
21 **60 DAYS BEFORE THE HEARING AT WHICH THE APPLICATION IS TO BE HEARD.**

22 **(B) NUMBER OF LICENSES THAT MAY BE APPLIED FOR A HEARING.**

23 **(1) THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES OF**
24 **EACH CLASS THAT MAY BE APPLIED FOR AT A HEARING.**

25 **(2) THE NUMBER OF LICENSES THAT THE BOARD MAKES AVAILABLE**
26 **FOR ISSUANCE AT A HEARING MAY BE LESS THAN THE TOTAL NUMBER OF LICENSES**
27 **IN EACH CLASS THAT REMAINS UNISSUED BY THE BOARD.**

28 **(3) IF, AFTER A HEARING, THE APPLICANTS WHO ARE QUALIFIED FOR**
29 **THE ISSUANCE OF A LICENSE OF A CERTAIN CLASS OUTNUMBER THE LICENSES OF**
30 **THAT CLASS AUTHORIZED TO BE ISSUED AT THE HEARING, THE BOARD SHALL**
31 **DETERMINE THE APPLICANTS WHO ARE BEST QUALIFIED TO BE LICENSE HOLDERS.**

1 **(4) THE BOARD MAY NOT ISSUE ADDITIONAL LICENSES OF ANY CLASS**
2 **THAT WERE NOT DETERMINED AND PUBLISHED AS AVAILABLE FOR THE HEARING.**

3 **(C) HEARING NOTICE TO BE PUBLISHED IN NEWSPAPER; CONTENTS.**

4 **(1) BEFORE HOLDING A HEARING, THE BOARD SHALL PUBLISH A**
5 **NOTICE OF THE HEARING IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION**
6 **IN THE COUNTY.**

7 **(2) THE NOTICE SHALL BE PUBLISHED AT LEAST 30 DAYS BEFORE**
8 **THE DATE BY WHICH LICENSE APPLICATIONS ARE REQUIRED TO BE FILED FOR**
9 **CONSIDERATION AT THE HEARING.**

10 **(3) THE NOTICE SHALL CONTAIN:**

11 **(I) THE NUMBER OF LICENSES OF EACH CLASS THAT ARE**
12 **AVAILABLE FOR ISSUANCE;**

13 **(II) A DESCRIPTION OF EACH CLASS;**

14 **(III) THE DATE BY WHICH LICENSE APPLICATIONS MUST BE**
15 **FILED TO BE CONSIDERED AT THE LICENSE APPLICATION HEARING; AND**

16 **(IV) THE DATE OF THE HEARING.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10–202(i)(3) and, as it related to the issuance of
19 licenses, (2).

20 In subsection (a)(1)(i) of this section, the reference to “filing dates by which
21 license applications are required to be filed” is substituted for the former
22 references to an “application filing date” and an “application deadline filing
23 date” for clarity.

24 In subsection (a)(1)(ii) of this section, the reference to hearing dates “for
25 license application hearings” is added for clarity.

26 In subsection (a)(2) of this section, the reference to the requirement that “[a]
27 filing date for a license application ... be” at least 60 days before a hearing is
28 substituted for the former reference to the requirement that “[a]n application
29 ... be submitted” at least 60 days before a hearing for clarity.

30 Also in subsection (a)(2) of this section, the reference to the hearing “at which
31 the application is to be heard” is substituted for the former reference to the

1 hearing “for a new license” for consistency with terminology used throughout
2 this article.

3 In subsections (b)(4) and (c)(1) of this section, the references to the
4 requirement to “publish[ed]” a notice are substituted for the former references
5 to “post” a hearing notice for accuracy. Similarly, in subsection (c)(2) of this
6 section, the reference to “published” is substituted for the former reference to
7 “post” a hearing notice for accuracy.

8 In subsection (c)(2) of this section, the reference to the “date by which license
9 applications are required to be filed for consideration at the hearing” is
10 substituted for the former reference to the “filing deadline date for the
11 hearing” for clarity. Similarly, in subsection (c)(3)(iii) of this section, the
12 reference to the “date by which license applications must be filed to be
13 considered at the license application hearing” is substituted for the former
14 reference to the “filing deadline for the hearing”.

15 Defined terms: “Board” § 26–101

16 “County” § 26–101

17 “License” § 1–101

18 “License holder” § 1–101

19 **26–1512. POSTING OF NOTICE OF APPLICATIONS TO BE HEARD.**

20 **(A) AT LOCATION DESCRIBED IN LICENSE.**

21 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS**
22 **ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE**
23 **AT THE LOCATION DESCRIBED IN AN APPLICATION FOR AT LEAST 10 DAYS BEFORE**
24 **THE APPLICATION HEARING.**

25 **(B) CONTENTS.**

26 **A NOTICE UNDER SUBSECTION (A) OF THIS SECTION SHALL STATE THE CLASS**
27 **OF LICENSE FOR WHICH THE APPLICATION IS MADE AND THE DATE, TIME, AND**
28 **LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

29 **(C) STANDING OF MUNICIPALITIES AT APPLICATION HEARING.**

30 **(1) IF THE LOCATION DESCRIBED IN THE APPLICATION IS IN A**
31 **MUNICIPALITY, WRITTEN NOTICE OF THE APPLICATION SHALL BE MADE TO THE**
32 **GOVERNING BODY OF THE MUNICIPALITY.**

33 **(2) A MUNICIPALITY THAT RECEIVES WRITTEN NOTICE UNDER THIS**
34 **SUBSECTION HAS STANDING TO APPEAR AT THE APPLICATION HEARING.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-202(b)(1)(i)7 and (ii) and the first and second
3 sentences of (i)(1).

4 In subsection (a) of this section, the reference to the "location" is substituted
5 for the former reference to the "premises" for consistency with terminology
6 used throughout this article.

7 Also in subsection (a) of this section, the reference to "post[ing] a suitable
8 notice ... for" at least 10 days is substituted for the former reference to
9 "caus[ing] a suitable sign or notice to be posted and to remain posted for a
10 period of" at least 10 days for brevity.

11 Also in subsection (a) of this section, the reference to an "application hearing"
12 is substituted for the former reference to "action upon the application" for
13 consistency with language used in subsection (b) of this section. Similarly, in
14 subsection (c) of this section, the reference to an "application hearing" is
15 substituted for the former reference to "any hearing before the Board of
16 License Commissioners".

17 In subsection (b) of this section, the reference to the "date" for an application
18 hearing is added for clarity.

19 In subsection (c) of this section, the reference to the "location described in the
20 application" is substituted for the former reference to the "applicant
21 propos[ing] to do business" for consistency with terminology used throughout
22 this article.

23 Defined terms: "Board" § 26-101
24 "License" § 1-101

25 **26-1513. FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.**

26 **(A) IN GENERAL.**

27 **THE BOARD SHALL APPROVE AN APPLICATION AND ISSUE THE LICENSE FOR**
28 **WHICH APPLICATION IS MADE IF THE BOARD DETERMINES THAT:**

29 **(1) ISSUING THE LICENSE IS NECESSARY FOR THE ACCOMMODATION**
30 **OF THE PUBLIC;**

31 **(2) THE APPLICANT IS A FIT PERSON TO RECEIVE THE LICENSE FOR**
32 **WHICH APPLICATION IS MADE;**

1 **(3) THE APPLICANT HAS NOT MADE A MATERIAL FALSE STATEMENT**
 2 **IN THE APPLICATION;**

3 **(4) THE APPLICANT HAS NOT ACTED FRAUDULENTLY IN CONNECTION**
 4 **WITH THE APPLICATION OR THE OPERATION OF THE UNDERLYING BUSINESS;**

5 **(5) IF THE LICENSE IS ISSUED, THE OPERATION OF THE BUSINESS**
 6 **WILL NOT UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD**
 7 **IN WHICH THE BUSINESS IS TO BE LOCATED; AND**

8 **(6) THERE ARE NO OTHER REASONS, IN THE DISCRETION OF THE**
 9 **BOARD, WHY THE LICENSE SHOULD NOT BE ISSUED.**

10 **(B) RECORD KEEPING REQUIREMENT.**

11 **THE BOARD SHALL MAINTAIN A RECORD OF LICENSES ISSUED.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, § 10–202(a)(3)(v).

14 In subsection (a) of this section, the former references to a “certificate of
 15 approval” and “presentation of the certificate” are deleted as obsolete.
 16 Similarly, in subsection (a) of this section, the former prohibition against
 17 making payment of license fees to “the clerk of the court” is deleted as obsolete,
 18 as it is not now the practice of paying license fees to the clerk of the court.
 19 Similarly, in subsection (a) of this section, the former reference to “payment of
 20 the required fee to the County Treasurer” is deleted as unnecessary and
 21 obsolete.

22 Also in the introductory language of subsection (a) of this section, the reference
 23 that if “the Board” makes specified determinations it shall issue a license is
 24 substituted for the former references that specified determinations be made
 25 by “at least three members of the Board” before issuing a license for clarity
 26 and brevity, as three of the five members of the Board constitute a majority.

27 In subsection (a)(4) of this section, the reference to “act[ing] fraudulently” is
 28 substituted for the former reference to “practice[ing] fraud” for consistency
 29 with terminology throughout this article.

30 Defined terms: “Board” § 26–101

31 “License” § 1–101

32 “Person” § 1–101

33 **26–1514. BOARD RESTRICTIONS ON LICENSE HOLDERS.**

1 **THE BOARD MAY IMPOSE RESTRICTIONS ON A LICENSE HOLDER TO ENABLE**
2 **THE BOARD TO CARRY OUT THE DUTIES IMPOSED ON IT BY THIS ARTICLE IF THE**
3 **BOARD DEVELOPS:**

4 **(1) WRITTEN RESTRICTIONS THAT ARE REASONABLE, CLEAR, AND**
5 **UNDERSTANDABLE; AND**

6 **(2) WRITTEN REGULATIONS TO ENFORCE THE RESTRICTIONS THAT**
7 **COMPLY WITH DUE PROCESS, INCLUDING PROVIDING FOR NOTICE AND A HEARING.**

8 REVISOR'S NOTE: This section is new language derived without substantive change
9 from former Art. 2B, § 10-501(b)(3).

10 In item (1) of this section, the reference to written restrictions that are
11 "understandable" is substituted for the former reference to written
12 restrictions that are "ascertainable" for clarity.

13 Defined terms: "Board" § 26-101
14 "License holder" § 1-101

15 **26-1515. OPPOSITION TO ISSUANCE OF LICENSE.**

16 **THE BOARD MAY NOT APPROVE A LICENSE APPLICATION AND SHALL DENY**
17 **THE LICENSE IF THE BOARD DETERMINES THAT MORE THAN 50% OF THE OWNERS**
18 **OF REAL OR LEASEHOLD PROPERTY WITHIN 1,000 FEET OF THE LOCATION**
19 **DESCRIBED IN THE APPLICATION ARE OPPOSED TO THE ISSUANCE OF THE LICENSE.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from the third sentence of former Art. 2B, § 10-202(i)(1).

22 The reference to the "Board" is added for clarity.

23 Defined terms: "Board" § 26-101
24 "License" § 1-101

25 **26-1516. WAITING PERIOD AFTER DENIAL.**

26 **(A) SIX-MONTH WAITING PERIOD.**

27 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF A LICENSE IS**
28 **DENIED, ANOTHER LICENSE APPLICATION FOR THE SAME LOCATION MAY NOT BE**
29 **MADE FOR 6 MONTHS AFTER THE DENIAL.**

30 **(B) EXCEPTIONS.**

1 **THIS SECTION DOES NOT APPLY TO:**

2 **(1) AN APPLICATION FOR THE TRANSFER OF A LICENSE; OR**

3 **(2) A LICENSE APPLICATION THAT IS DENIED:**

4 **(I) BECAUSE OF A LEGAL DEFECT OR OMISSION;**

5 **(II) IF THE BOARD EXPRESSLY STATES THAT THE DENIAL WAS**
 6 **DIRECTED SOLELY AGAINST THE APPLICANT AND NOT AGAINST THE LOCATION**
 7 **DESCRIBED IN THE APPLICATION; OR**

8 **(III) IF, AFTER A HEARING, THE BOARD DETERMINES THAT**
 9 **ANOTHER APPLICANT IS BETTER QUALIFIED TO BE A LICENSE HOLDER.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 10-208(h)(2) and (3).

12 In subsection (a) of this section, the reference to the "location" is substituted
 13 for the former reference to the "premises" for consistency with terminology
 14 used throughout this article.

15 Also in subsection (a) of this section, the reference to "6 months after" the
 16 denial is substituted for the former reference to "a period of six months has
 17 expired from the date of" the denial for brevity.

18 In subsection (b)(2)(ii) of this section, the reference to an "applicant" is
 19 substituted for the former reference to "person or persons applying for the
 20 prior license" for brevity.

21 Also in subsection (b)(2)(ii) of this section, the reference to the "location
 22 described in the application" is substituted for the former reference to the
 23 "premises in question" for consistency with terminology used throughout this
 24 article.

25 Former Art. 2B, § 10-208(h)(1), which stated that former Art. 2B, §
 26 10-208(h) applied only in Prince George's County, is deleted as unnecessary
 27 in light of the organization of this revised article.

28 Defined terms: "Board" § 26-101

29 "License" § 1-101

30 "License holder" § 1-101

31 **26-1517. REPLACEMENT LICENSE FEE.**

1 **THE FEE FOR A REPLACEMENT LICENSE IS \$10.**

2 REVISOR'S NOTE: This section is new language revised without substantive change
3 from former Art. 2B, § 10–502(b).

4 Defined term: “License” § 1–101

5 **GENERAL REVISOR'S NOTE TO SUBTITLE**

6 Former Art. 2B, § 9–217(j), which stated in part that the residency requirement in
7 former Art. 2B, § 9–101 applies to any issuance of a license, is deleted as redundant
8 of §§ 26–1405 and 26–1406 of this title.

9 Former Art. 2B, § 8–217(e), which concerned the total number of licenses that may
10 be held by a single successor corporation formed between September 1, 2007, and
11 June 1, 2008, is deleted as obsolete. No substantive change is made by this deletion.
12 In accordance with the general rule noted in Section 11 of this Act, a successor
13 corporation licensed by the Board before the effective date of this Act is considered
14 for all purposes to be licensed by the Board after the effective date of this Act and
15 may renew that authorization in accordance with the appropriate renewal provisions
16 of this article.

17 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

18 **PART I. LICENSING CONDITIONS.**

19 **26–1601. LIMIT ON LICENSES ISSUED BY BOARD.**

20 **(A) MAXIMUM NUMBER PER CLASS.**

21 **(1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE NUMBER**
22 **OF LICENSES IN A CLASS ISSUED BY THE BOARD MAY NOT EXCEED:**

23 **(I) CLASS A BEER, 19;**

24 **(II) CLASS B BEER, 23;**

25 **(III) CLASS C BEER, 3;**

26 **(IV) CLASS D BEER, 76;**

27 **(V) CLASS A BEER AND LIGHT WINE, 26;**

28 **(VI) CLASS B BEER AND LIGHT WINE, 45;**

- 1 (VII) CLASS B–GC BEER AND LIGHT WINE, 4;
- 2 (VIII) CLASS B–STADIUM BEER AND LIGHT WINE, 1;
- 3 (IX) CLASS C BEER AND LIGHT WINE, 8;
- 4 (X) CLASS D BEER AND LIGHT WINE, 55;
- 5 (XI) CLASS A BEER, WINE, AND LIQUOR, 143;
- 6 (XII) CLASS B BEER, WINE, AND LIQUOR, 185;
- 7 (XIII) CLASS B–AE BEER, WINE, AND LIQUOR, 8;
- 8 (XIV) CLASS BCE BEER, WINE, AND LIQUOR, 8;
- 9 (XV) CLASS B–CI BEER, WINE, AND LIQUOR, 2;
- 10 (XVI) CLASS B–DD BEER, WINE, AND LIQUOR:
- 11 1. UNDER § 26–1614(A)(1) OF THIS SUBTITLE, 4;
- 12 2. UNDER § 26–1614(A)(2) OF THIS SUBTITLE, 4;
- 13 3. UNDER § 26–1614(A)(3) OF THIS SUBTITLE, 6; AND
- 14 4. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
- 15 UNDER § 26–1614(A)(4) OF THIS SUBTITLE, 6;
- 16 (XVII) CLASS B/ECF BEER, WINE, AND LIQUOR, 1;
- 17 (XVIII) CLASS B–ECF/DS BEER, WINE, AND LIQUOR, 1;
- 18 (XIX) CLASS B–ECR BEER, WINE, AND LIQUOR, 1;
- 19 (XX) CLASS B–STADIUM BEER, WINE, AND LIQUOR, 1; AND
- 20 (XXI) CLASS C BEER, WINE, AND LIQUOR:
- 21 1. UNDER § 26–1002 OF THIS TITLE, 30;
- 22 2. UNDER § 26–1005 OF THIS TITLE, 25;

1 **3. UNDER § 26–1011 OF THIS TITLE, 12;**

2 **4. UNDER § 26–1017 OF THIS TITLE, 1; AND**

3 **5. UNDER § 26–1019 OF THIS TITLE, 4.**

4 **(2) THE BOARD MAY NOT ISSUE A NEW CLASS A LICENSE FOR OR**
 5 **APPROVE THE TRANSFER OF A CLASS A LICENSE TO A LOCATION WITHIN**
 6 **THREE–FOURTHS OF A MILE OF A CORRECTIONAL FACILITY, AS DEFINED IN § 1–101**
 7 **OF THE CORRECTIONAL SERVICES ARTICLE, IN UPPER MARLBORO.**

8 **(B) EFFECT OF SECTION.**

9 **THIS SECTION DOES NOT INVALIDATE A LICENSE IN A CLASS THAT EXCEEDED**
 10 **THE MAXIMUM NUMBER FOR THE CLASS AS OF JUNE 1, 1955.**

11 REVISOR’S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 9–217(b), (c), (d), and (e–1).

13 In the introductory language of subsection (a) of this section, the phrase “the
 14 following maximum amounts” is deleted as surplusage.

15 In subsection (a)(2) of this section, the reference to the Board “approv[ing] the”
 16 transfer “of” a license is added for accuracy.

17 Also in subsection (a)(2) of this section, the former reference to the transfer of
 18 an “existing” license is deleted as implicit.

19 In subsection (b) of this section, the phrase “as of June 1, 1955” is substituted
 20 for the former phrase “at the time of effective date of this provision” for clarity
 21 since the effective date of Chapter 697 of 1955, which added former Art. 2B, §
 22 9–217(c), became effective on June 1, 1955.

23 Also in subsection (b) of this section, the former reference to the prohibition
 24 against replacing an expiring license that was in excess of the number
 25 provided in this section is deleted as an unnecessary statement of normal
 26 statutory interpretation.

27 Former Art. 2B, § 9–217(a), which stated that former Art. 2B, § 9–217 applied
 28 only in Prince George’s County, is deleted as unnecessary in light of the
 29 organization of this revised article.

30 Defined terms: “Board” § 26–101

31 “License” § 1–101

1 **26-1602. LICENSES IN HYATTSVILLE.**

2 (A) **LICENSE ISSUANCE RESTRICTED.**

3 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN HYATTSVILLE,**
 4 **THE BOARD MAY ISSUE A LICENSE ONLY FOR:**

5 (1) **BEER;**

6 (2) **LIGHT WINE; AND**

7 (3) **LIQUOR FOR CONSUMPTION ON THE PREMISES OF A HOLDER OF A**
 8 **CLASS B LICENSE.**

9 (B) **LICENSE TRANSFER RESTRICTED.**

10 (1) **THE BOARD MAY APPROVE THE TRANSFER OF ONE CLASS B**
 11 **BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE IN**
 12 **HYATTSVILLE.**

13 (2) **THE ANNUAL FEE FOR A LICENSE TRANSFERRED UNDER**
 14 **PARAGRAPH (1) OF THIS SUBSECTION IS \$1,500.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 8-217(b).

17 Throughout this section, the former references to "the City of" Hyattsville are
 18 deleted as surplusage.

19 In subsection (a) of this section, the former phrase "as defined in § 6-201(r) of
 20 this article" is deleted as surplusage in light of the defined term "off-sale".

21 In subsection (b) of this section, the reference to the Board "approv[ing] the"
 22 transfer "of" a license is added for accuracy.

23 Also in subsection (b) of this section, the former phrase "within the corporate
 24 limits of" is deleted as surplusage.

25 The former first sentence of Art. 2B, § 8-217(b), which prohibited a person
 26 from selling or giving away at a place of business in Hyattsville any alcoholic
 27 beverage other than beer, light wine, or liquor for consumption on the
 28 immediate premises of a Class B license, is deleted as redundant.

29 Defined terms: "Beer" § 1-101

30 "Board" § 26-101

1 "License" § 1-101
2 "Off-sale" § 1-101

3 **26-1603. RESTRICTIONS ON ISSUANCE AND TRANSFER OF LICENSES IN 21ST, 22ND,**
4 **23RD, 24TH, 25TH, 26TH, 27TH, AND 47TH ALCOHOLIC BEVERAGES DISTRICTS.**

5 (A) IN GENERAL.

6 (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
7 SUBSECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE WITH AN OFF-SALE
8 PRIVILEGE IN, OR APPROVE THE TRANSFER OF A LICENSE WITH AN OFF-SALE
9 PRIVILEGE INTO, A PART OF THE 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, OR
10 47TH ALCOHOLIC BEVERAGES DISTRICT IN THE COUNTY.

11 (2) THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER
12 OF A LICENSE INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF
13 THE OFF-SALE PRIVILEGE OF THE LICENSE IS WAIVED.

14 (3) THE BOARD MAY CONVERT ONE CLASS D (ON-SALE) BEER AND
15 WINE LICENSE ISSUED FOR PREMISES IN THE 7100 BLOCK OF BALTIMORE AVENUE
16 IN COLLEGE PARK TO A CLASS D (ON- AND OFF-SALE) BEER AND WINE LICENSE
17 FOR PREMISES IN THE 7100 TO 7200 BLOCK OF BALTIMORE AVENUE IN COLLEGE
18 PARK.

19 (B) ALCOHOLIC BEVERAGES DISTRICTS COTERMINOUS WITH LEGISLATIVE
20 DISTRICTS.

21 THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION AT ALL
22 TIMES ARE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS, OR PARTS OF THE
23 LEGISLATIVE DISTRICTS LOCATED IN THE COUNTY, AS ORDERED BY THE
24 MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

25 (C) AREAS INCLUDED IN 21ST ALCOHOLIC BEVERAGES DISTRICT.

26 THE PART OF THE 21ST ALCOHOLIC BEVERAGES DISTRICT LOCATED IN THE
27 COUNTY CONSISTS OF:

28 (1) ELECTION DISTRICT 1;

29 (2) ELECTION DISTRICT 10, PRECINCTS 1 THROUGH 5, 9, 12, AND 13;

30 (3) ELECTION DISTRICT 21, PRECINCTS 1, 2, 4, 14, 15, AND 17;

1 **(4) THE PART OF ELECTION DISTRICT 21, PRECINCT 5 CONSISTING OF**
2 **CENSUS TRACT 8073.05, BLOCK 1014; AND**

3 **(5) THE PART OF ELECTION DISTRICT 21, PRECINCT 10 CONSISTING**
4 **OF:**

5 **(I) CENSUS TRACT 8067.03, BLOCKS 1010, 1011, AND 1014;**

6 **(II) CENSUS TRACT 8069.00, BLOCKS 1000 THROUGH 1019 AND**
7 **3000 THROUGH 3021;**

8 **(III) CENSUS TRACT 8070.00, BLOCKS 1000 THROUGH 1025; AND**

9 **(IV) CENSUS TRACT 8074.08, BLOCKS 4015 AND 4016.**

10 **(D) AREAS INCLUDED IN 22ND ALCOHOLIC BEVERAGES DISTRICT.**

11 **THE 22ND ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

12 **(1) ELECTION DISTRICT 19;**

13 **(2) ELECTION DISTRICT 2, PRECINCTS 6 AND 10;**

14 **(3) ELECTION DISTRICT 14, PRECINCT 8;**

15 **(4) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 5;**

16 **(5) ELECTION DISTRICT 17, PRECINCTS 9 AND 12;**

17 **(6) ELECTION DISTRICT 20, PRECINCTS 1, 2, 6, 7, AND 11;**

18 **(7) ELECTION DISTRICT 21, PRECINCTS 3, 6 THROUGH 9, 11 THROUGH**
19 **13, AND 16;**

20 **(8) THE PART OF ELECTION DISTRICT 2, PRECINCT 5 CONSISTING OF:**

21 **(I) CENSUS TRACT 8039.00, BLOCKS 1000 THROUGH 1013,**
22 **2000 THROUGH 2007, AND 3000 THROUGH 3015;**

23 **(II) CENSUS TRACT 8040.01, BLOCKS 2001 AND 2002; AND**

24 **(III) CENSUS TRACT 8040.02, BLOCKS 1003, 1010, 2000**
25 **THROUGH 2002, AND 2004;**

1 **(9) THE PART OF ELECTION DISTRICT 2, PRECINCT 8 CONSISTING OF**
2 **CENSUS TRACT 8063.00, BLOCK 2016;**

3 **(10) THE PART OF ELECTION DISTRICT 16, PRECINCT 1 CONSISTING**
4 **OF:**

5 **(I) CENSUS TRACT 8040.02, BLOCKS 2049 AND 2995;**

6 **(II) CENSUS TRACT 8063.00, BLOCKS 1000, 1012 THROUGH**
7 **1035, 1996 THROUGH 1999, 2001, 2003 THROUGH 2015, AND 2997 THROUGH 2999;**
8 **AND**

9 **(III) CENSUS TRACT 8065.01, BLOCKS 2996, 2997, 3011**
10 **THROUGH 3015, 3996, AND 3997; AND**

11 **(11) THE PART OF ELECTION DISTRICT 21, PRECINCT 10 CONSISTING**
12 **OF:**

13 **(I) CENSUS TRACT 8067.03, BLOCK 1001; AND**

14 **(II) CENSUS TRACT 8074.08, BLOCK 4014.**

15 **(E) AREAS INCLUDED IN 23RD ALCOHOLIC BEVERAGES DISTRICT.**

16 **THE 23RD ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

17 **(1) DELEGATE DISTRICT 23A (TWO MEMBER DELEGATE DISTRICT)**
18 **CONSISTING OF:**

19 **(I) ELECTION DISTRICT 7, PRECINCTS 1 THROUGH 5;**

20 **(II) ELECTION DISTRICT 10, PRECINCTS 6 THROUGH 8, 10, AND**
21 **11;**

22 **(III) ELECTION DISTRICT 14, PRECINCTS 1 THROUGH 7, 9, AND**
23 **10;**

24 **(IV) ELECTION DISTRICT 20, PRECINCTS 9 AND 10; AND**

25 **(V) THE PART OF ELECTION DISTRICT 20, PRECINCT 5**
26 **CONSISTING OF:**

1 1. **CENSUS TRACT 8004.08, BLOCKS 2013, 2020, 2021,**
2 **AND 2022;**

3 2. **CENSUS TRACT 8036.07, BLOCKS 3009 THROUGH**
4 **3011; AND**

5 3. **CENSUS TRACT 8036.08, BLOCKS 1000 THROUGH**
6 **1002, 1005 THROUGH 1009, 1011 THROUGH 1015, 2000 THROUGH 2006, AND 2008**
7 **THROUGH 2010; AND**

8 (2) **DELEGATE DISTRICT 23B (SINGLE MEMBER DELEGATE DISTRICT)**
9 **CONSISTING OF:**

10 (I) **ELECTION DISTRICT 3, PRECINCTS 2 AND 3; AND**

11 (II) **ELECTION DISTRICT 7, PRECINCTS 6 THROUGH 11.**

12 (F) **AREAS INCLUDED IN 24TH ALCOHOLIC BEVERAGES DISTRICT.**

13 **THE 24TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

14 (1) **ELECTION DISTRICT 6, PRECINCTS 3, 6, 9, 12, 15, AND 19;**

15 (2) **ELECTION DISTRICT 13, PRECINCTS 1, 3, 5, 7, 8, 10, AND 14**
16 **THROUGH 17;**

17 (3) **ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 7**
18 **THROUGH 11;**

19 (4) **ELECTION DISTRICT 20, PRECINCTS 4 AND 8;**

20 (5) **THE PART OF ELECTION DISTRICT 18, PRECINCT 5 CONSISTING**
21 **OF:**

22 (I) **CENSUS TRACT 8031.00, BLOCKS 1003 THROUGH 1015,**
23 **1021, 1022, 1024 THROUGH 1029, AND 2000 THROUGH 2017; AND**

24 (II) **CENSUS TRACT 8033.00, BLOCKS 3006 AND 3008; AND**

25 (6) **THE PART OF ELECTION DISTRICT 18, PRECINCT 6 CONSISTING OF**
26 **CENSUS TRACT 8028.04, BLOCKS 4005 AND 4006.**

27 (G) **AREAS INCLUDED IN 25TH ALCOHOLIC BEVERAGES DISTRICT.**

1 **THE 25TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

2 (1) **ELECTION DISTRICT 3, PRECINCT 4;**

3 (2) **ELECTION DISTRICT 6, PRECINCTS 1, 4, 5, 7, 10, 11, 14, 16, 18, AND**
4 **20 THROUGH 23;**

5 (3) **ELECTION DISTRICT 7, PRECINCT 12;**

6 (4) **ELECTION DISTRICT 9, PRECINCTS 1, 3, 10, AND 11;**

7 (5) **ELECTION DISTRICT 13, PRECINCTS 4, 6, 9, AND 11 THROUGH 13;**

8 (6) **ELECTION DISTRICT 15, PRECINCT 2; AND**

9 (7) **THE PART OF ELECTION DISTRICT 18, PRECINCT 6 CONSISTING OF**
10 **CENSUS TRACT 8028.04, BLOCKS 1006 THROUGH 1009, 2000 THROUGH 2003, 3000**
11 **THROUGH 3021, 4000, AND 4002 THROUGH 4004.**

12 **(H) AREAS INCLUDED IN 26TH ALCOHOLIC BEVERAGES DISTRICT.**

13 **THE 26TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

14 (1) **ELECTION DISTRICT 12;**

15 (2) **ELECTION DISTRICT 5, PRECINCTS 2, 3, AND 5 THROUGH 7;**

16 (3) **ELECTION DISTRICT 6, PRECINCTS 2, 8, 13, AND 17; AND**

17 (4) **ELECTION DISTRICT 9, PRECINCTS 2 AND 5.**

18 **(I) AREAS INCLUDED IN 27TH ALCOHOLIC BEVERAGES DISTRICT.**

19 **THE PART OF THE 27TH ALCOHOLIC BEVERAGES DISTRICT LOCATED IN THE**
20 **COUNTY IS IN DELEGATE DISTRICT 27A (TWO MEMBER DELEGATE DISTRICT) AND**
21 **CONSISTS OF:**

22 (1) **ELECTION DISTRICTS 4, 8, AND 11;**

23 (2) **ELECTION DISTRICT 3, PRECINCT 1;**

24 (3) **ELECTION DISTRICT 5, PRECINCTS 1, 4, AND 8;**

1 (4) ELECTION DISTRICT 9, PRECINCTS 4 AND 6 THROUGH 9; AND

2 (5) ELECTION DISTRICT 15, PRECINCTS 1, 3, AND 4.

3 (J) AREAS INCLUDED IN 47TH ALCOHOLIC BEVERAGES DISTRICT.

4 **THE 47TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

5 (1) ELECTION DISTRICT 2, PRECINCTS 1 THROUGH 4, 7, AND 9;

6 (2) ELECTION DISTRICT 13, PRECINCT 2;

7 (3) ELECTION DISTRICT 17, PRECINCTS 1 THROUGH 8, 10, 11, 13, AND
8 14;

9 (4) ELECTION DISTRICT 20, PRECINCT 3;

10 (5) THE PART OF ELECTION DISTRICT 2, PRECINCT 5 CONSISTING OF:

11 (I) CENSUS TRACT 8040.01, BLOCK 2000; AND

12 (II) CENSUS TRACT 8040.02, BLOCK 2003;

13 (6) THE PART OF ELECTION DISTRICT 2, PRECINCT 8 CONSISTING OF:

14 (I) CENSUS TRACT 8039.00, BLOCKS 3016 AND 3017;

15 (II) CENSUS TRACT 8040.01, BLOCKS 1000 THROUGH 1006,
16 2003, AND 2004;

17 (III) CENSUS TRACT 8040.02, BLOCKS 1000, 1001, 1002, 1004
18 THROUGH 1009, 1011 THROUGH 1017, 2005, 2006, 2007, 2009 THROUGH 2034,
19 2040, 2047, 2048, 2994, AND 2996 THROUGH 2999; AND

20 (IV) CENSUS TRACT 8043.00, BLOCKS 1000 THROUGH 1005,
21 1011, AND 1014 THROUGH 1018;

22 (7) THE PART OF ELECTION DISTRICT 16, PRECINCT 1 CONSISTING OF
23 CENSUS TRACT 8040.02, BLOCK 2008;

24 (8) THE PART OF ELECTION DISTRICT 18, PRECINCT 5 CONSISTING
25 OF:

1 **(I) CENSUS TRACT 8031.00, BLOCKS 1000, 1001, 1002, 1016**
2 **THROUGH 1020, AND 1023; AND**

3 **(II) CENSUS TRACT 8033.00, BLOCK 3007;**

4 **(9) THE PART OF ELECTION DISTRICT 20, PRECINCT 5 CONSISTING**
5 **OF:**

6 **(I) CENSUS TRACT 8036.01, BLOCKS 1001 THROUGH 1005; AND**

7 **(II) CENSUS TRACT 8036.08, BLOCKS 1003, 1004, 1010, 2007,**
8 **3000 THROUGH 3005, 4000, AND 4002 THROUGH 4011; AND**

9 **(10) THE PART OF ELECTION DISTRICT 21, PRECINCT 5 CONSISTING**
10 **OF:**

11 **(I) CENSUS TRACT 8073.01, BLOCK 1001; AND**

12 **(II) CENSUS TRACT 8073.05, BLOCKS 1002 THROUGH 1013,**
13 **2001 THROUGH 2009, AND 2011 THROUGH 2014.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9-217(l).

16 In subsection (a)(1) and (2) of this section, the former references to "the
17 boundaries of" certain alcoholic beverages districts are deleted as surplusage.

18 In subsection (a)(1) of this section, the former reference to approving the
19 transfer of an "additional" license into certain alcoholic beverages districts is
20 deleted as surplusage.

21 Also in subsection (a)(1) of this section, the former reference to "as long as the
22 license remains within the boundaries of the district" is deleted as obsolete
23 because the waiver applies to all licenses whether or not the license is in the
24 alcoholic beverages district.

25 In subsection (a)(2) of this section, the former reference to any off-sale
26 privileges of a license being "permanently" waived is deleted for accuracy since
27 the privileges are waived only while the license is in the alcoholic beverages
28 district.

29 In subsection (a)(3) of this section, the reference to the "Board" is added to
30 state expressly what was only implicit in the former law, that the Board is the
31 governmental unit that issues licenses.

1 Also in subsection (a)(3) of this section, the former phrase “[n]otwithstanding
2 any provision of this section” is deleted as surplusage.

3 Also in subsection (a)(3) of this section, the former phrase “on or after July 1,
4 2015” is deleted as obsolete.

5 Also in subsection (a)(3) of this section, the former references to “the City of”
6 College Park are deleted as surplusage.

7 Subsection (b) of this section is revised to clarify that certain legislative
8 districts, and not alcoholic beverages districts, were ordered by the Maryland
9 Court of Appeals.

10 In subsection (b) of this section, the reference to the alcoholic beverages
11 districts “described in this section” is substituted for the former references to
12 specific alcoholic beverages districts contained in the first sentence of the
13 introductory language of former Art. 2B, § 9–217(l)(i) through (viii) for brevity.

14 Also in subsection (b) of this section, the first sentences of the introductory
15 language of former Art. 2B, § 9–217(l)(i) through (viii) are deleted as included
16 in the reference to “the legislative districts, or parts of legislative districts
17 located in the County, as ordered by the Maryland Court of Appeals on June
18 21, 2002”.

19 Throughout subsections (c) through (j) of this section, the former references to
20 a “Prince George’s County” election district are deleted as unnecessary in light
21 of the organization of this revised article.

22 In the introductory language of subsection (e)(1) and (2) of this section, the
23 references to delegate districts “consist[ing] of” certain election districts are
24 added for clarity.

25 In the introductory language of subsection (i) of this section, the reference to
26 part of the “27th” alcoholic beverages district being in delegate district 27A is
27 substituted for the former reference to part of the “21st” alcoholic beverages
28 district being in delegate district 27A for accuracy and consistency within
29 subsection (i) of this section. The Alcoholic Beverages Article Review
30 Committee calls this substitution to the attention of the General Assembly.
31 No substantive change is intended.

32 Defined terms: “Board” § 26–101

33 “County” § 26–101

34 “License” § 1–101

35 “Off–sale” § 1–101

36 **26–1604. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

1 **(A) SCOPE OF SECTION.**

2 **THIS SECTION DOES NOT APPLY TO:**

3 **(1) A HOLDER OF A CLASS B (RT) BEER, WINE, AND LIQUOR LICENSE,**
4 **A CLASS BH (HOTEL) LICENSE, A CLASS BLX LICENSE, A CLASS BCE LICENSE, A**
5 **CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE, A CLASS B-TP (THEME PARK)**
6 **LICENSE, A CLASS B-AE (ARTS AND ENTERTAINMENT) LICENSE, OR A PER DIEM**
7 **LICENSE;**

8 **(2) AN ESTABLISHMENT THAT IS WITHIN:**

9 **(I) THE 500-FOOT RESTRICTED DISTANCE OF A PLACE OF**
10 **WORSHIP, IF THE GOVERNING BODY OF THE PLACE OF WORSHIP CONSENTS IN**
11 **WRITING TO THE ISSUANCE OF THE LICENSE AND THE CONSENT IS FILED WITH THE**
12 **LICENSE APPLICATION; OR**

13 **(II) THE 1,000-FOOT RESTRICTED DISTANCE OF A PRIVATE**
14 **KINDERGARTEN OR NURSERY SCHOOL;**

15 **(3) A RENEWAL OR EXTENSION OF A LICENSE ISSUED FOR AN**
16 **ESTABLISHMENT THAT IS WITHIN THE 500-FOOT RESTRICTED DISTANCE OF A**
17 **PLACE OF WORSHIP OR THE 1,000-FOOT RESTRICTED DISTANCE OF A SCHOOL**
18 **BUILDING;**

19 **(4) (I) A TRANSFER OF A LICENSE WITHIN 1,000 FEET OF A PLACE**
20 **OF WORSHIP OR A SCHOOL BUILDING TO ANOTHER ESTABLISHMENT WITHIN THE**
21 **SAME RESTRICTED DISTANCE; OR**

22 **(II) AN ASSIGNEE OF A LICENSE WITHIN THE SAME DISTANCE OF**
23 **THE SAME PLACE OF WORSHIP OR SCHOOL BUILDING;**

24 **(5) THE ISSUANCE OF A LICENSE FOR AN ESTABLISHMENT TO WHICH**
25 **A LICENSE OF THE SAME CLASS HAD BEEN ISSUED AND WAS IN EFFECT ON JUNE 1,**
26 **1965; AND**

27 **(6) THE RENEWAL OF A LICENSE IF A PLACE OF WORSHIP OR SCHOOL**
28 **WAS BUILT WITHIN 1,000 FEET OF THE ESTABLISHMENT AFTER THE ORIGINAL**
29 **ISSUANCE OF THE LICENSE.**

30 **(B) IN GENERAL.**

1 **(1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS**
 2 **SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS**
 3 **WITHIN 500 FEET OF A PLACE OF WORSHIP OR WITHIN 1,000 FEET OF A SCHOOL**
 4 **BUILDING.**

5 **(2) THE DISTANCE FROM AN ESTABLISHMENT TO A PLACE OF**
 6 **WORSHIP OR SCHOOL IS TO BE MEASURED FROM THE FRONT DOOR OR MAIN**
 7 **ENTRANCE OF THE ESTABLISHMENT, WHICHEVER IS NEAREST THE STREET**
 8 **ABUTTING THE SITE, ALONG THE NEAREST USUAL PEDESTRIAN ROUTE TO:**

9 **(I) THE CLOSEST DOOR THAT IS USED AS AN ENTRANCE OR EXIT**
 10 **TO THE SCHOOL; OR**

11 **(II) THE MAIN ENTRANCE OF THE PLACE OF WORSHIP.**

12 **(C) CLASS B–ECF/DS LICENSE EXCEPTION.**

13 **THE RESTRICTION ON THE DISTANCE BETWEEN THE LOCATION OF A SCHOOL**
 14 **AND A LICENSED PREMISES DOES NOT APPLY TO A CLASS B–ECF/DS LICENSE.**

15 **(D) EXCEPTIONS FOR SPECIFIC LOCATIONS.**

16 **(1) IN THE PART OF THE GATEWAY ARTS AND ENTERTAINMENT**
 17 **DISTRICT LOCATED IN HYATTSVILLE, AS DESIGNATED BY THE SECRETARY OF**
 18 **COMMERCE, THE FRONT DOOR OR MAIN ENTRANCE OF AN ESTABLISHMENT FOR**
 19 **WHICH A CLASS D BEER AND WINE LICENSE IS ISSUED MAY BE USED IF THE DOOR**
 20 **OR ENTRANCE IS AT LEAST 350 FEET FROM A PLACE OF WORSHIP.**

21 **(2) IN COLLEGE PARK, THE BOARD MAY ISSUE A LICENSE FOR AN**
 22 **ESTABLISHMENT THAT IS MORE THAN 400 FEET FROM A SCHOOL BUILDING IF THE**
 23 **LAND ON WHICH THE ESTABLISHMENT IS LOCATED IS IN A COMMERCIAL DISTRICT.**

24 **(3) IN LAUREL, THE BOARD MAY ISSUE A LICENSE FOR AN**
 25 **ESTABLISHMENT REGARDLESS OF ITS DISTANCE FROM A PLACE OF WORSHIP.**

26 REVISOR'S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, §§ 9–217(e) and 6–201(r)(12)(xi).

28 In subsection (a)(1) of this section, the reference to a “holder of a Class B (RT)
 29 beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license,
 30 a Class BCE license, a Class B–DD (development district) license, a Class
 31 B–TP (theme park) license, a Class B–AE (arts and entertainment) license, or
 32 a per diem license” is substituted for the former reference to “any license

1 issued under § 6–201(r)(3), (4), (6), (8), (15), (16), or (18) or § 7–101 of this
2 article” for clarity.

3 In subsection (a)(2) of this section, the references to “the 500–foot restricted
4 distance” of a place of worship and “the 1,000–foot restricted distance” of a
5 school are substituted for the references to “[t]his restriction” for clarity.
6 Similarly, in subsection (a)(3) of this section, the references to “the 500–foot
7 restricted distance” of a place of worship and “the 1,000–foot restricted
8 distance” of a school are substituted for the reference to “the requisite
9 distance” for clarity.

10 In subsections (a)(3), (b)(1), and (d)(2) and (3) of this section, the references to
11 an “establishment” are substituted for the former references to a “building” to
12 conform to the terminology used throughout this article. Similarly, in
13 subsection (a)(4) and (5) of this section, the references to an “establishment”
14 are substituted for the former references to a “place of business”.

15 In subsection (a)(3) of this section, the former phrase describing a license “of
16 any person or persons or for the use of a corporation or unincorporated
17 association” is deleted as surplusage.

18 In subsection (a)(4) of this section, the former reference to an “assignment” of
19 a license is deleted as included in the reference to a “transfer” of a license.

20 In subsection (a)(5) of this section, the former reference to the issuance of a
21 license to an establishment “not having an alcoholic beverage license” is
22 deleted as unnecessary because all establishments for which a license is
23 applied for do not have a license at the time of application.

24 Also in subsection (a)(5) of this section, the former reference to “force” is
25 deleted as unnecessary in light of the reference to “effect”.

26 In subsection (a)(6) of this section, the reference to a place of worship or school
27 built within 1,000 feet “of the establishment” is added for clarity.

28 In subsections (b)(1) and (d)(2) and (3) of this section, the references to the
29 “Board” are added to state expressly what was only implicit in the former law,
30 that the Board is the governmental unit that issues licenses.

31 Also in subsections (b)(1) and (d)(2) and (3) of this section, the former
32 references to a license “to sell alcoholic beverages” are deleted as included in
33 the defined term “license”.

34 In the introductory language of subsection (b)(2) of this section, the reference
35 to “[t]he distance from an establishment to a place of worship or school” being
36 measured is substituted for the former reference to “[t]he 1,000 feet, or the
37 500 feet, as the case may be” for clarity.

1 Also in the introductory language of subsection (b)(2) of this section, the
 2 reference to the “site” is substituted for the former reference to the “premises”
 3 to conform to the terminology used throughout this article.

4 Also in the introductory language of subsection (b)(2) of this section, the
 5 former reference to the “proposed licensed” establishment is deleted as
 6 surplusage.

7 In subsection (d) of this section, the former references to “the City of”
 8 Hyattsville, “the City of” College Park, and “the City of” Laurel are deleted as
 9 surplusage.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
 11 the General Assembly, that subsection (a)(2)(i) of this section, which exempts
 12 an establishment under certain conditions from the prohibition against being
 13 located within 500 feet of a place of worship, may violate the Establishment
 14 Clause of the First Amendment of the United States Constitution. The
 15 exemption in subsection (a)(2)(i) applies if the governing body of the place of
 16 worship consents in writing to the issuance of the license and the consent is
 17 filed with the license application. This provision may be seen as giving a
 18 religious institution a veto power over the issuance of a license while providing
 19 no standards governing the exercise of that veto, thus allowing the power to
 20 be exercised for explicitly religious goals. *See Larkin v. Grendel’s Den*, 459 U.S.
 21 116 (1982).

22 Defined terms: “Alcoholic beverage” § 1–101
 23 “Board” § 26–101
 24 “License” § 1–101

25 **26–1605. COMMERCIAL FUEL PUMP RESTRICTION.**

26 **THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT WITH**
 27 **A COMMERCIAL FUEL PUMP THAT IS:**

28 **(1) ON THE SITE; AND**

29 **(2) USED BY THE PUBLIC TO PURCHASE FUEL.**

30 REVISOR’S NOTE: This section is new language derived without substantive
 31 change from former Art. 2B, § 8–217(d).

32 In the introductory language of this section, the former phrase
 33 “[n]otwithstanding any other law to the contrary” is deleted as unnecessary in
 34 light of the organization of this revised article.

1 In item (1) of this section, the reference to the “site” is substituted for the
2 former reference to the “premises” to conform to the terminology used
3 throughout this article.

4 In item (2) of this section, the former reference to the “general” public is
5 deleted as surplusage.

6 Defined terms: “Board” § 26–101
7 “License” § 1–101

8 **26–1606. LICENSE FOR USE AT MOVIE THEATER.**

9 (A) IN GENERAL.

10 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY
11 NOT ISSUE A LICENSE FOR USE ON THE SITE OF A MOVIE THEATER.

12 (B) EFFECT OF SECTION.

13 THIS SECTION DOES NOT PROHIBIT THE ISSUANCE OF A CLASS B–DH
14 (DRAFTHOUSE) LICENSE FOR USE ON THE SITE OF A DRAFTHOUSE, AS DEFINED IN §
15 26–1007 OF THIS TITLE.

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 9–217(k).

18 In subsection (a) of this section, the reference to the “site” of a movie theater
19 is substituted for the former reference to the “premises” of a movie theater to
20 conform to the terminology used throughout this article. Similarly, in
21 subsection (b) of this section, the reference to the “site” of a drafthouse is
22 substituted for the former reference to the “premises” of a drafthouse.

23 Also, in subsection (a) of this section, the reference to a “movie” theater is
24 substituted for the former reference to a “motion picture” theater to conform
25 to the terminology used throughout this article.

26 Defined terms: “Board” § 26–101
27 “License” § 1–101

28 **26–1607. RESTRICTED SALES PROHIBITED.**

29 (A) IN GENERAL.

1 **A LICENSE WITH AN OFF-SALE PRIVILEGE MAY NOT BE ISSUED OR USED IF**
 2 **THE LICENSE APPLICANT OR LICENSE HOLDER PROPOSES OR RESTRICTS THE SALE**
 3 **OF ALCOHOLIC BEVERAGES TO A SPECIFIC GROUP OR LIMITED MEMBERSHIP.**

4 **(B) DUTY OF LICENSE HOLDER.**

5 **A LICENSE HOLDER WHO RESTRICTS THE SALE OF ALCOHOLIC BEVERAGES TO**
 6 **A SPECIFIC GROUP OR LIMITED MEMBERSHIP SHALL:**

7 **(1) REPORT THE RESTRICTION TO THE BOARD WITHIN 30 DAYS**
 8 **AFTER THE RESTRICTED SALE BEGAN; AND**

9 **(2) SURRENDER THE LICENSE TO THE BOARD.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 9-217.1.

12 In subsection (a) of this section, the former phrase "in fact" is deleted as
 13 surplusage.

14 In the introductory language of subsection (b) of this section, the phrase "[a]
 15 license holder who restricts the sale of alcoholic beverages" is substituted for
 16 the former phrase "the holder conducts his business for the sale of alcoholic
 17 beverages" for clarity.

18 Also in the introductory language of subsection (b) of this section, the former
 19 phrase "[i]f after issuance of such a license" is deleted as surplusage.

20 In subsection (b)(1) of this section, the reference to reporting "the restriction"
 21 is substituted for the former reference to reporting "such fact" for clarity.

22 Also in subsection (b)(1) of this section, the phrase "within 30 days after the
 23 restricted sale began" is substituted for the former phrase "within thirty days
 24 of the commencement of operation of such business in such manner" for
 25 brevity.

26 Defined terms: "Alcoholic beverage" § 1-101

27 "Board" § 26-101

28 "License" § 1-101

29 "License holder" § 1-101

30 "Off-sale" § 1-101

31 **26-1608. TAKOMA PARK DISTANCE RESTRICTION.**

32 **WHILE A HOLDER OF A CLASS -TP TYPE LICENSE ISSUED BY THE**
 33 **MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS REMAINS IN THE**

1 SAME LOCATION WHERE THE LICENSE WAS LOCATED ON JULY 1, 1997, THE PRINCE
2 GEORGE'S COUNTY BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE OR
3 APPROVE THE TRANSFER OF A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN
4 300 FEET OF THAT LOCATION.

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8-216(d)(3)(iii).

7 The phrase "issued by the Montgomery County Board of License
8 Commissioners" is added for clarity.

9 The reference to where "the license" was located is substituted for the former
10 reference to where "it" was located for clarity.

11 The phrase "the Prince George's County Board of License Commissioners may
12 not issue or approve the transfer of a license for an establishment that is
13 within" a specified distance is substituted for the former phrase "another
14 license issued by Prince George's County may not be granted or transferred to
15 another Prince George's licensee if the premises for which that license was
16 issued is located within" a specified distance for clarity and brevity.

17 Defined term: "License" § 1-101

18 **26-1609. RESERVED.**

19 **26-1610. RESERVED.**

20 **PART II. MULTIPLE LICENSING PLANS.**

21 **26-1611. DETERMINATION ON INTERESTS IN LICENSES.**

22 **(A) IN GENERAL.**

23 **AN INTEREST SHALL BE CONCLUSIVELY PRESUMED TO EXIST BETWEEN TWO**
24 **LICENSE HOLDERS OR A LICENSE HOLDER AND AN APPLICANT FOR A LICENSE IF ANY**
25 **OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

26 **(1) A FRANCHISE AGREEMENT;**

27 **(2) A LICENSING AGREEMENT;**

28 **(3) A CONCESSION AGREEMENT;**

29 **(4) BOTH ARE PART OF A CHAIN OF BUSINESSES COMMONLY OWNED**
30 **AND OPERATED AND SO PORTRAYED TO THE PUBLIC;**

1 **(5) ANY SHARING OF DIRECTORS OR STOCKHOLDERS OR ANY**
 2 **SHARING OF DIRECTORS OR STOCKHOLDERS OF PARENTS OR SUBSIDIARIES;**

3 **(6) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE**
 4 **SALE OF ALCOHOLIC BEVERAGES; OR**

5 **(7) SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR**
 6 **THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC, EXCEPT HOTELS**
 7 **AND MOTELS.**

8 **(B) DETERMINATION OF MULTIPLE INTERESTS.**

9 **(1) THE BOARD SHALL MAKE DETERMINATIONS UNDER THIS**
 10 **SECTION WITHOUT REGARD TO WHETHER A PARTICULAR LICENSE HOLDER OR**
 11 **PROPOSED LICENSE HOLDER IS OR MAY BE AN INDEPENDENT CONTRACTOR FOR**
 12 **PURPOSES OTHER THAN THE APPLICATION OF THIS SECTION.**

13 **(2) IF THE BOARD DETERMINES AFTER A HEARING THAT AN**
 14 **INTEREST EXISTS IN MORE THAN ONE LICENSE, THE BOARD SHALL REFUSE TO ISSUE**
 15 **A NEW LICENSE OR SHALL REVOKE AN EXISTING LICENSE UNLESS THE LICENSE IS**
 16 **OPERATIONAL AND COMPLIED WITH LAW APPLICABLE AT THE TIME OF THE**
 17 **ISSUANCE OF THE LICENSE.**

18 **(C) WHOLESALE LICENSE HOLDERS.**

19 **A WHOLESALE LICENSE HOLDER IS CONSIDERED A LICENSE HOLDER FOR**
 20 **PURPOSES OF THIS SECTION AND MAY NOT HOLD OR HAVE AN INTEREST, DIRECTLY**
 21 **OR INDIRECTLY, IN A LICENSE OF A CLASS THAT AUTHORIZES RETAIL SALE OF**
 22 **ALCOHOLIC BEVERAGES IN THE COUNTY.**

23 REVISOR'S NOTE: This section is new language derived without substantive
 24 change from former Art. 2B, § 9–217(f)(4) and (1)(ii), (iii), and (iv).

25 Former Art. 2B, § 9–217(f)(2), which exempted certain licenses from former
 26 Art. 2B, § 9–217(f), is deleted as unnecessary in light of the organization of
 27 this revised article.

28 Defined terms: "Board" § 26–101

29 "County" § 26–101

30 "License" § 1–101

31 **26–1612. CLASS B LICENSES FOR UNDERSERVED AREAS.**

1 **(A) SCOPE OF SECTION.**

2 **THIS SECTION DOES NOT APPLY TO A RESTAURANT WITHIN A CHAIN STORE,**
3 **SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

4 **(B) MORE THAN ONE LICENSE AVAILABLE.**

5 **THE BOARD MAY ALLOW A PERSON TO HOLD OR HAVE AN INTEREST IN MORE**
6 **THAN ONE CLASS B BEER, WINE, AND LIQUOR LICENSE IF THE RESTAURANT FOR**
7 **WHICH THE LICENSE IS SOUGHT IS WITHIN:**

8 **(1) ANY OF THE FOLLOWING AREAS THAT ARE UNDERSERVED BY**
9 **RESTAURANTS:**

10 **(I) SUTLAND BUSINESS DISTRICT, CONSISTING OF**
11 **PROPERTIES FRONTING ON OR HAVING ACCESS TO SILVER HILL ROAD BETWEEN**
12 **SUTLAND PARKWAY AND SUNSET LANE, AND ON SUTLAND ROAD BETWEEN**
13 **ARNOLD ROAD AND EASTERN LANE;**

14 **(II) PART OF THE PORT TOWNS BUSINESS DISTRICT,**
15 **CONSISTING OF PROPERTIES FRONTING ON OR HAVING ACCESS TO RHODE ISLAND**
16 **AVENUE, BLADENSBURG ROAD, ANNAPOLIS ROAD, OR 38TH STREET, IN**
17 **LEGISLATIVE DISTRICT 22; OR**

18 **(III) LARGO AREA, CONSISTING OF PROPERTIES WITHIN THE**
19 **AREA BOUNDED BY:**

- 20 1. **THE CAPITAL BELTWAY (I-495) ON THE WEST;**
- 21 2. **CENTRAL AVENUE AND LANDOVER ROAD ON THE**
22 **SOUTH AND SOUTHEAST;**
- 23 3. **CAMPUS WAY NORTH ON THE EAST; AND**
- 24 4. **ROUTE 214 AND LANDOVER ROAD ON THE NORTH**
25 **AND NORTHWEST; OR**

26 **(2) (I) A WATERFRONT ENTERTAINMENT RETAIL COMPLEX AS**
27 **DEFINED BY A COUNTY ZONING ORDINANCE; OR**

28 **(II) A COMMERCIAL ESTABLISHMENT ON 100 OR MORE ACRES**
29 **THAT IS DESIGNATED BY THE COUNTY EXECUTIVE AS A RECREATIONAL,**
30 **DESTINATION, OR ENTERTAINMENT ATTRACTION.**

1 **(C) MAXIMUM NUMBER OF CLASS B LICENSES.**

2 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
3 **LICENSE HOLDER MAY NOT HOLD MORE THAN FOUR CLASS B BEER, WINE, AND**
4 **LIQUOR LICENSES WITHIN ALL OF THE UNDERSERVED AREAS DESCRIBED IN**
5 **SUBSECTION (B)(1) OF THIS SECTION.**

6 **(2) (I) A LICENSE HOLDER MAY BE ISSUED OR TRANSFERRED A**
7 **FIFTH CLASS B BEER, WINE, AND LIQUOR LICENSE ONLY IF THE DATE OF THE**
8 **APPLICATION FOR THE FIFTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE**
9 **LICENSE HOLDER WAS ISSUED OR TRANSFERRED THE FOURTH LICENSE.**

10 **(II) A LICENSE HOLDER MAY BE ISSUED OR TRANSFERRED A**
11 **SIXTH CLASS B BEER, WINE, AND LIQUOR LICENSE ONLY IF THE DATE OF THE**
12 **APPLICATION FOR THE SIXTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE**
13 **LICENSE HOLDER WAS ISSUED OR TRANSFERRED THE FIFTH LICENSE.**

14 **(D) LIMIT IN INTERESTS OUTSIDE UNDERSERVED AREAS.**

15 **A PERSON THAT HOLDS OR HAS AN INTEREST IN A LICENSE IN AN**
16 **UNDERSERVED AREA DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT**
17 **HOLD OR HAVE AN INTEREST IN MORE THAN ONE LICENSE LOCATED OUTSIDE ALL**
18 **THE UNDERSERVED AREAS.**

19 **(E) COMMERCIAL ESTABLISHMENTS.**

20 **A PERSON MAY NOT HOLD OR HAVE AN INTEREST IN MORE THAN ONE LICENSE**
21 **IN A COMMERCIAL ESTABLISHMENT DESCRIBED IN SUBSECTION (B)(2) OF THIS**
22 **SECTION.**

23 **(F) NO OFF-SALE PRIVILEGE.**

24 **A CLASS B LICENSE OBTAINED UNDER THIS SECTION DOES NOT CONFER AN**
25 **OFF-SALE PRIVILEGE.**

26 **(G) MAXIMUM NUMBER OF LICENSES.**

27 **THE LIMIT ON THE MAXIMUM NUMBER OF CLASS B BEER, WINE, AND LIQUOR**
28 **LICENSES IN THE COUNTY UNDER § 26-1601 OF THIS SUBTITLE APPLIES TO THE**
29 **ISSUANCE OF LICENSES UNDER THIS SECTION.**

30 **(H) FEE.**

1 **THE ANNUAL LICENSE FEE FOR A CLASS B LICENSE OBTAINED UNDER THIS**
2 **SECTION IS \$2,500.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 9–217(f)(5)(i) through (vii) and (ix).

5 In subsections (b), (d), and (e) of this section, the defined term “person” is
6 substituted for the former references to “partnership, corporation,
7 unincorporated association, or limited liability company” for brevity and
8 consistency within the article.

9 In the introductory language of subsection (b) of this section, the former
10 phrase “[n]otwithstanding any other provision of this article” is deleted as
11 surplusage.

12 Former Art. 2B, § 9–217(f)(5)(viii), which established a residency requirement
13 for an applicant for a Class B license, is deleted as unnecessary because the
14 residency requirement applies to all applicants, regardless of license type.

15 Defined terms: “Board” § 26–101

16 “License” § 1–101

17 “Person” § 1–101

18 **26–1613. CLASS B–DD (DEVELOPMENT DISTRICT) 7–DAY BEER, WINE, AND LIQUOR**
19 **LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS B–DD (DEVELOPMENT DISTRICT) 7–DAY BEER, WINE, AND**
22 **LIQUOR LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A RESTAURANT**
25 **IN ANY SINGLE AREA DESIGNATED IN § 26–1614 OF THIS SUBTITLE.**

26 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
27 **WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

28 **(C) RESTAURANT REQUIREMENTS.**

29 **(1) AN APPLICANT FOR A LICENSE FOR A RESTAURANT IN A SINGLE**
30 **AREA DESCRIBED IN § 26–1614 OF THIS SUBTITLE IS NOT ELIGIBLE FOR A CLASS**
31 **B–DD LICENSE UNLESS:**

1 **(I) THE RESTAURANT MEETS ALL OF THE REQUIREMENTS SET**
2 **OUT IN PARAGRAPH (2) OF THIS SUBSECTION; AND**

3 **(II) THE AVERAGE DAILY RECEIPTS OF THE RESTAURANT**
4 **FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES EXCEED THE AVERAGE**
5 **DAILY RECEIPTS OF THE RESTAURANT FROM THE SALE OF ALCOHOLIC BEVERAGES.**

6 **(2) A RESTAURANT SHALL:**

7 **(I) BE LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT**
8 **SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT**
9 **MEALS TO THE PUBLIC DURING THE RESTAURANT'S HOURS OF OPERATION;**

10 **(II) HAVE THE MINIMUM SANITARY FACILITIES REQUIRED BY**
11 **THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

12 **(III) MEET THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY**
13 **THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

14 **(IV) HAVE A DINING AREA WITH SUFFICIENT TABLES, CHAIRS,**
15 **OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

16 **(V) BE EQUIPPED WITH A KITCHEN THAT HAS COMPLETE**
17 **FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

18 **(VI) EMPLOY A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF**
19 **TO SERVE THE PUBLIC USING THE DINING AREA;**

20 **(VII) MAINTAIN AND DISPLAY A MENU THAT ADVERTISES THE**
21 **SERVING OF A VARIETY OF HOT MEALS; AND**

22 **(VIII) MAINTAIN SUFFICIENT FOOD ON THE PREMISES AT ALL**
23 **TIMES TO FILL AN ORDER MADE FROM THE MENU.**

24 **(3) THE BOARD MAY REVOKE A LICENSE TO ENFORCE THIS**
25 **SUBSECTION.**

26 **(4) THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD A MONTHLY**
27 **REPORT OF THE RESTAURANT'S AVERAGE DAILY RECEIPTS FROM THE SALE OF**
28 **FOOD AND NONALCOHOLIC BEVERAGES AND THE RESTAURANT'S AVERAGE DAILY**
29 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES TO VERIFY THAT THE**
30 **RESTAURANT HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS**
31 **SUBSECTION.**

1 **(D) ISSUANCE OF LICENSES.**

2 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
3 **THE BOARD SHALL DETERMINE:**

4 **(I) THE NUMBER OF LICENSES TO BE ISSUED;**

5 **(II) TO WHOM THE LICENSES MAY BE ISSUED; AND**

6 **(III) THE NUMBER OF LICENSES EACH RECIPIENT MAY HOLD.**

7 **(2) THE BOARD MAY NOT ISSUE THE LICENSE FOR USE BY A**
8 **RESTAURANT IN A SINGLE AREA DESCRIBED IN § 26-1614 OF THIS SUBTITLE IF:**

9 **(I) SIX RESTAURANTS ARE OPERATING WITH A CLASS B-DD**
10 **LICENSE IN THE AREA; OR**

11 **(II) THE APPLICANT IS THE LICENSE HOLDER OF THREE CLASS**
12 **B-DD LICENSES.**

13 **(E) ADDITIONAL LICENSES.**

14 **(1) A LICENSE HOLDER MAY HOLD A CLASS B-DD LICENSE IN**
15 **ADDITION TO ANY OTHER LICENSE ISSUED UNDER THIS ARTICLE.**

16 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR EACH**
17 **CLASS B-DD LICENSE A PERSON IS ISSUED, THE PERSON MAY OBTAIN ONE OTHER**
18 **CLASS B LICENSE LOCATED ANYWHERE IN THE COUNTY IF ALL REQUIREMENTS FOR**
19 **THE CLASS B LICENSE ARE MET.**

20 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
21 **PARAGRAPH, A CLASS B LICENSE THAT IS ISSUED FOR USE IN A RESTAURANT IN A**
22 **DEVELOPMENT DISTRICT UNDER § 26-1614 OF THIS SUBTITLE TO A HOLDER OF A**
23 **CLASS B-DD LICENSE REMAINS IN EFFECT ONLY AS LONG AS THE RESTAURANT IN**
24 **THE DEVELOPMENT DISTRICT REMAINS OPEN FOR BUSINESS AS A RESTAURANT.**

25 **(II) IF A RESTAURANT IN THE DEVELOPMENT DISTRICT IS**
26 **CLOSED FOR NOT MORE THAN 6 MONTHS, THE CLASS B LICENSE SHALL REMAIN IN**
27 **EFFECT.**

28 **(F) TRANSFER OF LICENSE.**

1 **THE BOARD MAY APPROVE THE TRANSFER OF THE OWNERSHIP OF A LICENSE**
 2 **FOR USE AT THE SAME LOCATION BUT NOT FOR USE AT A DIFFERENT LOCATION.**

3 **(G) PROHIBITED LOCATIONS.**

4 **THE BOARD MAY NOT ISSUE THE LICENSE FOR USE BY A RESTAURANT IN A**
 5 **CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE**
 6 **STORE.**

7 **(H) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$3,025.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 6-201(r)(15) and (1)(ii)3.

11 Subsection (a) of this section is revised in standard language used throughout
 12 this article to establish a license.

13 Subsection (b)(1) of this section states expressly what was only implicit in the
 14 former law, that the Board is the license issuing authority.

15 Subsection (c)(2) of this section, which states expressly the requirements for
 16 a restaurant, is substituted for the former reference to "all of the requirements
 17 set forth in paragraph (1)(ii)3 of this subsection" for clarity.

18 In the introductory language of subsection (d)(2) of this section, the former
 19 phrase "at the time of issuance" is deleted as surplusage.

20 Defined terms: "Beer" § 1-101

21 "Board" § 26-101

22 "Restaurant" § 1-101

23 "Wine" § 1-101

24 **26-1614. CLASS B-DD LICENSES — LIMITS ON ISSUANCE IN CERTAIN AREAS.**

25 **(A) IN GENERAL.**

26 **THE BOARD MAY ISSUE:**

27 **(1) UP TO FOUR CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES**
 28 **FOR RESTAURANTS LOCATED WITHIN THE CAPITAL PLAZA COMMERCIAL AREA,**
 29 **CONSISTING OF COMMERCIAL PROPERTIES WITHIN THE AREA BOUNDED BY THE**
 30 **BALTIMORE-WASHINGTON PARKWAY ON THE WEST AND NORTHWEST, MARYLAND**
 31 **ROUTE 450 ON THE SOUTH, AND COOPER LANE ON THE EAST AND NORTHEAST;**

1 **(2) UP TO FOUR CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES**
2 **FOR RESTAURANTS LOCATED WITHIN THE AREA OF GREENBELT STATION, LOCATED**
3 **INSIDE THE CAPITAL BELTWAY AND ADJACENT TO THE GREENBELT METRO**
4 **STATION;**

5 **(3) UP TO SIX CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES**
6 **FOR RESTAURANTS LOCATED WITHIN THE AREA OF RITCHIE STATION**
7 **MARKETPLACE; AND**

8 **(4) SUBJECT TO SUBSECTION (B) OF THIS SECTION, UP TO SIX CLASS**
9 **B-DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN**
10 **THE TOWNE CENTRE AT LAUREL.**

11 **(B) CONVERTED LICENSE ALLOWED IN TOWNE CENTRE AT LAUREL.**

12 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
13 **MAY CONVERT ONE CLASS B-DD LICENSE TO A CLASS A BEER, WINE, AND LIQUOR**
14 **LICENSE, TO BE ISSUED TO AN ESTABLISHMENT IN THE TOWNE CENTRE AT LAUREL.**

15 **(2) IF THE BOARD CONVERTS A CLASS B-DD LICENSE TO A CLASS A**
16 **BEER, WINE, AND LIQUOR LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION,**
17 **THE BOARD MAY NOT ISSUE MORE THAN FIVE CLASS B-DD LICENSES UNDER**
18 **SUBSECTION (A)(4) OF THIS SECTION.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 9-217(f)(7) and (o).

21 In the introductory language of subsection (a) of this section, the phrase
22 "[s]ubject to § 6-201(r)(15) of this article," is deleted as surplusage.

23 Defined term: "Board" § 26-101

24 **26-1615. BH LICENSES.**

25 **THE BOARD MAY AUTHORIZE A PERSON TO HOLD OR HAVE AN INTEREST IN AN**
26 **UNLIMITED NUMBER OF BH LICENSES.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 9-217(f)(3).

29 The defined term "person" is substituted for the former reference to
30 "individual, partnership, or corporation" for brevity and consistency within
31 this article.

1 The former phrase “[n]otwithstanding other provisions of this subsection or
2 other provisions of this article,” is deleted as surplusage.

3 Defined terms: “Board” § 26–101
4 “Person” § 1–101

5 **26–1616. CLASS BLX LICENSES.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS BLX LICENSE.**

8 **(B) SCOPE OF AUTHORIZATION.**

9 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A LUXURY–TYPE**
10 **RESTAURANT, AS DEFINED IN REGULATIONS OF THE BOARD, THAT HAS:**

11 **(I) A MINIMUM CAPITAL INVESTMENT OF \$1,000,000 FOR A**
12 **DINING ROOM FACILITY AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF**
13 **THE LAND, BUILDING, OR LEASE; AND**

14 **(II) SEATING FOR AT LEAST 100 INDIVIDUALS.**

15 **(2) IF THE CRITERIA UNDER PARAGRAPH (1) OF THIS SUBSECTION**
16 **ARE MET, THE BOARD MAY ISSUE OR TRANSFER ONE CLASS BLX LICENSE ON**
17 **BEHALF OF:**

18 **(I) THE COUNTY;**

19 **(II) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING**
20 **COMMISSION; OR**

21 **(III) A PRIVATE CONCESSIONAIRE UNDER CONTRACT WITH:**

22 **1. THE COUNTY; OR**

23 **2. THE MARYLAND–NATIONAL CAPITAL PARK AND**
24 **PLANNING COMMISSION.**

25 **(3) THE BOARD MAY DETERMINE:**

26 **(I) THE NUMBER OF LICENSES TO BE ISSUED;**

27 **(II) TO WHOM THE LICENSE MAY BE ISSUED; AND**

1 (III) WHETHER A HOLDER OF AN ALCOHOLIC BEVERAGES
2 LICENSE MAY HAVE AN INTEREST IN ONE CLASS BLX LICENSE.

3 (4) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
4 WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.

5 (C) 10-LICENSE LIMIT.

6 (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A
7 PERSON MAY NOT HOLD MORE THAN 10 CLASS BLX LICENSES.

8 (2) THE BOARD MAY ISSUE:

9 (I) A FIFTH LICENSE TO A LICENSE HOLDER ONLY IF THE DATE
10 OF APPLICATION FOR THE FIFTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE
11 LICENSE HOLDER WAS ISSUED THE FOURTH LICENSE; AND

12 (II) A SIXTH LICENSE ONLY IF THE DATE OF APPLICATION FOR
13 THE SIXTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS
14 ISSUED THE FIFTH LICENSE.

15 (3) IN DETERMINING WHETHER TO ISSUE A FIFTH, SIXTH, SEVENTH,
16 EIGHTH, NINTH, OR TENTH LICENSE TO A SINGLE LICENSE HOLDER, THE BOARD:

17 (I) SHALL CONSIDER THE NUMBER OF LICENSED
18 ESTABLISHMENTS EXISTING IN THE AREA SURROUNDING THE SITE OF THE
19 PROPOSED LICENSED ESTABLISHMENT; AND

20 (II) MAY ISSUE AN ADDITIONAL LICENSE ONLY IF THE BOARD
21 DETERMINES THAT THE PROPOSED LICENSED ESTABLISHMENT WILL ENHANCE THE
22 RECREATIONAL, BUSINESS, AND ECONOMIC DEVELOPMENT OF THE AREA.

23 (D) USE OF PROFITS.

24 THE PROFIT REALIZED FROM THE SALE OF AN ALCOHOLIC BEVERAGE UNDER
25 A LICENSE ISSUED UNDER SUBSECTION (B)(2) OF THIS SECTION MAY BE FOR THE
26 USE AND BENEFIT OF THE LICENSE HOLDER.

27 (E) FEE.

28 THE ANNUAL LICENSE FEE IS \$3,025.

1 REVISOR'S NOTE: This section is new language derived without substantive change
2 from former Art. 2B, § 6–201(r)(6)(i), (ii), (iv), (v), and (iii)1 through 9.

3 In subsection (b)(1)(ii) of this section, the reference to “individuals” is
4 substituted for the former, broader reference to “persons” because the
5 provision refers only to human beings.

6 Also in subsection (b)(1)(ii) of this section, the former reference to seating
7 “capacity” is deleted as surplusage.

8 In the introductory language of subsection (b)(3) of this section, the reference
9 to “may” is substituted for the former reference to “has complete discretion”
10 for clarity and brevity.

11 In subsection (b)(3)(iii) of this section, the former reference to an “existing
12 license” holder of an alcoholic beverages license is deleted as implicit in the
13 reference to a “holder of an alcoholic beverages license”.

14 In subsection (b)(4) of this section, the reference to “beer, wine, and liquor” is
15 substituted for the former reference to “alcoholic beverages” for clarity.

16 Also in subsection (b)(4) of this section, the language authorizing the license
17 holder “to sell beer, wine, and liquor” is substituted for the former language
18 describing the license as “limited and restricted to the purpose of providing
19 alcoholic beverages” to avoid the misleading implication that the license
20 authorizes the holder only to provide beer, wine, and liquor without charge.

21 In subsection (c)(1) of this section, the defined term “person” is substituted for
22 the former reference to an “individual or corporation” for brevity.

23 In subsection (c)(2) of this section, the language stating that “[t]he Board may
24 issue” a license is substituted for the former language that “[a] license holder
25 may be issued” a license to state expressly what was only implicit in the former
26 law, that the Board is the agency that issues licenses.

27 In subsection (d) of this section, the reference to “the license holder” is
28 substituted for the former reference to “Prince George’s County, the
29 Maryland–National Capital Park and Planning Commission, or a
30 concessionaire under contract as provided under subparagraph (iv) of this
31 paragraph” for brevity.

32 Former Art. 2B, § 6–201(r)(6)(iii)10, which stated that certain residency
33 requirements do not apply to Class BLX licenses, is deleted as redundant of
34 §§ 26–1405 and 26–1406 of this title.

35 Defined terms: “Alcoholic beverage” § 1–101
36 “Board” § 26–101

1 "County" § 26-101

2 "Person" § 1-101

3 **26-1617. CLASS B-RD LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS B-RD (REVITALIZATION DISTRICT) LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **(1) THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT THAT:**

8 **(I) IS LOCATED AND REMAINS IN:**

9 **1. A DESIGNATED MARYLAND MAIN STREET WITH A**
10 **LOCAL MANAGEMENT AUTHORITY;**

11 **2. A DESIGNATED REVITALIZATION AREA; OR**

12 **3. AN AREA WITH A REVITALIZATION PLAN THAT HAS**
13 **BEEN ADOPTED LOCALLY;**

14 **(II) HAS GROSS SALES:**

15 **1. THAT DO NOT EXCEED \$150,000 PER YEAR; AND**

16 **2. OF WHICH AT LEAST 80% ARE DERIVED FROM THE**
17 **SALE OF FOOD; AND**

18 **(III) IS PRIMARILY A RESTAURANT AT WHICH CUSTOMERS ARE**
19 **SEATED TO EAT.**

20 **(2) THE LICENSE AUTHORIZES THE HOLDER TO SELL LIQUOR AT**
21 **RETAIL FOR ON-PREMISES CONSUMPTION IN ANY PREMISES LICENSED FOR CLASS**
22 **B-RD SALES.**

23 **(C) HOURS AND DAYS OF SALE.**

24 **THE HOURS AND DAYS FOR SALE ARE AS PROVIDED IN § 26-2005(H) OF THIS**
25 **TITLE.**

26 **(D) NUMBER OF LICENSES.**

1 **(II) AUTHORIZES A PERSON, IN THE OPERATION OF A**
2 **RESTAURANT, TO USE A TRADEMARK, TRADE NAME, OR OTHER IDENTIFYING**
3 **SYMBOL OWNED BY A LICENSOR.**

4 **(C) EXCEPTION TO GENERAL RULE FOR FRANCHISORS.**

5 **THE BOARD MAY ISSUE OR TRANSFER A LICENSE UNDER SUBSECTION (B) OF**
6 **THIS SECTION REGARDLESS OF WHETHER A CLASS B BEER (ON-SALE) LICENSE OR**
7 **CLASS B BEER AND WINE (ON-SALE) LICENSE HAS BEEN ISSUED OR TRANSFERRED**
8 **FOR USE BY:**

9 **(1) ANOTHER FRANCHISEE OPERATING A RESTAURANT UNDER A**
10 **FRANCHISE AGREEMENT WITH THE SAME FRANCHISOR; OR**

11 **(2) ANOTHER PERSON OPERATING A RESTAURANT UNDER A**
12 **BUSINESS LICENSING AGREEMENT WITH THE SAME LICENSOR.**

13 **(D) NO OWNERSHIP INTEREST; LICENSOR AND FRANCHISOR FEES.**

14 **A LICENSOR OR FRANCHISOR:**

15 **(1) IS PROHIBITED FROM HAVING AN OWNERSHIP INTEREST IN AN**
16 **ENTITY THAT RECEIVES A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND**
17 **WINE (ON-SALE) LICENSE UNDER THIS SECTION; BUT**

18 **(2) UNDER A BUSINESS LICENSING AGREEMENT OR FRANCHISE**
19 **AGREEMENT, MAY BE PAID A FEE THAT IS BASED ON A PERCENTAGE OF REVENUE BY**
20 **A PERSON THAT RECEIVES A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER**
21 **AND WINE (ON-SALE) LICENSE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 9-217(f)(6)(i) through (iv) and (vi).

24 In the introductory language of subsection (c) of this section, the former phrase
25 "[n]otwithstanding paragraph (1) of this subsection or other provisions of this
26 article," is deleted as surplusage.

27 Former Art. 2B, § 9-217(f)(6)(v), which prohibited a person that receives a
28 Class B beer (on-sale) or Class B beer and wine (on-sale) license under former
29 § 9-217(f)(6) from holding another Class B beer (on-sale) or Class B beer and
30 wine (on-sale) license unless authorized under another provision of law, is
31 deleted as redundant.

32 Defined terms: "Board" § 26-101

33 "License" § 1-101

1 "Person" § 1-101

2 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

3 **26-1701. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 ("TRANSFER OF LOCAL**
6 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE") OF DIVISION I OF THIS ARTICLE**
7 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

8 **(1) § 4-303 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

9 **AND**

10 **(2) § 4-304 ("COMPLIANCE WITH BULK TRANSFERS ACT**
11 **REQUIRED").**

12 **(B) EXCEPTION.**

13 **SECTION 4-306 ("SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE") OF**
14 **DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED**
15 **BY § 26-1708 OF THIS SUBTITLE.**

16 **(C) VARIATIONS.**

17 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 ("TRANSFER OF LOCAL**
18 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE") OF DIVISION I OF THIS ARTICLE**
19 **APPLY IN THE COUNTY:**

20 **(1) § 4-302 ("TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
21 **LICENSE AND INVENTORY"), SUBJECT TO § 26-1709 OF THIS SUBTITLE; AND**

22 **(2) § 4-305 ("FILING FEE AND ENDORSEMENT"), SUBJECT TO §**
23 **26-1706 OF THIS SUBTITLE.**

24 **REVISOR'S NOTE:** This section is new language added to incorporate by reference
25 general provisions relating to the transfer of licenses and the substitution of
26 the names of officers on licenses.

27 Defined terms: "County" § 26-101

28 "License" § 1-101

29 **26-1702. TRANSFER REQUIREMENTS.**

1 **(A) TWO-YEAR MORATORIUM.**

2 **THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE FROM ONE**
3 **LOCATION TO ANOTHER:**

4 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR**
5 **AT LEAST 2 YEARS AFTER THE ISSUANCE OF A NEW LICENSE; AND**

6 **(2) UNLESS THE BOARD DETERMINES THAT:**

7 **(I) THE TRANSFER TO THE NEW LOCATION IS NECESSARY TO**
8 **ACCOMMODATE THE PUBLIC; AND**

9 **(II) THE TRANSFEREE HAS COMPLIED WITH THE RESIDENCY**
10 **REQUIREMENTS SPECIFIED IN § 26-1406(C) OF THIS TITLE.**

11 **(B) TRANSFER MADE BY RECEIVER OR TRUSTEE.**

12 **SUBJECT TO THE APPROVAL OF THE BOARD, A RECEIVER OR TRUSTEE MAY**
13 **TRANSFER OWNERSHIP AND LOCATION OF A LICENSE FOR THE BENEFIT OF**
14 **CREDITORS OF A LICENSE HOLDER WITHIN 6 MONTHS AFTER:**

15 **(1) APPOINTMENT AS THE RECEIVER OR TRUSTEE; OR**

16 **(2) THE DEATH OF THE LICENSE HOLDER.**

17 **(C) LIMITS ON TIMING OF TRANSFER.**

18 **(1) THE BOARD MAY APPROVE A TRANSFER OF LOCATION OR**
19 **OWNERSHIP WITHIN 2 YEARS AFTER A TRANSFER OF LOCATION HAS BEEN**
20 **AUTHORIZED.**

21 **(2) THIS PARAGRAPH DOES NOT PROHIBIT A TRANSFER OF**
22 **OWNERSHIP FOR CONTINUANCE OF A BUSINESS IN THE SAME LOCATION, UNLESS**
23 **THERE HAS BEEN A TRANSFER OF LOCATION FOR THE LICENSE WITHIN 2 YEARS.**

24 **(D) SECURITY AGREEMENT.**

25 **A TRANSFER OF A LICENSE IN ACCORDANCE WITH A SECURITY AGREEMENT IS**
26 **SUBJECT TO APPROVAL BY THE BOARD LIKE ANY OTHER LICENSE TRANSFER,**
27 **EXCEPT THAT THE WRITTEN CONSENT AND COOPERATION OF THE EXISTING**
28 **LICENSE HOLDER IS NOT REQUIRED.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 10–501(b)(4)(iii) and 10–503(r)(2) and (4).

3 In the introductory language of subsection (a) of this section, the reference to
4 from “one location to another” is substituted for the former reference to from
5 “the present location to a new location” for clarity.

6 In subsection (a)(1) of this section, the reference to “at least” 2 years is added
7 to state explicitly what was formerly only implicit in the former law, that 2
8 years is the minimum time that the Board may not approve a transfer.

9 Also in subsection (a)(1) of this section, the phrase “except as provided in
10 subsection (b) of this section” is substituted for former Art. 2B, §
11 10–503(r)(2)(ii), which stated that “[t]he provisions of this paragraph do not
12 apply to the transfer or assignment of an alcoholic beverages license that is
13 made by a receiver or trustee for the benefit of the creditors of a licensee or a
14 transfer that is made due to the death of a licensee”. A transfer made by a
15 receiver or trustee for the benefit of creditors or made due to the death of a
16 licensee is covered under subsection (b) of this section.

17 In subsection (a)(2)(i) of this section, the former reference to the “proposed”
18 new location is deleted as implicit.

19 In subsection (a)(2)(ii) of this section, the former reference to an “assignee” is
20 deleted as included in the reference to a “transferee”.

21 In subsection (d) of this section, the word “like” is substituted for the former
22 phrase “in the same manner as is” for brevity.

23 Former Art. 2B, § 10–503(r)(1), which stated that former Art. 2B, §
24 10–503(r) applied only in Prince George’s County, is deleted as unnecessary
25 in light of the organization of this revised article.

26 The Alcoholic Beverages Article Review Committee notes, for consideration by
27 the General Assembly, that subsection (c) of this section does not prohibit a
28 transfer of ownership for continuance of a business in the same location,
29 unless there has been a transfer of location for the license within 2 years.
30 However, it is unclear when the 2–year period begins.

31 Defined terms: “Board” § 26–101

32 “License” § 1–101

33 “License holder” § 1–101

34 **26–1703. RESTRICTIONS ON TRANSFER TO CHAIN STORES, SUPERMARKETS, OR**
35 **DISCOUNT HOUSES.**

1 **THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE THAT HAS AN**
2 **OFF-SALE PRIVILEGE TO:**

3 **(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE,**
4 **SUPERMARKET, OR DISCOUNT HOUSE; OR**

5 **(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE**
6 **ESTABLISHMENT.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 9-217(h)(1), as it related to the transfer of a
9 license for a chain store, supermarket, or discount store.

10 This section is revised in the active voice to clarify that it is the Board of
11 License Commissioners that is prohibited from approving the transfer of
12 certain licenses.

13 In the introductory language of this section, the former reference to a license
14 "of any class" is deleted as included in the defined term "license".

15 In this section, the former reference to a "business" establishment is deleted
16 as surplusage.

17 Former Art. 2B, § 9-217(h)(2), which authorized the transfer of a Class D beer
18 and light wine license for use by a supermarket or similar type of business, is
19 deleted as obsolete because the transfer has occurred.

20 Defined terms: "Board" § 26-101
21 "License" § 1-101
22 "Off-sale" § 1-101

23 **26-1704. RESIDENCY REQUIREMENTS.**

24 **THE RESIDENCY REQUIREMENTS UNDER § 26-1406(C) OF THIS TITLE APPLY**
25 **TO A TRANSFER OF A LICENSE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 9-217(j), as it related to the transfer of a license.

28 The Alcoholic Beverages Article Review Committee notes, for consideration by
29 the General Assembly, that the residency requirements referred to in this
30 section may violate the equal protection guarantees of the Fourteenth
31 Amendment to the United States Constitution and Article 24 of the Maryland
32 Declaration of Rights. Maryland courts look unfavorably on legislation that
33 classifies persons by geography, which may be accomplished by residency or

1 registration requirements, if the primary purpose of the legislation is
2 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

3 Defined term: “License” § 1–101

4 **26–1705. HEARING ON LICENSE TRANSFERS.**

5 **A HEARING ON AN APPLICATION FOR A LICENSE TRANSFER SHALL OCCUR AND**
6 **FOLLOW THE REQUIREMENTS FOR A HEARING ON AN APPLICATION FOR A NEW**
7 **LICENSE UNDER §§ 26–1511 THROUGH 26–1513 OF THIS TITLE.**

8 REVISOR’S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10–202(i)(2), as it related to the transfer of
10 licenses.

11 The requirement that a hearing on an application “occur” is added for clarity.

12 The requirement that “a hearing on an application for a new license under §§
13 26–1511 through 26–1513 of this title” is substituted for the former narrower
14 requirement that an application “must be submitted not less than 60 days
15 prior to the date set for ... a transfer” for clarity.

16 Defined term: “License” § 1–101

17 **26–1706. FEE.**

18 **THE FEE FOR A TRANSFER OF A LICENSE IS \$500.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–503(r)(3).

21 The former reference to an “assignment” is deleted as included in the reference
22 to a “transfer”.

23 Defined term: “License” § 1–101

24 **26–1707. TRANSFER FOR ESTABLISHMENT WITH COMMERCIAL FUEL PUMP**
25 **PROHIBITED.**

26 **THE BOARD MAY NOT TRANSFER A LICENSE TO AN ESTABLISHMENT WITH A**
27 **COMMERCIAL FUEL PUMP ON A PREMISES THAT THE PUBLIC USES TO PURCHASE**
28 **FUEL.**

29 REVISOR’S NOTE: This section is new language derived without substantive change
30 from former Art. 2B, § 10–503(r)(5).

1 The former reference to “any class” of license is deleted as surplusage.

2 The former reference to a “business” establishment is deleted as surplusage.

3 The former reference to the “general” public is deleted as surplusage.

4 Defined terms: “Board” § 26–101

5 “License” § 1–101

6 **26–1708. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

7 **(A) CONDITIONS FOR SUBSTITUTION.**

8 **FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE ISSUED FOR THE USE OF A**
9 **CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE**
10 **THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

11 **(1) HAS DIED;**

12 **(2) HAS RETIRED; OR**

13 **(3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

14 **(B) AFFIDAVIT REQUIRED.**

15 **THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT**
16 **CONTAINS:**

17 **(1) THE SUBSTITUTION OF THE OFFICER; AND**

18 **(2) AN EXPLANATION FOR THE SUBSTITUTION.**

19 **(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

20 **ON RECEIPT OF THE AFFIDAVIT, THE BOARD SHALL:**

21 **(1) AMEND ITS RECORD; AND**

22 **(2) ISSUE A CORRECTED LICENSE.**

23 **REVISOR’S NOTE:** This section is new language derived without substantive
24 change from former Art. 2B, §§ 10–301(g) and 10–302(f).

1 In subsection (a) of this section, the former references to an officer who has
 2 “been removed from office” are deleted as included in the reference to an officer
 3 who “no longer holds an office in the corporation or club”.

4 In the introductory language of subsection (a) of this section, the reference to
 5 “any officer who” is substituted for the former references to “the deleted
 6 officer” for clarity.

7 Also in the introductory language of subsection (a) of this section, the former
 8 phrases “during any license year” are deleted as surplusage.

9 Also in the introductory language of subsection (a) of this section, the former
 10 phrases “[n]otwithstanding any other provision of this article” are deleted as
 11 surplusage.

12 In subsection (b)(1) of this section, the former references to “officers” are
 13 deleted in light of the reference to “officer” and GP § 1–202, which provides
 14 that the singular generally includes the plural.

15 In subsection (c)(2) of this section, the reference to a “corrected license” is
 16 substituted for the former references to a “new license with the corrected
 17 names” for brevity.

18 Former Art. 2B, § 9–217(g), which described the steps to be taken by a license
 19 holder to substitute the name of an officer of a corporation or club, is deleted
 20 as redundant of this section.

21 Defined terms: “Beer” § 1–101
 22 “Board” § 26–101
 23 “Club” § 1–101
 24 “License” § 1–101
 25 “License holder” § 1–101
 26 “Wine” § 1–101

27 **26–1709. TAX REQUIREMENT.**

28 **(A) TRANSFER CONDITIONED ON PAYMENT OF TAXES.**

29 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A TRANSFER AND ISSUANCE**
 30 **OF A LICENSE IS SOUGHT, THE BOARD MAY APPROVE THE TRANSFER, BUT**
 31 **CONDITION THE ACTUAL ISSUANCE OF THE LICENSE TO THE TRANSFEREE ON**
 32 **VERIFICATION:**

33 **(1) OF PAYMENT OF ALL UNDISPUTED TAXES PAYABLE BY THE**
 34 **TRANSFEROR TO THE COMPTROLLER OR THE COUNTY; OR**

1 **(2) THAT PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS**
2 **SUBSECTION HAS BEEN PROVIDED FOR IN A MANNER SATISFACTORY TO THE**
3 **GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION.**

4 **(B) LICENSE ISSUED ON BEHALF OF ENTITY.**

5 **IF THE LICENSE OF THE TRANSFEROR WAS ISSUED ON BEHALF OF A**
6 **CORPORATION, CLUB, OR OTHER ENTITY, THE VERIFICATION REQUIREMENTS**
7 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION APPLY TO UNDISPUTED TAXES**
8 **PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10-202(i-1)(4) and (5).

11 Defined terms: "Board" § 26-101

12 "Club" § 1-101

13 "Comptroller" § 1-101

14 "County" § 26-101

15 "License" § 1-101

16 **26-1710. PROHIBITION AGAINST ISSUANCE OF LICENSE NOT APPLICABLE TO**
17 **TRANSFER.**

18 **SECTION 26-1515 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A**
19 **TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from the fourth sentence of former Art. 2B, § 10-202(i)(1), as it related
22 to the transfer of a license.

23 Defined term: "License" § 1-101

24 **SUBTITLE 18. RENEWAL OF LICENSES.**

25 **26-1801. APPLICATION OF GENERAL PROVISIONS.**

26 **(A) WITHOUT EXCEPTION OR VARIATION.**

27 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL**
28 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
29 **EXCEPTION OR VARIATION:**

30 **(1) § 4-402 ("ELIGIBILITY FOR RENEWAL; PROCESS");**

- 1 (2) § 4-403 (“RENEWAL APPLICATION”);
- 2 (3) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);
- 3 (4) § 4-409 (“MULTIPLE LICENSES”); AND
- 4 (5) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).
- 5 **(B) EXCEPTION.**

6 **SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION**
7 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §**
8 **26-1802 OF THIS SUBTITLE.**

9 **(C) VARIATIONS.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
11 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- 12 (1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §
13 **26-1804 OF THIS SUBTITLE;**
- 14 (2) § 4-406 (“PROTESTS”), SUBJECT TO § 26-1803 OF THIS SUBTITLE;
15 **AND**
- 16 (3) § 4-407 (“DENIAL OF RENEWAL APPLICATION”), SUBJECT TO §
17 **26-1806 OF THIS SUBTITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to the renewal of local licenses.

20 Defined terms: “County” § 26-101

21 “License” § 1-101

22 **26-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

23 **TO RENEW A LICENSE, A LICENSE HOLDER SHALL FILE A LICENSE RENEWAL**
24 **APPLICATION WITH THE BOARD IN ACCORDANCE WITH THE FOLLOWING SCHEDULE**
25 **OF RENEWAL DEADLINES AND LICENSE EXPIRATION DATES:**

- 26 (1) **FOR A CLASS A LICENSE, WHICH SHALL EXPIRE ON APRIL 30, THE**
27 **APPLICATION DEADLINE IS MARCH 1;**

1 **(2) FOR A CLASS B LICENSE, WHICH SHALL EXPIRE ON MAY 31, THE**
2 **APPLICATION DEADLINE IS APRIL 1; AND**

3 **(3) FOR A CLASS C AND A CLASS D LICENSE, BOTH OF WHICH SHALL**
4 **EXPIRE ON JUNE 30, THE APPLICATION DEADLINE IS MAY 1.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10–302(a)(1) and (2).

7 The reference requiring a license holder to “file a license renewal application
8 with the Board” to renew a license is added for clarity and to state expressly
9 what formerly was only implied.

10 The reference to a “schedule” of deadlines and expiration dates is added for
11 clarity.

12 The former reference to “Class A, B, C, or D” licenses is deleted as
13 unnecessary.

14 The former redundant reference authorizing a license holder to renew a
15 license “for an additional term” is deleted as unnecessary.

16 The Alcoholic Beverages Article Review Committee notes, for consideration by
17 the General Assembly, that this section refers only to licenses but not to the
18 Sunday on–sale permit that a Class B beer, wine, and liquor license holder
19 may obtain.

20 Defined terms: “Board” § 26–101

21 “License” § 1–101

22 “License holder” § 1–101

23 **26–1803. PROTESTS.**

24 **(A) FILING DEADLINE.**

25 **A PROTEST OF A LICENSE RENEWAL SHALL BE FILED WITH THE BOARD ON OR**
26 **BEFORE MARCH 1.**

27 **(B) FILING BY MUNICIPALITY.**

28 **A MUNICIPALITY IN WHICH THE LICENSED PREMISES IS LOCATED MAY MAKE**
29 **A PROTEST OF A LICENSE RENEWAL AFTER HOLDING A PUBLIC HEARING**
30 **CONCERNING THE PROTEST.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-302(g)(3) and (4)(iii).

3 In subsection (a) of this section, the reference to a protest "of a license renewal"
4 is added for clarity.

5 Also in subsection (a) of this section, the reference to license renewal "on or
6 before" March 1 is substituted for the former reference to license renewal "no
7 later than" March 1 for clarity.

8 Also in subsection (a) of this section, the former reference to the renewal
9 deadline of March 1 "of the year in which the license expires" is deleted as
10 unnecessary because the licenses being renewed are annual licenses.

11 In subsection (b) of this section, the reference to a licensed "premises" is
12 substituted for the former reference to a licensed "place of business" for
13 consistency with terminology used throughout this article.

14 Also in subsection (b) of this section, the reference authorizing a municipality
15 to "make" a protest is substituted for the former reference authorizing a
16 protest to "[b]e instituted by" a municipality for clarity and brevity.

17 Also in subsection (b) of this section, the former reference to a public hearing
18 being held "by that municipality" is deleted as unnecessary.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
20 the General Assembly, that former Art. 2B, § 10-302(g)(3) did not give the
21 Board an option to accept a protest that is not timely through imposing a late
22 fee. The Committee is not clear if this was the intent of this section.

23 Defined terms: "Board" § 26-101

24 "License" § 1-101

25 **26-1804. EXCEPTION TO REQUIRED CONSENT STATEMENT.**

26 **A LICENSE HOLDER MAY RENEW THE LICENSE WITHOUT OBTAINING A**
27 **CONSENT STATEMENT FROM THE OWNER OF THE BUILDING THAT CONTAINS THE**
28 **LICENSED PREMISES IF:**

29 **(1) THE LICENSE HOLDER HAS A LEASE ON THE ENTIRE BUILDING**
30 **FOR AT LEAST THE TERM OF THE RENEWED LICENSE; AND**

31 **(2) THE BUILDING OWNER HAS PREVIOUSLY FILED A CONSENT**
32 **STATEMENT WITH THE ORIGINAL OR ANOTHER RENEWAL APPLICATION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 10–302(b)(3)(ii) and, as it related to Prince
3 George's County, 10–301(f).

4 In the introductory language of this section, the reference to a “consent
5 statement” is substituted for the former reference under § 10–301(f) to a
6 “certificate of approval” for clarity and consistency within this revision.

7 Also in the introductory language of this section, the reference to “licensed
8 premises” is substituted for the former reference to “the building in which the
9 business is conducted” for clarity, brevity, and consistency within this
10 revision.

11 In item (1) of this section, the reference to a lease for “at least” a specified term
12 is substituted for the former references to a lease for “not less than” a specified
13 term for clarity.

14 In item (2) of this section, the reference to the “building” owner is added for
15 clarity.

16 Defined terms: “License” § 1–101
17 “License holder” § 1–101

18 **26–1805. REQUIRED FULL TERM OF LEASE PROHIBITED.**

19 **THE BOARD MAY NOT REQUIRE A LICENSE RENEWAL APPLICANT TO HOLD A**
20 **LEASE ON THE LICENSED PREMISES FOR THE FULL TERM OR ANY PORTION OF THE**
21 **LICENSE RENEWAL PERIOD.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10–302(c).

24 The reference to a “license renewal” applicant is added for clarity.

25 The reference to “licensed” premises is substituted for the former reference to
26 premises “that contain the licensed business” for clarity and brevity.

27 Defined terms: “Board” § 26–101
28 “License” § 1–101

29 **26–1806. APPROVAL OR DENIAL OF RENEWAL — FELONY CONVICTION.**

30 **(A) IN GENERAL.**

1 **THE BOARD MAY APPROVE OR DENY A LICENSE RENEWAL IF THE LICENSE**
 2 **HOLDER OR A STOCKHOLDER OF THE CORPORATION THAT USES THE LICENSE HAS**
 3 **BEEN CONVICTED OF A FELONY.**

4 **(B) HEARING.**

5 **THE BOARD:**

6 **(1) SHALL HOLD A PUBLIC HEARING BEFORE APPROVING OR**
 7 **DENYING THE LICENSE RENEWAL; AND**

8 **(2) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES**
 9 **CONCERNING THE FELONY OFFENSE AT THE HEARING.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from the first sentence of former Art. 2B, § 10–302(e) and, as it related
 12 to the effect of a felony conviction on license renewals in Prince George's
 13 County, § 10–301(c–1).

14 In subsection (a) of this section, the reference authorizing the Board to
 15 “approve or deny” a license renewal is substituted for the former references
 16 that renewal “may [or may not] be granted [at the discretion of the Board]” for
 17 clarity and brevity.

18 In subsection (b)(1) of this section, the reference to “approving or denying” a
 19 license renewal is added for clarity and consistency within this section.

20 In subsection (b)(2) of this section, the reference to a “felony” offense is added
 21 for clarity.

22 The second sentence of former Art. 2B, § 10–302(e), which required a public
 23 hearing to be held by the Board prior to the revocation, issuance, or transfer
 24 of a license, is deleted as redundant of other provisions in this article. *See* the
 25 requirement for a public hearing to be held before a license revocation at §
 26 4–603 of this article, before the issuance of a license at § 4–209 of this article,
 27 and before a transfer of a license at § 26–1705 of this title.

28 The third sentence of former Art. 2B, § 10–302(e), which provided that the
 29 relevant fact and circumstances of the offense may be inquired into at the
 30 hearing, is deleted as an unnecessary statement of common practice.

31 Defined terms: “Board” § 26–101

32 “License” § 1–101

33 “License holder” § 1–101

34 **26–1807. PAYMENT OF TAXES.**

1 **(A) IN GENERAL.**

2 **BEFORE A LICENSE MAY BE RENEWED, THE BOARD SHALL VERIFY:**

3 **(1) (I) THROUGH THE COMPTROLLER, THAT THE LICENSE HOLDER**
4 **HAS PAID ALL UNDISPUTED TAXES PAYABLE TO THE COMPTROLLER; AND**

5 **(II) THROUGH THE COUNTY, THAT THE LICENSE HOLDER HAS**
6 **PAID ALL UNDISPUTED TAXES PAYABLE TO THE COUNTY; OR**

7 **(2) THAT THE LICENSE HOLDER HAS PROVIDED FOR PAYMENT OF THE**
8 **TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION IN A MANNER SATISFACTORY**
9 **TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR THE COLLECTION.**

10 **(B) RENEWAL PROHIBITED IF PAYMENT VERIFICATION REQUIREMENT NOT**
11 **MET.**

12 **IF THE INFORMATION PROVIDED TO THE BOARD STATES THAT THE LICENSE**
13 **HOLDER OWES UNDISPUTED TAXES AND HAS NOT PROVIDED FOR PAYMENT IN A**
14 **MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR**
15 **COLLECTION, THE BOARD MAY NOT RENEW THE LICENSE.**

16 **(C) PAYMENT VERIFICATION REQUIREMENTS APPLY TO EACH OWNER OR**
17 **PRINCIPAL OF LICENSED ENTITY.**

18 **IF THE LICENSE WAS ISSUED ON BEHALF OF A CORPORATION, CLUB, OR**
19 **OTHER ENTITY, THE RENEWAL REQUIREMENTS IN SUBSECTION (A) OF THIS SECTION**
20 **APPLY TO UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE**
21 **ENTITY.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10-301(f-1)(2) through (4).

24 In subsections (a) and (b) of this section, the former references to a "current"
25 license holder are deleted as surplusage.

26 Former Art. 2B, § 10-301(f-1)(1), which stated that former Art. 2B, §
27 10-301(f-1) applied only in Prince George's County, is deleted as unnecessary
28 in light of the organization of this revised article.

29 Defined terms: "Board" § 26-101

30 "Club" § 1-101

31 "Comptroller" § 1-101

1 “County” § 26–101
 2 “License” § 1–101
 3 “License holder” § 1–101

4 **26–1808. RESIDENCY REQUIREMENTS.**

5 **THE RESIDENCY REQUIREMENTS UNDER § 26–1406(C) OF THIS TITLE APPLY**
 6 **TO A RENEWAL OF A LICENSE.**

7 REVISOR’S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 9–217(j), as it related to the renewal of a license.

9 The Alcoholic Beverages Article Review Committee notes, for consideration by
 10 the General Assembly, that the residency requirements referred to in this
 11 section may violate the equal protection guarantees of the Fourteenth
 12 Amendment to the United States Constitution and Article 24 of the Maryland
 13 Declaration of Rights. Maryland courts look unfavorably on legislation that
 14 classifies persons by geography, which may be accomplished by residency or
 15 registration requirements, if the primary purpose of the legislation is
 16 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

17 Defined term: “License” § 1–101

18 **26–1809. RENEWAL OF LICENSE OF CHAIN STORES, SUPERMARKETS, OR DISCOUNT**
 19 **HOUSES.**

20 **NOTWITHSTANDING § 26–1509 OF THIS TITLE, THE HOLDER OF A LICENSE**
 21 **THAT HAS AN OFF–SALE PRIVILEGE MAY RENEW THE LICENSE IF THE HOLDER OF**
 22 **THE LICENSE IS:**

23 **(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE,**
 24 **SUPERMARKET, OR DISCOUNT HOUSE; OR**

25 **(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE**
 26 **ESTABLISHMENT.**

27 REVISOR’S NOTE: This section is new language derived without substantive
 28 change from the first sentence of former Art. 2B, § 9–217(h)(1).

29 In item (1) of this section, the former reference to a “business” establishment
 30 is deleted as surplusage.

31 Defined terms: “License” § 1–101
 32 “Off–sale” § 1–101

1 **26-1810. PROHIBITION AGAINST ISSUANCE OF LICENSE NOT APPLICABLE TO**
2 **RENEWAL.**

3 **SECTION 26-1515 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A**
4 **LICENSE RENEWAL FOR THE SAME PREMISES.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from the fourth sentence of former Art. 2B, § 10-202(i)(1), as it related
7 to the renewal of a license.

8 Defined term: "License" § 1-101

9 GENERAL REVISOR'S NOTE TO SUBTITLE

10 Former Art. 2B, § 10-301(a-1), which cross-referenced the requirements and
11 procedures for the renewal of alcoholic beverages licenses in Prince George's County,
12 is deleted as unnecessary because under this revision the revised Title 23, Subtitle
13 18 governs the renewal of these licenses in Prince George's County.

14 Former Art. 2B, § 10-302(a)(3), which required a written application, under oath,
15 and payment of the annual fee, is deleted as included under § 4-402 of this revised
16 article.

17 Former Art. 2B, § 10-302(b)(1), which required a statement in a renewal application
18 that the underlying facts are unchanged, is deleted as included under §
19 4-405(a) of this revised article.

20 Former Art. 2B, § 10-302(b)(2) and (3)(i), which required a consent statement from
21 the owner of the licensed premises to be included in a license renewal application, is
22 deleted as included under § 4-405(b) of this revised article.

23 Former Art. 2B, § 10-302(d), which related to applicants for license renewal that do
24 not qualify for renewal, is deleted as included under § 4-407 of this revised article.

25 Former Art. 2B, § 10-302(g)(1), (2), (4)(i) and (ii), and (5), which related to protests
26 of license renewals, are deleted as included under § 4-406 of this revised article.

27 Former Art. 2B, § 10-302(g)(6), which related to residency requirements for the
28 1985-1986 license renewal period, is deleted as obsolete.

29 This revision: (1) reestablishes the application of the statewide provisions of law
30 governing alcoholic beverages license renewal under former Art. 2B, § 19-301 to
31 Prince George's County; (2) repeals provisions of former Art. 2B, § 10-302, which
32 section governed alcoholic beverages license renewal in Prince George's County, that
33 are identical to the corresponding statewide provisions; and (3) retains and revises

1 provisions of former Art. 2B, § 10–302 that differ from the statewide provisions. No
2 substantive change is made.

3 Former Art. 2B, § 10–301(a)(1)(ii)⁴ states that “on the filing of the renewal
4 application ..., the holder of the expiring license is entitled to a new license for
5 another year without the filing of further statements or the furnishing of any further
6 information unless specifically requested by the official authorized to approve the
7 license”. This provision of law is the only provision under the statewide law
8 governing the renewal of local licenses that did not: (1) apply in Prince George’s
9 County; (2) have a corresponding provision that applied the same requirements to
10 Prince George’s County under former Art. 2B, § 10–302; or (3) have a corresponding
11 alternative requirement under former Art. 2B, § 10–302 that is revised under this
12 subtitle. The authority of the Board to issue licenses, however, is permissive (*see*
13 former Art. 2B, § 15–112(a) of the Code), and presumably it may withhold approval
14 of a license renewal if, in its discretion, it needs to review more statements or
15 information. Furthermore, this “entitlement” to a renewed license is not absolute, as
16 the source law allows the Board, among others, to file a protest against a license
17 renewal. The Board may presumably ask for additional statements or information in
18 resolving a protest and before renewing the underlying license. Thus, under the
19 source law the Board implicitly has the authority to request further statements or
20 information before approving a license renewal. As a result, explicitly applying
21 former Art. 2B, § 10–301(a)(1)(ii)⁴ to Prince George’s County is not a substantive
22 change.

23 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

24 **26–1901. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
27 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
28 **WITHOUT EXCEPTION OR VARIATION:**

29 **(1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

30 **(2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE LICENSED**
31 **PREMISES”);**

32 **(3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**

33 **(4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**

34 **(5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

1 **(6) § 4-508 (“DISPLAY OF LICENSE”).**

2 **(B) VARIATION.**

3 **SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I**
4 **OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-1902 OF THIS**
5 **SUBTITLE.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
7 general provisions relating to the conduct of local license holders.

8 Defined terms: “Alcoholic beverage” § 1-101

9 “County” § 26-101

10 “License” § 1-101

11 “License holder” § 1-101

12 **26-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

13 **AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE EMPLOYED TO**
14 **SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 12-302(b)(10).

17 The reference to an “individual” is substituted for the former reference to a
18 “person” because this section applies only to human beings.

19 Defined term: “Alcoholic beverage” § 1-101

20 **26-1903. LIMITATION ON COVER CHARGES AND USE OF PREMISES.**

21 **A LICENSE HOLDER MAY NOT IMPOSE A COVER CHARGE, OFFER FACILITIES**
22 **FOR PATRON DANCING, OR PROVIDE ENTERTAINMENT UNLESS THE LICENSE**
23 **HOLDER:**

24 **(1) IS AUTHORIZED TO DO SO UNDER THIS ARTICLE; AND**

25 **(2) MEETS ALL REQUIREMENTS OF COUNTY LAW.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 9-217(n).

28 In the introductory language of this section, the former reference to a license
29 “issued by the Board” is deleted as unnecessary in light of the defined term
30 “license”.

1 In item (1) of this section, the reference to being authorized “to do so” is added
2 for clarity.

3 Also in item (1) of this section, the former reference to being “specifically”
4 authorized is deleted as surplusage.

5 Defined terms: “County” § 26–101
6 “License holder” § 1–101

7 **26–1904. BOWLING ALLEYS.**

8 **AN INDIVIDUAL REGARDLESS OF AGE MAY ENTER OR REMAIN ON A LICENSED**
9 **PREMISES IF A BOWLING ALLEY IS ON THE LICENSED PREMISES AND IN USE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 8–217(a)(5).

12 The reference to an “individual” is substituted for the former reference to a
13 “person” because this section applies only to human beings.

14 The former phrase “[n]otwithstanding any other provisions of this section” is
15 deleted as unnecessary in light of the organization of this revised article.

16 The former reference to “any portion of” the licensed premises is deleted as
17 surplusage.

18 The former reference to a “bona fide” bowling alley is deleted as surplusage.

19 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

20 **26–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

21 **(A) IN GENERAL.**

22 **UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY**
23 **DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES**
24 **LICENSED UNDER THIS TITLE.**

25 **(B) PROHIBITION AGAINST ALLOWING CONSUMPTION.**

26 **AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER**
27 **THIS TITLE OR A HOLDER OF AN ON–SALE LICENSE MAY NOT ALLOW ALCOHOLIC**
28 **BEVERAGES TO BE CONSUMED ON THE PREMISES LICENSED UNDER THIS TITLE:**

1 **(1) FROM 2 A.M. TO 6 A.M.; OR**

2 **(2) IF THE HOLDER MAY SELL ALCOHOLIC BEVERAGES UNDER §**
3 **26-2005 OF THIS SUBTITLE, FROM 3 A.M. TO 6 A.M.**

4 **(C) PENALTY.**

5 **(1) AN INDIVIDUAL FOUND CONSUMING ALCOHOLIC BEVERAGES ON**
6 **THE PREMISES OR IN A PLACE DURING THE HOURS PROHIBITED UNDER THIS**
7 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE**
8 **NOT EXCEEDING \$50.**

9 **(2) AN OWNER, A MANAGER, OR AN EMPLOYEE OF A PREMISES OR**
10 **PLACE WHO KNOWINGLY ALLOWS CONSUMPTION DURING THE HOURS PROHIBITED**
11 **UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
12 **SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 2**
13 **YEARS OR BOTH.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 11-304(a)(1) and, as it related to Prince
16 George's County, (2) and § 11-517(d) and, as it related to restricting hours of
17 consumption, (b)(1)(i).

18 In subsection (a) of this section, the phrase "[u]nless otherwise provided in this
19 title" is added for clarity.

20 Also in subsection (a) of this section, the reference to an "individual" is
21 substituted for the former reference to a "person" because the prohibition
22 against consumption applies only to human beings.

23 Also in subsection (a) of this section, the reference to "a premises licensed
24 under this title" is substituted for the former reference to "any premises open
25 to the general public, any place of public entertainment, or any place at which
26 setups or other component parts of mixed alcoholic drinks are sold under any
27 license issued under the provisions of the Business Regulation Article" for
28 brevity.

29 In subsection (c)(1) of this section, the former phrase "[e]xcept as provided in
30 this section" is deleted as unnecessary in light of subsection (a)(1) of this
31 section.

32 Also in subsection (c)(1) of this section, the former reference to a fine "not less
33 than \$5" is deleted to conform to the statement of legislative policy in §
34 14-102 of the Criminal Law Article, which sets forth the general rule that,
35 notwithstanding a statutory minimum penalty, a court may impose a lesser
36 penalty of the same character.

1 In subsection (c)(2) of this section, the former references to “operator”,
2 “waiter”, and “server” are deleted in light of the reference to “employee”.

3 Also in subsection (c)(2) of this section, the reference to “a fine not exceeding
4 \$1,000 or imprisonment not exceeding 2 years or both” is substituted for the
5 former reference to “the penalties provided in § 16–503 of this article” for
6 clarity.

7 Defined terms: “Alcoholic beverage” § 1–101
8 “License” § 1–101

9 **26–2002. BEER LICENSES.**

10 **(A) CLASS A BEER LICENSE.**

11 **(1) A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON**
12 **MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

13 **(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT**
14 **ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL**
15 **ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO**
16 **THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED**
17 **AND LOCKED FROM MIDNIGHT ON SUNDAY TO 6 A.M. ON MONDAY.**

18 **(B) CLASS B BEER LICENSE.**

19 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
20 **A CLASS B BEER LICENSE MAY SELL BEER:**

21 **(I) FOR ON–PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
22 **THE FOLLOWING DAY; AND**

23 **(II) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO**
24 **MIDNIGHT.**

25 **(2) THE LICENSE HOLDER MAY NOT SELL BEER FOR ON–PREMISES**
26 **CONSUMPTION:**

27 **(I) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE,**
28 **FROM 2 A.M. TO 6 A.M.; AND**

29 **(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M.**
30 **THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

1 **(C) CLASS C BEER LICENSE.**

2 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
3 **A CLASS C BEER LICENSE MAY SELL BEER FROM 6 A.M. TO 2 A.M. THE FOLLOWING**
4 **DAY.**

5 **(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER**
6 **ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS**
7 **DECEMBER 24 OR DECEMBER 31.**

8 **(D) CLASS D BEER LICENSE.**

9 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
10 **A CLASS D BEER LICENSE MAY SELL BEER:**

11 **(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
12 **THE FOLLOWING DAY; AND**

13 **(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO**
14 **MIDNIGHT.**

15 **(2) THE LICENSE HOLDER MAY NOT SELL BEER FOR ON-PREMISES**
16 **CONSUMPTION FROM 2 A.M. TO 6 A.M.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 11-301(a)(5), (b)(3), (c)(4), and (d)(5),
19 11-403(a)(1)(ii), and 11-517(e) and (b)(1) and, as they applied to beer licenses,
20 §§ 11-403(a)(7) and 11-517(b)(2)(i).

21 In subsection (a) of this section and throughout this subtitle, former references
22 to "the hours" of sale for alcoholic beverages are deleted as surplusage.

23 In subsection (a) of this section, the former phrase "subject to regulations of
24 the Board of License Commissioners not inconsistent with the provisions
25 hereof" is deleted as surplusage.

26 In subsection (a)(1) of this section and throughout this subtitle, former
27 references to Class A license privileges being exercised until "2 a.m." are
28 deleted in light of the authority to sell beer only until midnight.

29 Also in subsection (a)(1) of this section and throughout this section, the former
30 references to "any agent, servant or employee of the holder" are deleted as
31 implicit in the reference to a holder of a license.

1 In subsection (a)(1) of this section, the reference to the authorization to sell
 2 beer from “6 a.m. to midnight” is substituted for the former prohibition against
 3 selling beer “between the hours of 12:00 a.m. and 6:00 a.m.” to conform to the
 4 style used throughout this article.

5 In subsection (a)(2) of this section and throughout this subtitle, the former
 6 references to alcoholic beverages being securely locked in a “compartment ...
 7 or enclosure” are deleted as unnecessary due to the comprehensive reference
 8 to being kept in a “separate beverage department that is securely closed and
 9 locked”.

10 Also in subsection (a)(2) of this section and throughout this subtitle, the
 11 former phrase “[t]he provisions of this subsection do not apply to alcoholic
 12 beverages in storage areas which are not open to the public” is deleted in light
 13 of the reference to alcoholic beverages that are stored in areas open to the
 14 public.

15 In subsections (b)(2) and (c)(2) of this section, the former references to a “retail
 16 dealer” are deleted in light of the references to a “license holder”.

17 Defined terms: “Alcoholic beverage” § 1–101

18 “Beer” § 1–101

19 “License” § 1–101

20 “License holder” § 1–101

21 **26–2003. BEER AND LIGHT WINE LICENSES.**

22 **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

23 **(1) A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY**
 24 **SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO**
 25 **MIDNIGHT.**

26 **(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT**
 27 **ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL**
 28 **ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO**
 29 **THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED**
 30 **AND LOCKED FROM MIDNIGHT ON SUNDAY TO 6 A.M. ON MONDAY.**

31 **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

32 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
 33 **A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

1 **(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
2 **THE FOLLOWING DAY; AND**

3 **(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO**
4 **MIDNIGHT.**

5 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE FOR**
6 **ON-PREMISES CONSUMPTION:**

7 **(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE,**
8 **FROM 2 A.M. TO 6 A.M.; OR**

9 **(II) AT A BAR OR COUNTER ON SUNDAY FROM 6 A.M. TO 2 A.M.**
10 **THE FOLLOWING DAY.**

11 **(C) CLASS C BEER AND LIGHT WINE LICENSE.**

12 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
13 **A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE FROM**
14 **6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

15 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE:**

16 **(I) FROM 2 A.M. TO 6 A.M.; OR**

17 **(II) AT A BAR OR COUNTER ON SUNDAY, FROM 5 P.M. TO 1:30**
18 **A.M. THE FOLLOWING DAY.**

19 **(D) CLASS D BEER AND LIGHT WINE LICENSE.**

20 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
21 **A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

22 **(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
23 **THE FOLLOWING DAY; AND**

24 **(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO**
25 **MIDNIGHT.**

26 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE FROM**
27 **2 A.M. TO 6 A.M.**

1 REVISOR'S NOTE: This section is new language derived without substantive
 2 change from former Art. 2B, §§ 11-302(a)(6), (b)(5), (c)(6), (d)(6),
 3 11-403(a)(1)(ii), and 11-517(e) and (b)(1)(i) and, as it applied to beer and light
 4 wine licenses, (2)(i).

5 Throughout this section provisions are rewritten to state the hours and days
 6 when beer and light wine may be sold, rather than when they may not be sold,
 7 to conform to the style used throughout this article. Thus, in subsection (a)(1)
 8 of this section, for example, the statement that beer and light wine may be
 9 sold on Monday through Saturday, from 6 a.m. to midnight is substituted for
 10 the former language stating that alcoholic beverages may not be sold "between
 11 the hours of 12:00 a.m. and 6:00 a.m."

12 In subsection (a)(2) of this section, the former phrase "subject to the
 13 regulations of the Board of License Commissioners that are not inconsistent
 14 with the provisions hereof" is deleted as surplusage.

15 In subsections (b) through (d) of this section, the former references to "serve"
 16 are deleted as included in the references to "sell".

17 In subsection (c)(2) of this section, the former reference to a "retail dealer" is
 18 deleted in light of the defined term "license holder".

19 In subsection (d)(1)(i) of this section, the phrase "for on-premises
 20 consumption" is added to differentiate between authorized hours of on-sale
 21 and off-sale for Class D beer and light wine licenses.

22 Defined terms: "Alcoholic beverage" § 1-101

23 "Beer" § 1-101

24 "License holder" § 1-101

25 **26-2004. BEER, WINE, AND LIQUOR LICENSES.**

26 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

27 **(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (OFF-SALE)**
 28 **LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY,**
 29 **FROM 6 A.M. TO MIDNIGHT.**

30 **(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT**
 31 **ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL**
 32 **ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO**
 33 **THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED**
 34 **AND LOCKED BETWEEN MIDNIGHT ON SUNDAY AND 6 A.M. ON MONDAY.**

35 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

1 **(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF**
2 **A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

3 **(I) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE, FOR**
4 **ON–PREMISES CONSUMPTION, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
5 **A.M. THE FOLLOWING DAY;**

6 **(II) IF ISSUED A SUNDAY ON–SALE PERMIT UNDER § 26–1105 OF**
7 **THIS TITLE, FROM NOON ON SUNDAY TO 2 A.M. THE FOLLOWING DAY; AND**

8 **(III) FOR OFF–PREMISES CONSUMPTION, ON MONDAY THROUGH**
9 **SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

10 **(2) FOR OFF–PREMISES CONSUMPTION ON SUNDAY, THE LICENSE**
11 **HOLDER:**

12 **(I) IF ISSUED A SUNDAY OFF–SALE PERMIT UNDER § 26–1104**
13 **OF THIS TITLE, MAY SELL ALCOHOLIC BEVERAGES THAT THE HOLDER IS LICENSED**
14 **TO SELL FROM 8 A.M. TO MIDNIGHT;**

15 **(II) MAY SELL BEER AND LIGHT WINE FROM 8 A.M. TO MIDNIGHT**
16 **AT AN OFF–SALE STORE THAT IS ATTACHED TO AND PART OF THE LICENSED**
17 **PREMISES; BUT**

18 **(III) MAY NOT SELL BEER, WINE, OR LIQUOR AT A SEPARATE**
19 **OFF–SALE STORE ESTABLISHED ON THE PREMISES.**

20 **(3) THE BOARD SHALL ADOPT REASONABLE STANDARDS TO DEFINE**
21 **THE TERM “OFF–SALE STORE” FOR THE PURPOSES OF PARAGRAPH (2) OF THIS**
22 **SUBSECTION.**

23 **(C) CLASS B–AE (ARTS AND ENTERTAINMENT) BEER, WINE, AND LIQUOR**
24 **LICENSE.**

25 **(1) A HOLDER OF A CLASS B–AE (ARTS AND ENTERTAINMENT)**
26 **LICENSE MAY NOT SELL BEER, WINE, OR LIQUOR:**

27 **(I) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE, FOR**
28 **ON–PREMISES CONSUMPTION;**

29 **(II) EXCEPT AS PROVIDED IN § 26–2005 OF THIS SUBTITLE,**
30 **FROM 2 A.M. TO 6 A.M.; AND**

1 (III) AT A BAR OR COUNTER ON SUNDAY, UNLESS THE SUNDAY IS
2 DECEMBER 24 OR DECEMBER 31.

3 (2) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
4 SUBSECTION, INCLUDING REGULATIONS SPECIFYING HOURS AND DAYS OF SALE.

5 (D) CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND
6 LIQUOR LICENSE.

7 (1) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, A HOLDER
8 OF A CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND LIQUOR
9 LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY,
10 FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

11 (2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT
12 A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY,
13 UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

14 (E) CLASS BH LICENSE.

15 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF
16 A CLASS BH LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES
17 CONSUMPTION:

18 (I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.
19 THE FOLLOWING DAY; AND

20 (II) ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.

21 (2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR:

22 (I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE,
23 FROM 2 A.M. TO 6 A.M.; OR

24 (II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M.
25 THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

26 (F) CLASS BLX LICENSE.

27 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE HOLDER
28 OF A CLASS BLX LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES
29 CONSUMPTION FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

1 **(2) A LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR FOR**
2 **ON-PREMISES CONSUMPTION:**

3 **(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE,**
4 **FROM 2 A.M. TO 6 A.M.; OR**

5 **(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M.**
6 **THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

7 **(G) CLASS B-MB/22 LICENSE.**

8 **A HOLDER OF A CLASS B-MB/22 LICENSE MAY SELL BEER, WINE, AND LIQUOR**
9 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

10 **(H) CLASS B-RD (REVITALIZATION DISTRICT) LICENSE.**

11 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
12 **A CLASS B-RD (REVITALIZATION DISTRICT) LICENSE MAY SELL BEER, WINE, AND**
13 **LIQUOR FOR ON-PREMISES CONSUMPTION FROM 6 A.M. TO 2 A.M. THE FOLLOWING**
14 **DAY.**

15 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR**
16 **FOR ON-PREMISES CONSUMPTION:**

17 **(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE,**
18 **FROM 2 A.M. TO 6 A.M.; OR**

19 **(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M.**
20 **THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

21 **(I) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

22 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
23 **A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR**
24 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

25 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
26 **A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY,**
27 **UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

28 **(J) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

1 **RESERVED.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, §§ 2–208(f)(1)(i), 6–201(r)(4)(i) and (iv), (5)(i) and
4 (iii)2, (6)(i), (15)(i), and (18)(i) and (vi), 8–1001(c) and (g), 11–303(a)(1), (b)(1),
5 and (c)(1), 11–403(a)(1)(ii), and 11–517(b)(1)(i) and (ii), (e), and (f) and, as they
6 related to beer, wine, and liquor licenses, §§ 11–403(a)(7) and 11–517(b)(2)(i).

7 Throughout this section, references to “may sell beer, wine, and liquor” are
8 substituted for the former references to “privileges conferred by a ... license
9 may be exercised” for brevity.

10 In subsection (b) of this section, the former sentence “[n]othing further herein
11 shall be construed to permit sales at any time between 12:00 a.m. and 6:00
12 a.m. of any day” is deleted as unnecessary.

13 In subsection (b)(2) of this section, the former reference to midnight “the day
14 following” is deleted as surplusage.

15 In the introductory language of subsection (c) of this section, the former
16 reference to a “retail dealer” is deleted in light of the defined term “license
17 holder”.

18 In subsection (h) of this section, the hours of sale are stated explicitly in
19 substitution of the former reference to hours and days of sale that are
20 “provided in § 11–517 of this article” for clarity.

21 Former Art. 2B, § 11–517(a), which provided that former Art. 2B, § 11–517
22 applied only in Prince George’s County, is deleted as unnecessary in light of
23 the organization of this revised article.

24 Former Art. 2B, § 11–517(g)(2), which prohibited “a special Class C
25 (fraternal/sororal) license pursuant to § 6–301(r)(3)” from selling, serving, or
26 permitting alcoholic beverages to be consumed on the licensed premises on
27 Sunday before noon or after 2 a.m. the following day, is deleted as obsolete, as
28 former Art. 2B, § 6–301(r)(3) and (4) provided that the restrictions on Sunday
29 sales provided for in former § 11–517 do not apply to Class C fraternal/sororal
30 licenses. Former Art. 2B, § 11–517(g)(3), which applied a similar obsolete
31 prohibition to special Class C (yacht) licenses, is also deleted as obsolete.

32 Defined terms: “Beer” § 1–101

33 “Board” § 26–101

34 “License holder” § 1–101

35 “Wine” § 1–101

36 **26–2005. LIVE ENTERTAINMENT OFFERED BY CLASS B LICENSE HOLDER.**

1 **IF THE HOLDER OF A CLASS B ON-SALE LICENSE HAS LIVE ENTERTAINMENT**
2 **ON THE LICENSED PREMISES ON FRIDAY OR SATURDAY NIGHT, THE LICENSE**
3 **HOLDER MAY SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN**
4 **ACCORDANCE WITH THE LICENSE ON FRIDAY OR SATURDAY FROM 6 A.M. TO 3 A.M.**
5 **THE FOLLOWING DAY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 11-517(c).

8 The former phrase "[n]otwithstanding any other provisions of this article" is
9 deleted as unnecessary in light of the organization of this revised article.

10 Defined terms: "Alcoholic beverage" § 1-101

11 "License" § 1-101

12 "License holder" § 1-101

13 **26-2006. HOURS FOR DECEMBER 24, DECEMBER 31, AND JANUARY 1.**

14 **(A) HOURS FOR HOLDERS OF CLASS A BEER, WINE, AND LIQUOR LICENSE**
15 **WHEN DECEMBER 24 OR 31 FALLS ON SUNDAY.**

16 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT SELL**
17 **BEER, WINE, OR LIQUOR ON SUNDAY UNLESS:**

18 **(1) THE SUNDAY IS DECEMBER 24 OR DECEMBER 31; OR**

19 **(2) THE HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE**
20 **HOLDS A SUNDAY OFF-SALE PERMIT UNDER § 26-1104 OF THIS TITLE.**

21 **(B) HOURS FOR HOLDERS OF CLASS B RESTAURANT LICENSE WHEN**
22 **DECEMBER 24 OR DECEMBER 31 FALLS ON SUNDAY.**

23 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
24 **A CLASS B RESTAURANT LICENSE WITH OR WITHOUT A SUNDAY PERMIT THAT**
25 **ALLOWS THE HOLDER TO SELL LIQUOR BY THE GLASS FOR ON-PREMISES**
26 **CONSUMPTION MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FROM 8 A.M. TO 2**
27 **A.M. THE FOLLOWING DAY IF THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

28 **(2) A HOLDER OF A CLASS B RESTAURANT LICENSE THAT ALLOWS**
29 **THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MAY NOT**
30 **SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MONDAY**
31 **THROUGH SUNDAY FROM MIDNIGHT TO 8 A.M.**

32 **(C) CLOSING HOURS FOR LICENSE HOLDERS ON JANUARY 1.**

1 **A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES**
 2 **FOR ON-PREMISES CONSUMPTION MAY SELL THE ALCOHOLIC BEVERAGES THAT**
 3 **THE LICENSE ALLOWS UNTIL 2 A.M. ON JANUARY 1.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, §§ 11-402(r)(2) and 11-517(b)(1)(iii) and, except
 6 as it related to a Class D license, (2).

7 In subsection (b) of this section, the reference to a holder of a Class B
 8 "restaurant license that allows the sale of alcoholic beverages for off-premises
 9 consumption" is substituted for the former reference to a Class B "alcoholic
 10 beverages license with off-sale privileges" to conform to terminology used
 11 throughout this article.

12 In subsection (c) of this section, the phrase "[a] holder of a license that allows
 13 the sale of alcoholic beverages for on-premises consumption may sell the
 14 alcoholic beverages that the license allows" is substituted for the former
 15 phrases "[t]his article may not be construed to require any holder of an
 16 on-sale license to close the licensed premises ... A licensee may sell any
 17 alcoholic beverages authorized by the license ..." for clarity and to conform to
 18 the style of this revised article.

19 Also in subsection (c) of this section, the former references to January 1 "of
 20 any year" are deleted as surplusage.

21 Former Art. 2B, § 11-402(r)(1), which stated that former Art. 2B, § 11-401(r)
 22 applied only in Prince George's County, is deleted as unnecessary in light of
 23 the reorganization of this revised article.

24 Defined terms: "Alcoholic beverage" § 1-101
 25 "Restaurant" § 1-101

26 **26-2007. CHANGING AND REDUCING HOURS OF SALE IN THE 24TH AND 25TH**
 27 **ALCOHOLIC BEVERAGES DISTRICTS.**

28 **(A) SCOPE OF SECTION.**

29 **THIS SECTION APPLIES IN THE 24TH AND 25TH ALCOHOLIC BEVERAGES**
 30 **DISTRICTS OF THE COUNTY AS DESCRIBED IN § 26-1603(F) AND (G) OF THIS TITLE.**

31 **(B) BOARD MAY CHANGE HOURS OF SALE.**

32 **THE BOARD MAY CHANGE THE CLOSING HOUR AND REDUCE THE HOURS OF**
 33 **SALE OF A LICENSE HOLDER IF THE BOARD:**

1 **(1) RECEIVES A COMPLAINT CONCERNING THE LICENSED PREMISES;**
2 **AND**

3 **(2) MAKES THE CHANGE AFTER HOLDING A HEARING ON THE**
4 **COMPLAINT.**

5 **(C) JUDICIAL REVIEW.**

6 **UNDER SUBTITLE 24 OF THIS TITLE, A PARTY MAY SEEK JUDICIAL REVIEW OF**
7 **A DECISION OF THE BOARD MADE UNDER THIS SECTION.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 11–517(i) and (j).

10 In subsection (b) of this section, the former reference to “under any class of
11 alcoholic beverages license” is deleted as surplusage.

12 In subsection (c) of this section, the reference to seeking a “judicial review” of
13 a decision of the Board is substituted for the former reference to allowing a
14 decision of the Board to be “appealed” to conform to the terminology used
15 throughout this article.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “Board” § 26–101

18 “County” § 26–101

19 “License holder” § 1–101

20 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

21 **26–2101. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
24 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
25 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

26 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

27 **(2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**

28 **(3) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

1 **(4) § 4-606 (“EFFECTS OF REVOCATION”).**

2 **(B) VARIATION.**

3 **SECTION 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”) OF**
 4 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-2102 OF**
 5 **THIS SUBTITLE.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
 7 general provisions relating to the revocation and suspension of local licenses.

8 Former Art. 2B, § 10-405(a)(13), which stated that former Art. 2B,
 9 § 10-405, which related to nudity and sexual displays, applied in Prince
 10 George’s County, is deleted as unnecessary in light of the organization of this
 11 revised article.

12 Defined terms: “County” § 26-101

13 “License” § 1-101

14 “Local licensing board” § 1-101

15 **26-2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

16 **(A) “CONVICTION” DEFINED.**

17 **IN THIS SECTION, “CONVICTION” INCLUDES:**

18 **(1) A VERDICT OR PLEA OF GUILTY;**

19 **(2) THE FORFEITURE OF A BOND OR COLLATERAL ACCEPTED ON A**
 20 **PENDING CHARGE, WARRANT, OR INDICTMENT BEFORE A COURT; OR**

21 **(3) THE REVOCATION OR SUSPENSION OF A LICENSE BY THE BOARD**
 22 **BECAUSE OF A VIOLATION OF THIS ARTICLE OR REGULATIONS ADOPTED UNDER**
 23 **THIS ARTICLE.**

24 **(B) GROUNDS FOR REVOCATION.**

25 **(1) THE BOARD MAY REVOKE A LICENSE IF:**

26 **(I) WITHIN 2 YEARS A LICENSE HOLDER IS CONVICTED TWICE**
 27 **FOR A VIOLATION CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR**
 28 **ON THE LICENSED PREMISES ON SUNDAY; OR**

1 **(II) WITHIN 2 YEARS THERE ARE TWO CONVICTIONS OF THE**
2 **SAME AGENT OR EMPLOYEE OF A LICENSE HOLDER FOR A VIOLATION CONCERNING**
3 **ILLEGAL SALES OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON**
4 **SUNDAY.**

5 **(2) THE BOARD MAY REVOKE A LICENSE FOR:**

6 **(I) A FELONY CONVICTION OF A LICENSE HOLDER OR A**
7 **STOCKHOLDER OF A CORPORATION HAVING THE USE OF A LICENSE; OR**

8 **(II) FAILURE TO COMPLY WITH § 26-1613(C) OF THIS TITLE.**

9 **(3) THE BOARD MAY:**

10 **(I) ALLOW A CLOSING OF THE LICENSED PREMISES FOR A**
11 **REASONABLE PERIOD OF TIME; BUT**

12 **(II) REVOKE THE LICENSE FOR THE CLOSING OF THE LICENSED**
13 **PREMISES FOR MORE THAN 30 DAYS WITHOUT THE APPROVAL OF THE BOARD.**

14 **(C) GROUNDS FOR SUSPENSION.**

15 **THE BOARD MAY SUSPEND A LICENSE FOR AT LEAST 30 DAYS FOR:**

16 **(1) A CONVICTION OF THE LICENSE HOLDER FOR A VIOLATION**
17 **CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED**
18 **PREMISES ON SUNDAY; OR**

19 **(2) TWO OR MORE CONVICTIONS OF DIFFERENT AGENTS OR**
20 **EMPLOYEES OF A LICENSE HOLDER FOR A VIOLATION CONCERNING AN ILLEGAL**
21 **SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY.**

22 **(D) GROUNDS FOR REVOCATION OR SUSPENSION.**

23 **(1) IF A LICENSE HOLDER HAS NOT COMPLIED WITH THE RESIDENCY**
24 **REQUIREMENTS SPECIFIED IN § 4-103, § 4-104, OR § 4-105 OF THIS ARTICLE OR**
25 **SUBTITLE 14 OF THIS TITLE, THE BOARD MAY REVOKE OR SUSPEND THE LICENSE.**

26 **(2) THE BOARD MAY REVOKE OR SUSPEND A LICENSE:**

27 **(I) FOR A CONVICTION OF THE LICENSE HOLDER FOR A**
28 **VIOLATION OF ANY STATE LAW CONCERNING GAMBLING IN OR ON THE LICENSED**
29 **PREMISES; OR**

1 **(II) IF, WITHIN 2 YEARS, THERE ARE TWO CONVICTIONS OF ONE**
 2 **OR MORE OF THE AGENTS OR EMPLOYEES OF A LICENSE HOLDER FOR VIOLATIONS**
 3 **CONCERNING GAMBLING IN OR ON THE LICENSED PREMISES.**

4 **(3) THE BOARD MAY REVOKE OR SUSPEND A LICENSE THAT HAS BEEN**
 5 **ISSUED OR TRANSFERRED IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION**
 6 **AFTER 6 MONTHS FOLLOWING THE ISSUANCE OR TRANSFER.**

7 **(E) GROUND FOR REVOCATION, SUSPENSION, OR REFUSAL TO RENEW.**

8 **THE BOARD MAY REVOKE, SUSPEND, OR REFUSE TO RENEW A LICENSE, OR**
 9 **REFUSE TO ISSUE A LICENSE TO AN APPLICANT, IF THE LICENSE HOLDER OR**
 10 **APPLICANT WILLFULLY FAILED OR REFUSED TO PAY HOTEL/MOTEL TAXES DUE TO**
 11 **THE COUNTY WITHIN 60 DAYS AFTER THE LICENSE HOLDER OR APPLICANT**
 12 **RECEIVED THE FIRST NOTICE OF DELINQUENCY.**

13 **(F) VIOLATIONS AGAINST SAME LICENSE HOLDER, AGENT, OR EMPLOYEE.**

14 **TWO OR MORE VIOLATIONS AGAINST THE SAME LICENSE HOLDER, AGENT, OR**
 15 **EMPLOYEE OR AFFECTING THE SAME PREMISES OCCURRING ON THE SAME DAY ARE**
 16 **CONSIDERED ONE OFFENSE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 10-401(g)(2) through (7).

19 In subsections (b)(1)(ii), (c)(2), and (d)(2)(ii) of this section, the former
 20 references to a "servant" and "servants" are deleted as included in the
 21 references to an "employee" and "employees". Similarly in subsections (c)(2)
 22 and (d)(2)(ii) of this section, the former references to "clerks" are deleted.

23 In subsection (c) of this section, the former phrase "[n]otwithstanding any
 24 other provisions of this article, but in addition to them" is deleted as
 25 unnecessary in light of the organization of this revised article.

26 In subsection (d)(1) of this section, the reference to a "license holder" is
 27 substituted for the former reference to a "sole proprietorship, partnership,
 28 corporation, club, or association" for brevity.

29 In subsection (d)(2) of this section, the former references to "gaming" are
 30 deleted as included in the references to "gambling".

31 In subsection (e) of this section, the former reference to taxes due "and owed"
 32 is deleted as surplusage.

1 In subsection (f) of this section, the former phrase “[f]or the purpose of this
2 subsection” is deleted as surplusage.

3 Also in subsection (f) of this section, the former statement that “[t]he
4 provisions of this subsection are applicable only to violations and offenses
5 occurring after June 1, 1957” is deleted as obsolete.

6 Former Art. 2B, § 10–401(g)(1), which stated that former Art. 2B,
7 § 10–401(g) applied only in Prince George’s County, is deleted as unnecessary
8 in light of the organization of this revised article.

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Board” § 26–101

11 “County” § 26–101

12 “License” § 1–101

13 “License holder” § 1–101

14 “State” § 1–101

15 **SUBTITLE 22. EXPIRATION OF LICENSES.**

16 **26–2201. APPLICATION OF GENERAL PROVISIONS.**

17 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
18 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 the general provisions relating to the expiration of local licenses.

21 Defined terms: “County” § 26–101

22 “License” § 1–101

23 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

24 **26–2301. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE**
27 **HOLDER”) DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
28 **EXCEPTION OR VARIATION:**

29 **(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE**
30 **HOLDER”);**

31 **(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

1 **(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
 2 **RESTRICTION”); AND**

3 **(4) § 4–806 (“REFUND”).**

4 **(B) VARIATION.**

5 **SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
 6 **CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
 7 **COUNTY, SUBJECT TO § 26–2302 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
 9 general provisions relating to the death of a local license holder.

10 Defined terms: “County” § 26–101

11 “License” § 1–101

12 “License holder” § 1–101

13 **26–2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
 14 **PARTNERSHIP OR CORPORATION.**

15 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
 16 **SURVIVING OFFICER.**

17 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
 18 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**
 19 **CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED**
 20 **TO:**

21 **(I) THE SURVIVING SPOUSE;**

22 **(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE**
 23 **PARTNERSHIP; OR**

24 **(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION**
 25 **FOR THE BENEFIT OF THE CORPORATION.**

26 **(2) THE NEW LICENSE SHALL BE ISSUED:**

27 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

28 **(II) WITHOUT FURTHER PROCEEDINGS.**

1 **(B) RENEWAL LICENSE.**

2 **A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE**
3 **QUALIFIED TO HOLD THE LICENSE:**

4 **(1) THE SURVIVING SPOUSE;**

5 **(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

6 **(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE**
7 **BENEFIT OF THE CORPORATION.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10-506(b)(7).

10 In the introductory language of subsection (a)(1) of this section, the former
11 phrase “[n]otwithstanding any provisions to the contrary in this article” is
12 deleted as surplusage.

13 Also in the introductory language of subsection (a)(1) of this section, the
14 former reference to an application to “the Comptroller ..., as the case may be,
15 that granted the license” is deleted as surplusage.

16 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
17 officer “of the corporation” is added for clarity.

18 In subsection (a)(2)(i) of this section, the former reference to the “current”
19 license year is deleted as implicit.

20 In subsection (a)(2)(ii) of this section, the former reference to “the necessity of”
21 further proceedings is deleted as surplusage.

22 In the introductory language of subsection (b) of this section, the former
23 reference to being qualified to hold the license “under this article” is deleted
24 as surplusage.

25 In subsection (b)(2) of this section, the reference to the surviving “partners” of
26 a partnership is substituted for the former reference to the surviving
27 “members” of a partnership for accuracy.

28 In subsection (b)(3) of this section, the reference to the “senior surviving officer
29 of a corporation for the benefit of the corporation” is substituted for the former
30 reference to the “surviving members of a ... corporation” for accuracy and for
31 consistency with subsection (a) of this section.

32 Defined terms: “Board” § 26-101

1 “License” § 1–101
2 “License holder” § 1–101

3 **SUBTITLE 24. JUDICIAL REVIEW.**

4 **26–2401. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF**
7 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
8 **VARIATION:**

9 **(1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING**
10 **BOARD”);**

11 **(2) § 4–904 (“STAY OF LOCAL BOARD’S PETITION”);**

12 **(3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);**

13 **(4) § 4–906 (“REPRESENTATION OF LOCAL LICENSING BOARD”); AND**

14 **(5) § 4–908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT**
15 **OF APPEALS”).**

16 **(B) VARIATIONS.**

17 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF**
18 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

19 **(1) § 4–903 (“PETITIONERS”), SUBJECT TO § 26–2402 OF THIS**
20 **SUBTITLE; AND**

21 **(2) § 4–907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”),**
22 **SUBJECT TO § 26–2405 OF THIS SUBTITLE.**

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to the appeal of the decisions of the Board.

25 Defined terms: “County” § 26–101
26 “Local licensing board” § 1–101

27 **26–2402. GOVERNING BODY OF MUNICIPALITY MAY PETITION FOR JUDICIAL**
28 **REVIEW.**

1 **ON PAYMENT OF ALL COSTS INCIDENT TO THE HEARING BEFORE THE BOARD,**
2 **A GOVERNING BODY OF A MUNICIPALITY WITHIN THE COUNTY IN WHICH A LICENSED**
3 **PLACE OF BUSINESS IS LOCATED OR PROPOSED TO BE LOCATED MAY PETITION FOR**
4 **JUDICIAL REVIEW OF A DECISION OF THE BOARD UNDER § 4-902 OF THIS ARTICLE**
5 **TO THE CIRCUIT COURT FOR THE COUNTY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 16-101(b)(4).

8 The phrase "may petition for judicial review of a decision of the Board" is
9 substituted for the former phrase "may appeal therefrom" for clarity.

10 Defined terms: "Board" § 26-101
11 "County" § 26-101

12 **26-2403. COSTS.**

13 **(A) CLERK TO COLLECT.**

14 **BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4,**
15 **SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY**
16 **SHALL:**

17 **(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

18 **(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT**
19 **THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE**
20 **HEARING BEFORE THE BOARD HAVE BEEN PAID.**

21 **(B) NO ASSESSMENT AGAINST BOARD.**

22 **THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE**
23 **ASSESSED AGAINST THE BOARD.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 16-101(d), as it related to Prince George's
26 County.

27 In subsection (a) of this section, the references to "an action for judicial review"
28 and "the petitioner" are substituted for the former incorrect references to "an
29 appeal" and "the person or persons so appealing" to reflect that this section
30 concerns the judicial review of an administration agency – a board of license
31 commissioners – and not a court.

1 Defined terms: "Board" § 26–101

2 "County" § 26–101

3 **26–2404. COURT MAY REMAND.**

4 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
5 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
6 **REMAND THE PROCEEDINGS TO THE BOARD.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 16–101(e)(4)(ii)10.

9 The reference to the "circuit court for the County" is substituted for the former
10 reference to the "court" for clarity.

11 Defined terms: "Board" § 26–101

12 "County" § 26–101

13 **26–2405. ADDITIONAL EVIDENCE.**

14 **(A) PETITION TO SHOW ADDITIONAL EVIDENCE ALLOWED BEFORE**
15 **HEARING.**

16 **BEFORE THE DATE SET FOR A HEARING BEFORE THE CIRCUIT COURT OF A**
17 **PETITION UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, A PETITIONER OR A PARTY**
18 **IN INTEREST PROPERLY BEFORE THE COURT MAY PETITION THE COURT IN WRITING**
19 **FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE ON AN ISSUE FOR WHICH JUDICIAL**
20 **REVIEW IS SOUGHT.**

21 **(B) COURT MAY REMAND PROCEEDINGS TO BOARD FOR ADDITIONAL**
22 **EVIDENCE.**

23 **IF, AFTER A HEARING, THE COURT IS SATISFIED THAT THE ADDITIONAL**
24 **EVIDENCE IS MATERIAL AND THAT THERE WERE GOOD REASONS FOR FAILURE TO**
25 **PRESENT THE EVIDENCE IN THE PROCEEDING BEFORE THE BOARD, THE COURT**
26 **SHALL REMAND THE CASE TO THE BOARD AND ORDER THAT THE EVIDENCE BE**
27 **TAKEN BEFORE THE BOARD ON THE CONDITIONS THE COURT CONSIDERS PROPER.**

28 **(C) BOARD MAY MODIFY OR REVERSE PREVIOUS FINDING OR DECISION.**

29 **(1) ON REMAND FOR THE TAKING OF ADDITIONAL EVIDENCE, THE**
30 **BOARD MAY MODIFY OR REVERSE THE PREVIOUS FINDINGS AND DECISION OF THE**
31 **BOARD BY REASON OF THE ADDITIONAL EVIDENCE.**

1 **(2) IF THE BOARD MODIFIES OR REVERSES A PREVIOUS FINDING OR**
2 **DECISION AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD**
3 **SHALL FILE WITH THE REVIEWING COURT, TO BECOME A PART OF THE RECORD, THE**
4 **ADDITIONAL EVIDENCE TOGETHER WITH THE MODIFICATION, NEW FINDING, OR**
5 **NEW DECISION.**

6 **(D) COURT MAY REVERSE OR MODIFY DECISION OR AGAIN REMAND**
7 **PROCEEDINGS.**

8 **ON THE FILING OF A FINDING OR DECISION AFTER REMAND AS DESCRIBED IN**
9 **SUBSECTION (C) OF THIS SECTION, IF THE COURT DETERMINES THAT THE**
10 **SUBSTANTIAL RIGHTS OF A PETITIONER MAY HAVE BEEN PREJUDICED, THE COURT**
11 **MAY REVERSE OR MODIFY THE DECISION OR MODIFIED DECISION OF THE BOARD OR**
12 **AGAIN REMAND THE PROCEEDINGS TO THE BOARD.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 16–101(e)(1)(ii).

15 In subsection (a) of this section, the phrase “may petition the court in writing”
16 is substituted for the former phrase “if ... written application by petition to
17 show cause is made to the court” for brevity and clarity.

18 Also in subsection (a) of this section, the phrase “an issue for which judicial
19 review is sought” is substituted for the former phrase “the issues in the case”
20 for clarity and consistency within the subtitle.

21 Also in subsection (a) of this section, the former phrase “notwithstanding any
22 other provision of this article, but in addition thereto” is deleted as
23 unnecessary in light of the organization of this revised article.

24 In subsection (c)(1) of this section, the phrase “[o]n remand for the taking of
25 additional evidence” is substituted for the former phrase “[i]n cases in which
26 the additional evidence is taken before the Board of License Commissioners”
27 for clarity and brevity.

28 In subsection (d) of this section, the phrase “[o]n the filing of a finding or
29 decision after remand as described in subsection (c) of this section” is added
30 for clarity.

31 Also in subsection (d) of this section, the word “petitioner” is substituted for
32 the former phrase “any party appealing, whether petitioners for a license or
33 objectors to the issuance of a license or any licensee appealing from the
34 decision of the Board” for brevity.

35 Also in subsection (d) of this section, the phrase “again remand” is substituted
36 for the former reference to “remand” to make it clear that the subsection

1 authorizes the court to remand additional times if not satisfied with the result
2 of a prior remand.

3 Defined term: "Board" § 26-101

4 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

5 **26-2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
6 **BEVERAGES.**

7 **(A) SCOPE OF SECTION.**

8 **THIS SECTION APPLIES TO AN ESTABLISHMENT:**

9 **(1) FOR WHICH THE BOARD HAS NOT ISSUED A LICENSE;**

10 **(2) THAT IS SUBJECT TO ANY OTHER LICENSE ISSUED BY THE STATE**
11 **OR COUNTY; AND**

12 **(3) THAT IS:**

13 **(I) A RESTAURANT, HOTEL, CLUB, ROOM, DANCE STUDIO, OR**
14 **DISCO;**

15 **(II) A PLACE OF ADULT ENTERTAINMENT THAT ALLOWS ANY**
16 **FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS**
17 **ARTICLE; OR**

18 **(III) ANY OTHER PLACE OPEN TO THE PUBLIC.**

19 **(B) IN GENERAL.**

20 **A PERSON, INCLUDING AN OWNER OR OPERATOR OF AN ESTABLISHMENT MAY**
21 **NOT:**

22 **(1) SERVE, KEEP, OR ALLOW TO BE CONSUMED BY A CUSTOMER,**
23 **ALCOHOLIC BEVERAGES:**

24 **(I) FROM SUPPLIES THAT THE CUSTOMER PURCHASED,**
25 **RESERVED, OR OTHERWISE BROUGHT TO THE ESTABLISHMENT; OR**

26 **(II) FROM SUPPLIES PURCHASED OR OTHERWISE BROUGHT TO**
27 **THE ESTABLISHMENT BY THE OWNER OR OPERATOR OF THE ESTABLISHMENT OR AN**
28 **AGENT OF THE OWNER OR OPERATOR; OR**

1 **(2) (I) SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND**
2 **ICE; OR**

3 **(II) SERVE, KEEP, OR ALLOW TO BE CONSUMED OTHER**
4 **COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

5 **(C) ENFORCEMENT.**

6 **(1) THE BOARD OR AN INSPECTOR OF THE BOARD MAY ORDER THAT**
7 **AN ESTABLISHMENT BE CLOSED IMMEDIATELY IF THE BOARD OR THE INSPECTOR**
8 **DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES**
9 **EMERGENCY ACTION.**

10 **(2) IF AN IMMEDIATE CLOSURE IS ORDERED, THE BOARD OR THE**
11 **INSPECTOR WHO ORDERED THE CLOSURE SHALL GIVE THE OWNER OR OPERATOR**
12 **OF THE ESTABLISHMENT:**

13 **(I) WRITTEN NOTICE OF AND THE REASONS FOR THE CLOSURE;**
14 **AND**

15 **(II) WRITTEN NOTICE OF A HEARING ON THE CLOSURE AT**
16 **WHICH THE OWNER OR OPERATOR MAY BE HEARD AND PRESENT EVIDENCE.**

17 **(3) THE BOARD SHALL HOLD THE HEARING WITHIN 3 BUSINESS DAYS**
18 **AFTER THE CLOSURE.**

19 **(4) (I) AT THE HEARING, THE BOARD SHALL DETERMINE**
20 **WHETHER THE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE CAUSING**
21 **THE CLOSURE CONTINUES TO EXIST.**

22 **(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF**
23 **THE BOARD DETERMINES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT**
24 **THE THREAT CONTINUES, THE BOARD MAY:**

25 **1. ORDER THE PERMANENT CLOSURE OF THE**
26 **ESTABLISHMENT; OR**

27 **2. IMPOSE CONDITIONS UNDER WHICH THE**
28 **ESTABLISHMENT MAY REOPEN.**

29 **(III) THE BOARD SHALL ORDER THE ESTABLISHMENT TO BE**
30 **PERMANENTLY CLOSED IF:**

1 **1. THE CLOSURE UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION FOR WHICH THE HEARING IS BEING HELD IS THE THIRD CLOSURE IN A**
3 **2-YEAR PERIOD; AND**

4 **2. THE PREVIOUS TWO CLOSURES UNDER PARAGRAPH**
5 **(1) OF THIS SUBSECTION WERE NOT OVERTURNED BY THE BOARD OR ON JUDICIAL**
6 **REVIEW.**

7 **(5) THE BOARD SHALL ISSUE A DECISION WITHIN 3 BUSINESS DAYS**
8 **AFTER A HEARING IS HELD UNDER PARAGRAPH (4) OF THIS SUBSECTION.**

9 **(6) AN OWNER OR OPERATOR WHO IS AGGRIEVED BY A DECISION OF**
10 **THE BOARD MAY PETITION FOR JUDICIAL REVIEW TO A CIRCUIT COURT.**

11 **(D) FINE IMPOSED BY BOARD.**

12 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$12,500 FOR EACH**
13 **VIOLATION ON A PERSON WHO THE BOARD FINDS HAS VIOLATED THIS SECTION.**

14 **(E) PENALTY.**

15 **IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, A PERSON WHO**
16 **VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
17 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING**
18 **\$10,000 OR BOTH.**

19 REVISOR'S NOTE: This section is new language derived without substantive change
20 from former Art. 2B, § 20-108.1(a)(2), (3), and (4), (c), (d), and (e).

21 Subsection (a) of this section is revised as an enumeration of prohibited
22 activities for an unlicensed establishment, rather than as the definition of
23 “bottle club”, for clarity and brevity. In the former law, a “bottle club” was
24 defined as an unlicensed establishment that conducts certain activities. The
25 former law then prohibited a bottle club from conducting those activities.

26 In this section, the term “establishment” is substituted for the former defined
27 term “bottle club”. Actions that were formerly included within the former
28 defined term “bottle club” are prohibited under the substantive provisions of
29 this section.

30 In subsection (b) of this section, the former references to “giv[ing]” or
31 “dispens[ing]” alcoholic beverages are deleted as included in the references to
32 “serv[ing]” alcoholic beverages.

1 Also in subsection (b) of this section, the former prohibition against an owner
 2 or operator of a bottle club from “[evading] the alcoholic beverage license laws
 3 in the county, including laws governing the hours of operation” is deleted as
 4 an unnecessary statement of normal practice.

5 In subsection (b)(1) of this section, the references to a “customer” are
 6 substituted for the former references to a “patron” to conform to the
 7 terminology used throughout this article.

8 In subsection (b)(1)(ii) of this section, the former reference to alcoholic
 9 beverages allowed to be consumed by a patron “paying admission” is deleted
 10 as unnecessary because the provision applies to all patrons regardless of
 11 whether they pay admission.

12 Former Art. 2B, § 11–304(r), which prohibited the bringing of alcoholic
 13 beverages onto unlicensed premises and consumed or transferred if the
 14 unlicensed premises is a place of adult entertainment is deleted as included
 15 in subsections (a) and (b) of this section.

16 Former Art. 2B, § 20–108.1(a)(1), which was the standard introductory
 17 provision for a definition subsection, is deleted as unnecessary because there
 18 is not a definition subsection in this section.

19 Former Art. 2B, § 20–108.1(b), which stated that former Art. 2B, §
 20 20–108.1 applied only in Prince George’s County, is deleted as unnecessary in
 21 light of the organization of this revised article.

22 The Alcoholic Beverages Article Review Committee notes, for consideration by
 23 the General Assembly, that subsection (b) of this section prohibits a person
 24 from serving, keeping, or allowing alcoholic beverages to be consumed.
 25 However, it does not prohibit a customer from consuming alcoholic beverages
 26 in an unlicensed establishment.

27 Defined terms: “Alcoholic beverage” § 1–101
 28 “Board” § 26–101
 29 “License” § 1–101
 30 “Person” § 1–101

31 **26–2502. HOURS WHEN CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

32 **(A) PROHIBITION AGAINST INDIVIDUAL.**

33 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
 34 **ALCOHOLIC BEVERAGES:**

35 **(1) IN AN ESTABLISHMENT OPEN TO THE PUBLIC;**

1 **(2) IN A PLACE OF PUBLIC ENTERTAINMENT;**

2 **(3) AT AN ESTABLISHMENT OCCUPIED REGULARLY BY A PRIVATE**
 3 **CLUB OR ORGANIZATION; OR**

4 **(4) IN A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
 5 **MIXED ALCOHOLIC DRINKS ARE SOLD DIRECTLY OR INDIRECTLY.**

6 **(B) PROHIBITION AGAINST OWNER, MANAGER, OR EMPLOYEE.**

7 **AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT OR A**
 8 **PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY**
 9 **ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED**
 10 **IN SUBSECTION (A) OF THIS SECTION.**

11 **(C) PENALTY.**

12 **(1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS**
 13 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
 14 **EXCEEDING \$50.**

15 **(2) AN OWNER, A MANAGER, OR AN EMPLOYEE OF A PREMISES OR**
 16 **PLACE WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A**
 17 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
 18 **EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, §§ 11–517(d) and 16–503.

21 In subsections (a) and (b) of this section, the references to an “establishment”
 22 are substituted for the former references to “premises” to avoid the implication
 23 that the establishment is licensed.

24 In subsection (b) of this section, the former reference to an “operator” is deleted
 25 as included in the reference to a “manager”.

26 In subsection (c)(1) of this section, the former mandatory minimum fine of “not
 27 less than \$5” is deleted to conform to the statement of legislative policy in §
 28 14–102 of the Criminal Law Article, which sets forth the general rule that,
 29 notwithstanding a statutory minimum penalty, a court may impose a lesser
 30 penalty of the same character.

31 In subsection (c)(2) of this section, the former reference to “the House of
 32 Correction, or jail” is deleted as obsolete and unnecessary.

1 Defined terms: "Alcoholic beverage" § 1-101
2 "Person" § 1-101

3 **SUBTITLE 26. ENFORCEMENT.**

4 **26-2601. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
7 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
8 **VARIATION:**

9 **(1) § 6-202 ("INSPECTIONS");**

10 **(2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND**
11 **QUALITY OF ALCOHOLIC BEVERAGES");**

12 **(3) § 6-204 ("POWER TO SUMMON WITNESSES");**

13 **(4) § 6-205 ("PEACE OFFICERS");**

14 **(5) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
15 **ALCOHOLIC BEVERAGE");**

16 **(6) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
17 **EVIDENCE OF SALE");**

18 **(7) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF**
19 **ALCOHOL IN PUBLIC PLACES");**

20 **(8) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
21 **CONSUMPTION"); AND**

22 **(9) § 6-211 ("FINES AND FORFEITURES").**

23 **(B) EXCEPTION.**

24 **SECTION 6-210 ("STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
25 **LAWS") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS**
26 **SUPERSEDED BY § 26-2602 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to enforcement.

3 Defined terms: "Alcoholic beverage" § 1-101

4 "County" § 26-101

5 "State" § 1-101

6 **26-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

7 **THE COUNTY MAY:**

8 **(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE**
9 **PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS**
10 **ARTICLE; AND**

11 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
12 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A**
13 **HIGHWAY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 19-103(a)(10).

16 In item (1) of this section, the reference to "the prohibition against disorderly
17 intoxication under § 6-320 of this article" is substituted for the former obsolete
18 reference to "this subheading".

19 In item (2) of this section, the former reference to the public "in general" is
20 deleted as surplusage.

21 Defined terms: "Alcoholic beverage" § 1-101

22 "County" § 26-101

23 **26-2603. ISSUANCE OF CITATIONS.**

24 **AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL**
25 **CITATION AS PROVIDED IN § 10-119 OF THE CRIMINAL LAW ARTICLE.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 16-408, as it related to inspectors in Prince
28 George's County.

29 The former reference to license violations "under this article" is deleted as
30 surplusage.

31 Defined term: "License" § 1-101

1 **26–2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

2 (A) IN GENERAL.

3 THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED
4 ESTABLISHMENT.

5 (B) REFUSAL TO COMPLY WITH SUBPOENA.

6 (1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS
7 REFUSES TO PRODUCE A SUBPOENAED RECORD.

8 (2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE
9 WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A
10 CASE PENDING BEFORE THE COURT.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 16–410(c)(1)(ix), (2), and (3).

13 In subsections (a) and (b)(1) of this section, the former references to “papers”
14 are deleted as included in the references to “records” and “record”.

15 In subsection (b)(1) of this section, the phrase “may petition” is substituted for
16 the former phrase “shall report the fact to” for clarity.

17 Also in subsection (b)(1) of this section, the former phrase “for the county” is
18 deleted as surplusage.

19 In subsection (b)(2) of this section, the phrase “may proceed” is substituted for
20 the former phrase “shall proceed” for clarity.

21 Also in subsection (b)(2) of this section, the former phrase “in all respects” is
22 deleted as surplusage.

23 Defined term: “Board” § 26–101

24 **SUBTITLE 27. PROHIBITED ACTS.**

25 **26–2701. APPLICATION OF GENERAL PROVISIONS.**

26 (A) WITHOUT EXCEPTION OR VARIATION.

27 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
28 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
29 VARIATION:

- 1 (1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);
- 2 (2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
3 INDIVIDUAL”);
- 4 (3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF
5 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 6 (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR
7 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
8 YEARS”);
- 9 (5) § 6-310 (“PROVIDING FREE FOOD”);
- 10 (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
11 DEALER”);
- 12 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 13 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
14 CONTAINER”);
- 15 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
16 DETACHABLE METAL TAB”);
- 17 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
18 REGULAR LABEL PRESUMED ILLICIT”);
- 19 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 20 (12) § 6-320 (“DISORDERLY INTOXICATION”);
- 21 (13) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
22 MACHINE”);
- 23 (14) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
24 BEVERAGES”);
- 25 (15) § 6-327 (“TAX EVASION”);
- 26 (16) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

1 (17) § 6-329 (“PERJURY”).

2 (B) VARIATIONS.

3 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
4 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

5 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
6 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 26-2702 OF THIS
7 SUBTITLE;

8 (2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
9 INTOXICATED INDIVIDUAL”), SUBJECT TO § 26-2703 OF THIS SUBTITLE;

10 (3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
11 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 26-2704 OF
12 THIS SUBTITLE;

13 (4) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
14 PUBLIC”), SUBJECT TO § 26-2705 OF THIS SUBTITLE; AND

15 (5) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO §
16 26-2706 OF THIS SUBTITLE.

17 REVISOR’S NOTE: This section is new language added to incorporate by reference
18 general provisions relating to prohibited acts.

19 Defined terms: “Alcoholic beverage” § 1-101

20 “County” § 26-101

21 “License holder” § 1-101

22 “Retail dealer” § 1-101

23 **26-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
24 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

25 (A) SUMMONS; BAIL.

26 A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS
27 CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:

28 (1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN
29 DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR
30 EMPLOYEE; AND

1 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 2 **COURT IN THE STATE.**

3 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

4 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
 5 **FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:**

6 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
 7 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
 8 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
 9 **OF 21 YEARS; AND**

10 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

11 **(C) BAR TO ADMINISTRATIVE ACTION.**

12 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
 13 **VIOLATION OF § 6–304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
 14 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
 15 **BEFORE JUDGMENT FOR, THE VIOLATION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 12–108(a)(2) and (3)(ii) and (iv).

18 In subsection (a)(2) of this section, the former reference to bail “bond” is
 19 deleted as surplusage.

20 In subsection (b)(1) of this section, the reference to the “finder of fact” is
 21 substituted for the former reference to the “jury or the court sitting as a jury”
 22 for brevity.

23 Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted
 24 as surplusage.

25 In subsection (c) of this section, the reference to “[t]he Board” is added for
 26 clarity.

27 Also in subsection (c) of this section, the reference to probation before
 28 “judgment” is substituted for the former reference to a probation “without a
 29 verdict” to conform to current terminology.

30 Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise
 31 provided in this section” is deleted as unnecessary in light of the organization
 32 of this revised article.

1 Defined terms: “Board” § 26–101

2 “License holder” § 1–101

3 “State” § 1–101

4 **26–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
 5 **INDIVIDUAL — CRIMINAL PROCEDURE.**

6 **(A) SUMMONS; BAIL.**

7 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 8 **CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

9 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 10 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 11 **EMPLOYEE; AND**

12 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 13 **COURT IN THE STATE.**

14 **(B) BAR TO ADMINISTRATIVE ACTION.**

15 **THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A**
 16 **VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**
 17 **OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION**
 18 **BEFORE JUDGMENT FOR, THE VIOLATION.**

19 REVISOR’S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

21 In subsection (a)(2) of this section, the former reference to bail “bond” is
 22 deleted as surplusage.

23 In subsection (b) of this section, the reference to probation before “judgment”
 24 is substituted for the former reference to a probation “without a verdict” to
 25 conform to current terminology.

26 Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise
 27 provided in this section” is deleted as unnecessary in light of the organization
 28 of this revised article.

29 Defined terms: “Board” § 26–101

30 “License holder” § 1–101

31 “State” § 1–101

1 **26-2704. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT**
 2 **PURCHASED FROM LICENSE HOLDER — EXCEPTION FOR CONTINUING CARE**
 3 **RETIREMENT COMMUNITY.**

4 **RESIDENTS AND THEIR GUESTS IN A CONTINUING CARE RETIREMENT**
 5 **COMMUNITY THAT HOLDS A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE**
 6 **MAY CONSUME WINE NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT**
 7 **COMMUNITY IF:**

8 **(1) THE WINE IS CONSUMED WITH A MEAL IN THE DINING ROOM; AND**

9 **(2) THE CONTINUING CARE RETIREMENT COMMUNITY:**

10 **(I) IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE**
 11 **CONTINUING CARE RETIREMENT OF INDIVIDUALS AT LEAST 60 YEARS OLD;**

12 **(II) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;**

13 **(III) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM**
 14 **THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN**
 15 **SERVICES ARTICLE; AND**

16 **(IV) PREPARES AND SERVES MEALS DURING REGULAR**
 17 **OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 12-107(b)(8).

20 Defined terms: "Beer" § 1-101

21 "License" § 1-101

22 "On-sale" § 1-101

23 "Wine" § 1-101

24 **26-2705. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC — CRIMINAL**
 25 **PROCEDURE.**

26 **AN INDIVIDUAL WHO IS CHARGED WITH A MISDEMEANOR UNDER § 6-321 OF**
 27 **THIS ARTICLE SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT**
 28 **TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON.**

29 REVISOR'S NOTE: This section is new language derived without substantive
 30 change from former Art. 2B, § 19-204(b).

1 The reference to an “individual” is substituted for the former defined term
2 “person” because only an individual, i.e., a natural person, and not any of the
3 other entities included in the defined term “person”, is capable of consuming
4 alcoholic beverages in public, much less being charged with a misdemeanor
5 for such behavior.

6 **26–2706. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

7 (A) IN GENERAL.

8 AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN
9 CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6–322(A)(1) OF THIS
10 ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN
11 CONSENT OF THE OWNER OF THE PROPERTY.

12 (B) REQUIRED APPEARANCE IN COURT.

13 AN INDIVIDUAL CHARGED WITH A MISDEMEANOR UNDER § 6–322 OF THIS
14 ARTICLE SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO
15 APPEAR IN COURT BY APPEARING IN COURT IN PERSON.

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, §§ 19–301(a)(2) and 19–302(b).

18 In this section, the references to an “individual” are substituted for the former
19 defined term “person” because only an individual, i.e., a natural person, and
20 not any of the other entities included in the defined term “person”, is capable
21 of possessing an open container of an alcoholic beverage in public, much less
22 being charged with a misdemeanor for such behavior.

23 In subsection (a) of this section, the former definition of “unless authorized” is
24 revised as a substantive statement describing the circumstances under which
25 an individual may possess an alcoholic beverage in an open container for
26 clarity.

27 Former Art. 2B, § 19–301(a)(1)(vi), which stated that former Art. 2B, §
28 19–301(a)(2) applied in Prince George’s County, is deleted as unnecessary in
29 light of the organization of this revised article.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
31 the General Assembly, that this section does not specify to whom the written
32 consent must be presented.

33 Defined term: “Alcoholic beverage” § 1–101

34 **26–2707. ENTERING LICENSED PREMISES.**

1 **(A) INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

2 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:**

3 **(1) ENTER THE PREMISES OF A LICENSE HOLDER TO OBTAIN**
 4 **ALCOHOLIC BEVERAGES; OR**

5 **(2) POSSESS ALCOHOLIC BEVERAGES.**

6 **(B) INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

7 **AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT ENTER BETWEEN 10**
 8 **P.M. AND 6 A.M. THE PREMISES OF THE HOLDER OF A CLASS B OR CLASS D BEER**
 9 **LICENSE OR A CLASS B OR CLASS D BEER AND LIGHT WINE LICENSE UNLESS THE**
 10 **INDIVIDUAL IS IN THE COMPANY OF A PARENT, THE LEGAL GUARDIAN, OR THE**
 11 **SPOUSE OF THE INDIVIDUAL.**

12 **(C) REGULATIONS.**

13 **THE BOARD MAY ADOPT REGULATIONS REGARDING THE PRESENCE OF AN**
 14 **INDIVIDUAL UNDER THE AGE OF 21 YEARS ON A LICENSED PREMISES.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 8–217(a)(1), the first clause of (2), and the first
 17 sentence of (3).

18 Throughout this section, the references to an “individual” are substituted for
 19 the former references to a “person” because this section applies only to natural
 20 persons and not the other entities included in the defined term “person”.

21 In subsection (a) of this section, the former prohibition against an individual
 22 under the age of 21 years “purchas[ing] alcoholic beverages” is deleted as
 23 redundant of § 1–401 of this article.

24 Also in subsection (a) of this section, the former prohibition against an
 25 individual “misrepresent[ing] his age for the purpose of obtaining alcoholic
 26 beverages” is deleted as redundant of § 10–113 of the Criminal Law Article.

27 In subsection (a)(2) of this section, the reference to “possess[ing] alcoholic
 28 beverages” is substituted for the former reference to “hav[ing] alcoholic
 29 beverages on or about his person” for clarity.

30 In subsection (b) of this section, the former phrase “for any purpose” is deleted
 31 as surplusage.

1 Also in subsection (b) of this section, the former prohibition against
2 “remain[ing] upon any portion” of a licensed premises is deleted as included
3 in the prohibition against “enter[ing]” a licensed premises.

4 Also in subsection (b) of this section, the former reference to the premises
5 “where the privileges conferred by the license are exercised” is deleted as
6 implicit in the reference to the “premises of the holder”.

7 Also in subsection (b) of this section, the former reference to the “immediate”
8 company of a parent or guardian is deleted as surplusage.

9 In subsection (c) of this section, the former reference to “rules” is deleted as
10 included in the reference to “regulations”.

11 Also in subsection (c) of this section, the former phrases “in addition to the
12 other powers and duties conferred upon them”, “as they deem necessary”, and
13 “in addition to or in lieu of the provisions stated in this section” are deleted as
14 surplusage.

15 The second sentence of former Art. 2B, § 8–217(a)(3), which provided that it is
16 unlawful for a person to misrepresent the age of a person under the age of 21
17 years to obtain alcoholic beverages for that person or another, is deleted as
18 redundant of § 10–113 of the Criminal Law Article.

19 Defined terms: “Alcoholic beverage” § 1–101

20 “Beer” § 1–101

21 “Board” § 26–101

22 “License” § 1–101

23 “License holder” § 1–101

24 “Wine” § 1–101

25 **26–2708. USE OF SELF–SCANNING CASH REGISTER OR AUTOMATED SYSTEM FOR**
26 **SALES PROHIBITED.**

27 **(A) IN GENERAL.**

28 **A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES BY MEANS OF A**
29 **SELF–SCANNING CASH REGISTER OR OTHER AUTOMATED SYSTEM THAT IS:**

30 **(1) CAPABLE OF RECOVERING STORED INFORMATION RELATED TO**
31 **THE SALE PRICE OF INDIVIDUAL RETAIL ITEMS; AND**

32 **(2) OPERATED ON A SELF–SERVICE BASIS BY A CUSTOMER.**

33 **(B) PENALTY.**

1 **IF A LICENSE HOLDER VIOLATES THIS SECTION, THE BOARD MAY IMPOSE ON**
 2 **THE LICENSE HOLDER:**

3 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**

4 **(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,500; AND**

5 **(3) FOR A THIRD OR SUBSEQUENT OFFENSE:**

6 **(I) A FINE NOT EXCEEDING \$2,500; OR**

7 **(II) SUSPENSION OR REVOCATION OF THE LICENSE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 12-217.1(b) and (c).

10 In subsection (a) of this section and in the introductory language of subsection
 11 (b) of this section, the former references to a license holder being "licensed
 12 under this article" are deleted as included in the references to a license holder.

13 In the introductory language of subsection (b) of this section, the former
 14 reference to the "local licensing" board is deleted as included in the reference
 15 to the Board.

16 Former Art. 2B, § 12-217.1(a), which stated that former Art. 2B, § 12-217.1
 17 applied in Prince George's County, is deleted as unnecessary in light of the
 18 organization of this revised article.

19 Defined terms: "Alcoholic beverage" § 1-101

20 "Board" § 26-101

21 "License" § 1-101

22 "License holder" § 1-101

23 **SUBTITLE 28. PENALTIES.**

24 **26-2801. APPLICATION OF GENERAL PROVISION.**

25 **SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE**
 26 **APPLIES IN THE COUNTY.**

27 REVISOR'S NOTE: This section is new language added to incorporate by reference
 28 general provisions relating to imposing a penalty for a violation for which no
 29 specific penalty is provided.

1 Defined term: "County" § 26–101

2 **26–2802. PENALTY IMPOSED BY BOARD.**

3 **(A) SCOPE OF SECTION.**

4 **THIS SECTION APPLIES TO A VIOLATION THAT IS CAUSE FOR SUSPENSION OR**
5 **REVOCAION OF A LICENSE.**

6 **(B) FIRST, SECOND, OR THIRD OFFENSE.**

7 **INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE,**
8 **THE BOARD MAY:**

9 **(1) FOR A FIRST OFFENSE:**

10 **(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, IMPOSE A**
11 **FINE NOT EXCEEDING \$1,500; OR**

12 **(II) FOR A VIOLATION OF § 10–117 OF THE CRIMINAL LAW**
13 **ARTICLE, IMPOSE A FINE OF \$1,500;**

14 **(2) FOR A SECOND OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE**
15 **A FINE NOT EXCEEDING \$6,000; AND**

16 **(3) FOR A THIRD OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE**
17 **A FINE OF \$7,500.**

18 **(C) FOURTH OFFENSE.**

19 **FOR A FOURTH OFFENSE IN THE SAME 24–MONTH PERIOD, THE BOARD SHALL**
20 **SUSPEND THE LICENSE FOR 30 DAYS, UNLESS THE BOARD REVOKES THE LICENSE.**

21 **REVISOR'S NOTE:** This section is new language derived without substantive
22 change from former Art. 2B, § 16–507(r).

23 In subsection (a) of this section, the reference to suspension or revocation "of
24 a license" is substituted for the former reference to suspension or revocation
25 "under the alcoholic beverage laws affecting Prince George's County" for
26 brevity.

27 In subsection (b)(2) of this section, the former reference to a fine "of not less
28 than \$1,501" is deleted as unenforceable in light of § 14–102 of the Criminal
29 Law Article, which provides that if a law sets a minimum penalty, the court

1 in lieu of the minimum penalty may impose a lesser penalty of the same
2 character.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that in subsection (b)(1)(i) of this section, the
5 mandatory penalty of a fine “of” \$1,500 for a violation of § 10–117 of the
6 Criminal Law Article is subject to § 14–102 of the Criminal Law Article, which
7 provides that if a law sets a minimum penalty, the court in lieu of the
8 minimum penalty may impose a lesser penalty of the same character. As a
9 practical matter, therefore, any first offense is subject to a fine “not exceeding”
10 \$1,500, and there is no actual distinction between the penalty for a first
11 violation of § 10–117 of the Criminal Law Article and any other first violation
12 that is cause for suspension or revocation under this section.

13 Defined terms: “Board § 26–101
14 “License” § 1–101

15 **TITLE 27. QUEEN ANNE’S COUNTY.**

16 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

17 **27–101. DEFINITIONS.**

18 **(A) IN GENERAL.**

19 **IN THIS TITLE:**

20 **(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT**
21 **EXCEPTION OR VARIATION; AND**

22 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

23 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
24 by reference terms defined for the entire article.

25 Item (2) of this subsection is new language added as the standard introductory
26 language to a definition section.

27 **(B) BOARD.**

28 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR QUEEN**
29 **ANNE’S COUNTY.**

1 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
2 full reference to the "Board of License Commissioners for Queen Anne's
3 County".

4 **(C) COUNTY.**

5 **"COUNTY" MEANS QUEEN ANNE'S COUNTY.**

6 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
7 full reference to "Queen Anne's County".

8 **27-102. SCOPE OF TITLE.**

9 **THIS TITLE APPLIES ONLY IN QUEEN ANNE'S COUNTY.**

10 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
11 organization of this revised article.

12 **27-103. COPY OF LEGISLATION.**

13 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
14 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
15 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
16 **MARYLAND 21401.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 18-103.

19 The reference to the "County Commissioners" is substituted for the former
20 reference to the "local governing body" for clarity.

21 The reference to this "title" is substituted for the former reference to this
22 "subtitle" to conform to the organization of this revised article. Under the
23 former law, each local governing body derived its authority to enact alcoholic
24 beverages legislation from a common subtitle. Under this revised article, each
25 local governing body derives its authority from the title dedicated to the
26 jurisdiction of the local governing body.

27 Defined terms: "Alcoholic beverage" § 1-101
28 "County" § 27-101

29 **GENERAL REVISOR'S NOTE TO SUBTITLE**

30 Throughout this title, the references to "wine" are substituted for the former
31 references to "light wine" to reflect that license holders in the County may sell wine

1 with a maximum alcohol content of 22%, which is above the traditional maximum
2 level of 15.5% for light wine.

3 Correspondingly, former Art. 2B, § 4–101(s), which defined “light wine” in the
4 County as a fermented beverage that contains not in excess of 22% of alcohol by
5 volume, is deleted because the definition is not used in this title.

6 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

7 **27–201. ESTABLISHED.**

8 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR QUEEN ANNE’S**
9 **COUNTY.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from the first sentence of former Art. 2B, § 15–104(d), as it related to
12 constituting the Board of License Commissioners for Queen Anne’s County.

13 **27–202. MEMBERSHIP.**

14 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

15 **(1) THE COUNTY COMMISSIONERS SHALL APPOINT FIVE MEMBERS**
16 **TO THE BOARD.**

17 **(2) AT LEAST TWO MEMBERS OF THE BOARD SHALL BE MEMBERS OF**
18 **THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION**
19 **POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE COUNTY FOR GOVERNOR.**

20 **(B) TENURE.**

21 **(1) THE TERM OF A MEMBER IS 4 YEARS.**

22 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
23 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

24 **(C) VACANCIES.**

25 **(1) THE COUNTY COMMISSIONERS SHALL APPOINT AN INDIVIDUAL**
26 **TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF A MEMBER**
27 **WHO REFUSES OR IS UNABLE TO SERVE.**

1 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
2 **FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
3 **QUALIFIES.**

4 **(D) REMOVAL.**

5 **THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN**
6 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

7 REVISOR'S NOTE: Subsections (a), (b)(1), (c), and (d) of this section are new
8 language derived without substantive change from the first through fourth
9 sentences of former Art. 2B, §§ 15–104(d), except as it related to designating
10 a chair, and the first sentence of 15–110(b).

11 Subsection (b)(2) of this section is new language added to clarify that the terms
12 of members of the Board are staggered. This addition is not intended to alter
13 the term of any member of the Board of License Commissioners for Queen
14 Anne's County.

15 In subsection (a)(2) of this section, the reference to "members of the Board" is
16 substituted for the former reference to "persons" for clarity.

17 Also in subsection (a)(2) of this section, the reference to the "last preceding"
18 gubernatorial election is substituted for the former reference to the "most
19 recent" gubernatorial election for consistency with other similar provisions of
20 this article. Similarly, the reference to "poll[ing]" votes is substituted for the
21 former reference to "receiv[ing]" votes.

22 In subsection (c)(2) of this section, the former phrase "at any time" is deleted
23 as surplusage.

24 Also in subsection (c)(2) of this section, the former reference to being unable
25 to serve "for any reason" is deleted as surplusage.

26 In subsection (d) of this section, the reference to "misconduct in office,
27 incompetence, or willful neglect of duty" is substituted for the former reference
28 to "the causes in this section prescribed" for clarity.

29 Also in subsection (d) of this section, the former reference to the County
30 Commissioners removing a member of the board of license commissioners
31 "appointed by them" is deleted as unnecessary because all of the members are
32 appointed by the County Commissioners.

33 Former Art. 2B, § 15–101(s), which provided a cross-reference to provisions
34 applicable to Queen Anne's County, is deleted as unnecessary in light of the
35 organization of this revised article.

1 Defined terms: "Board" § 27-101
2 "County" § 27-101

3 **27-203. CHAIR.**

4 **THE COUNTY COMMISSIONERS SHALL DESIGNATE A CHAIR FROM AMONG THE**
5 **MEMBERS OF THE BOARD.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from the first sentence of former Art. 2B, § 15-104(d), as it related to
8 designating a chair.

9 The reference to a "chair" is substituted for the former reference to a
10 "chairman" because SG § 2-1238 requires the use of words that are neutral as
11 to gender to the extent practicable.

12 Defined terms: "Board" § 27-101
13 "County" § 27-101

14 **27-204. QUORUM; SALARY; STAFF.**

15 **(A) QUORUM.**

16 **THREE MEMBERS OF THE BOARD ARE A QUORUM FOR TRANSACTING**
17 **BUSINESS.**

18 **(B) SALARY.**

19 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY**
20 **COMMISSIONERS SHALL DETERMINE THE RATE OF COMPENSATION FOR THE**
21 **BOARD.**

22 **(2) THE RATE MAY NOT BE LESS THAN:**

23 **(I) \$65 PER MEETING FOR THE CHAIR; AND**

24 **(II) \$60 PER MEETING FOR EACH OTHER MEMBER.**

25 **(C) STAFF.**

26 **SUBJECT TO SUBSECTION (D) OF THIS SECTION AND § 27-205 OF THIS**
27 **SUBTITLE, THE BOARD MAY:**

28 **(1) EMPLOY:**

- 1 (I) A SECRETARY;
- 2 (II) INSPECTORS; AND
- 3 (III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY;
- 4 AND

5 (2) SET THE COMPENSATION OF THE EMPLOYEES.

6 (D) ATTORNEY.

7 (1) THE COUNTY COMMISSIONERS SHALL APPOINT AN ATTORNEY AT
8 A SALARY THAT THE COUNTY COMMISSIONERS SET.

9 (2) THE ATTORNEY SHALL HANDLE LEGAL MATTERS FOR THE
10 BOARD.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, §§ 15–109(s), 15–112(a)(2) and (s)(3), and the fifth
13 sentence of 15–104(d).

14 In subsection (a) of this section, the former reference to three “or more”
15 members being a quorum is deleted as surplusage.

16 In subsection (b)(2)(i) of this section, the reference to the “chair” is substituted
17 for the former reference to the “chairman” because SG § 2–1238 requires the
18 use of words that are neutral as to gender to the extent practicable.

19 In subsection (b)(2)(ii) of this section, the reference to “other” members is
20 substituted for the former reference to “regular” members for clarity.

21 In subsection (c)(1)(iii) of this section, the reference to “assistants” is
22 substituted for the former reference to “assistance” for clarity.

23 The sixth sentence of former Art. 2B, § 15–104(d), which stated that at least
24 three members of the Board who are present at any voting session must concur
25 in the approval, denial, revocation, suspension, or reclassification of a license,
26 is deleted as unnecessary in light of subsection (a) of this section, which states
27 that three members of the Board are a quorum for transacting business.

28 Defined terms: “Board” § 27–101
29 “County” § 27–101

30 **27–205. INSPECTOR.**

1 **(A) FULL-TIME POSITION; COMPENSATION.**

2 **THE BOARD SHALL APPOINT AN INSPECTOR AT NOT LESS THAN \$3,000**
 3 **ANNUALLY AND WITH A MILEAGE ALLOWANCE THAT THE COUNTY COMMISSIONERS**
 4 **DETERMINE.**

5 **(B) VISITS AND INSPECTIONS.**

6 **THE INSPECTOR SHALL VISIT AND INSPECT EVERY LICENSED PREMISES IN**
 7 **THE COUNTY AT LEAST ONCE EVERY 60 DAYS.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 15-112(s)(2).

10 In subsection (a) of this section, the former reference to "an amount" is deleted
 11 as surplusage.

12 In subsection (b) of this section, the former reference to a premises licensed
 13 "under the provisions of this article" is deleted as surplusage.

14 Former Art. 2B, § 15-112(s)(1), which provided that former Art. 2B, §
 15 15-112(s) applied only in Queen Anne's County, is deleted as unnecessary in
 16 light of the organization of this revised article.

17 Defined terms: "Board" § 27-101
 18 "County" § 27-101

19 **27-206. REGULATIONS.**

20 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 16-301(a), as it related to the authority of the
 23 Board to adopt regulations.

24 The defined term "Board" is substituted for the former reference to "the board
 25 of license commissioners from any county or Baltimore City, respectively"
 26 because this section applies only to the Board of License Commissioners for
 27 Queen Anne's County.

28 The reference to the Board "adopt[ing] regulations to carry out" this article is
 29 substituted for the former reference to the Board "hav[ing] full power and
 30 authority to adopt such reasonable rules and regulations as they may deem
 31 necessary to enable them effectively to discharge the duties imposed upon
 32 them by" this article for brevity.

1 The former phrase “[i]n addition to the powers otherwise provided by this
2 article,” is deleted as surplusage.

3 Defined term: “Board” § 27–101

4 **SUBTITLE 3. LIQUOR CONTROL.**

5 **27–301. LIQUOR CONTROL — NOT APPLICABLE.**

6 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
7 **IN THE COUNTY.**

8 REVISOR’S NOTE: This section is new language added to clarify that there is no
9 liquor control board or department of liquor control in the County.

10 Defined term: “County” § 27–101

11 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

12 **27–401. APPLICATION OF GENERAL PROVISIONS.**

13 **(A) WITHOUT EXCEPTION OR VARIATION.**

14 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
15 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
16 **EXCEPTION OR VARIATION:**

17 (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

18 (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);

19 (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);

20 (4) § 2–205 (“CLASS 3 WINERY LICENSE”);

21 (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);

22 (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);

23 (7) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);

24 (8) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);

1 **(9) § 2-211 (“RESIDENCY REQUIREMENT”);**

2 **(10) § 2-212 (“ADDITIONAL LICENSES”);**

3 **(11) § 2-213 (“ADDITIONAL FEES”);**

4 **(12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);**

5 **(13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER**
6 **PROHIBITED”);**

7 **(14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES**
8 **AND RETAILERS”);**

9 **(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
10 **PROHIBITED PRACTICES”); AND**

11 **(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
12 **RETAILERS — PROHIBITED”).**

13 **(B) EXCEPTION.**

14 **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**
15 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

16 **(C) VARIATION.**

17 **SECTION 2-208 (“CLASS 6 PUB-BREWERY LICENSE”) OF DIVISION I OF THIS**
18 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-403 OF THIS SUBTITLE.**

19 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
20 incorporate by reference general provisions relating to the issuance of
21 manufacturer’s licenses.

22 Subsection (b) of this section is new language derived without substantive
23 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
24 implicit in the former law, that a limited distillery license may not be issued
25 in the County.

26 Former Art. 2B, § 2-208(b)(2)(xviii), which stated that a Class 7
27 micro-brewery license shall be issued in the County, is deleted as unnecessary
28 in light of the organization of this revised article.

29 Defined terms: “County” § 27-101

1 “Manufacturer’s license” § 1–101

2 **27–402. HOURS AND DAYS OF SALE OR DELIVERY.**

3 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
4 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
5 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

6 REVISOR’S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 11–101(b)(13).

8 Defined terms: “Alcoholic beverage” § 1–101
9 “Manufacturer’s license” § 1–101

10 **27–403. CLASS 6 PUB–BREWERY LICENSE.**

11 **(A) APPLICATION OF SECTION.**

12 **THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE**
13 **COUNTY.**

14 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

15 **SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a
18 Class 6 pub–brewery license in Queen Anne’s County, and, as it authorized
19 off–sale privileges of beer in refillable containers only in specific jurisdictions,
20 not including the County, the introductory language of (g)(1).

21 Defined terms: “County” § 27–101
22 “License” § 1–101

23 **SUBTITLE 5. WHOLESALER’S LICENSES.**

24 **27–501. APPLICATION OF GENERAL PROVISIONS.**

25 **TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS**
26 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

27 REVISOR’S NOTE: This section is new language added to incorporate by reference
28 general provisions relating to the issuance of wholesaler’s licenses.

29 Defined terms: “County” § 27–101

1 “Wholesaler’s license” § 1–101

2 **27–502. HOURS AND DAYS OF SALE OR DELIVERY.**

3 **EXCEPT AS PROVIDED IN § 27–503 OF THIS SUBTITLE, A HOLDER OF A**
 4 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
 5 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
 6 **SUNDAY.**

7 REVISOR’S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 11–102(a).

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Wholesaler’s license” § 1–101

11 **27–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

12 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

13 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
 14 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
 15 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
 16 **RETURNS ON THE SAME DAY.**

17 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

18 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
 19 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
 20 **REQUIRED TO DISPENSE DRAFT BEER.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 11–102(b).

23 In subsection (a) of this section, the reference to a “per diem” license is
 24 substituted for the former reference to a “special 1–day” license to conform to
 25 the terminology used throughout this article.

26 Also in subsection (a) of this section, the reference to a per diem license issued
 27 “under Subtitle 13 of this title” is substituted for the former reference to a
 28 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
 29 of material relating to per diem licenses in titles for each applicable
 30 jurisdiction in this revision.

1 Also in subsection (a) of this section, the reference to delivery of beer on the
2 “effective date of the per diem license” is substituted for the former reference
3 to delivery on the “effective day of the license” for clarity.

4 Also in subsection (a) of this section, the former reference to accepting returns
5 on the same day “of delivery” is deleted as surplusage.

6 In subsection (b) of this section, the language that the “agreement entered into
7 under subsection (a) of this section shall include [the type of equipment to
8 dispense draft beer]” is substituted for the former language that the “parties
9 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

10 Defined terms: “Beer” § 1–101

11 “Wholesaler’s license” § 1–101

12 SUBTITLE 6. BEER LICENSES.

13 27–601. CLASS A BEER LICENSE.

14 (A) ESTABLISHED.

15 THERE IS A CLASS A BEER LICENSE.

16 (B) SCOPE OF AUTHORIZATION.

17 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
18 AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

19 (2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED
20 PACKAGE OR CONTAINER.

21 (3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
22 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

23 (C) FEE.

24 THE ANNUAL LICENSE FEE IS \$250.

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 3–101(s) and (a)(1).

27 In subsection (a) of this section, the former reference to a license being “issued
28 by the license issuing authority of the county in which the place of business is
29 located” is deleted as surplusage.

1 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
2 as implicit in the word “sell”.

3 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
4 deleted as surplusage.

5 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
6 the former reference to “deliver[ing]” for clarity and accuracy.

7 Defined terms: “Beer” § 1–101
8 “Consumer” § 1–101

9 **27–602. CLASS B BEER LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS B BEER LICENSE.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
14 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
15 **ON– AND OFF–PREMISES CONSUMPTION.**

16 **(C) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$250.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 3–201(s) and (a)(1).

20 In subsection (a) of this section, the former reference to a license being “issued
21 by the license issuing authority of the county in which the place of business is
22 located” is deleted as surplusage.

23 In subsection (b) of this section, the reference to “on– and off–premises
24 consumption” is substituted for the former reference to “consumption on the
25 premises or elsewhere” for clarity.

26 Also in subsection (b) of this section, the former phrase “keep for sale” is
27 deleted as implicit in the word “sell”.

28 Defined terms: “Beer” § 1–101
29 “Hotel” § 1–101
30 “Restaurant” § 1–101

1 **27-603. CLASS C BEER LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS C BEER LICENSE.

4 (B) SCOPE OF AUTHORIZATION.

5 (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE
6 LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS
7 OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR
8 ON-PREMISES CONSUMPTION.

9 (2) A LICENSE MAY BE ISSUED TO A LOCAL UNIT OF A NATIONWIDE
10 NONPROFIT ORGANIZATION OR CLUB THAT:

11 (I) IS COMPOSED SOLELY OF MEMBERS WHO SERVED IN THE
12 ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES
13 HAS ENGAGED;

14 (II) HAS A CHARTER FROM A NATIONAL VETERANS'
15 ORGANIZATION BEFORE APPLYING FOR THE LICENSE; AND

16 (III) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND THEIR
17 GUESTS, WHEN THE GUESTS ARE ACCOMPANIED BY MEMBERS.

18 (3) A LICENSE MAY BE ISSUED TO A YACHT CLUB, GOLF CLUB,
19 FRATERNAL CLUB OR ORDER, COUNTRY CLUB, OR SOCIAL OR RECREATIONAL CLUB
20 THAT:

21 (I) IS NOT OPERATED FOR PROFIT;

22 (II) FOR 1 YEAR IMMEDIATELY PRECEDING THE YEAR FOR
23 WHICH THE LICENSE IS ISSUED, HAS HAD AT LEAST 50 ADULT MEMBERS WHO PAID
24 ANNUAL DUES OF AT LEAST \$25;

25 (III) OWNS OR OPERATES A CLUBHOUSE THAT HAS, OR MEETING
26 ROOMS THAT HAVE, FACILITIES FOR PREPARING AND SERVING FOOD ON THE
27 PREMISES;

28 (IV) IS PRINCIPALLY USED FOR MEMBERS AND THEIR GUESTS,
29 WHEN THE GUESTS ARE ACCOMPANIED BY MEMBERS; AND

1 **(V) IS NOT DIRECTLY OR INDIRECTLY OWNED OR OPERATED AS**
 2 **A PUBLIC BUSINESS.**

3 **(C) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$50.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 3-301(s) and (a)(1).

7 In subsection (a) of this section, the former reference to a license being "issued
 8 by the local licensing authority of the county in which the place of business is
 9 located" is deleted as surplusage.

10 In subsection (b)(1) and (3) of this section, the former references to "bona fide"
 11 members and clubs are deleted as surplusage.

12 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
 13 as implicit in the word "sell".

14 In subsection (b)(2)(iii) of this section, the former reference to a club's "own"
 15 members is deleted as surplusage.

16 In the introductory language of subsection (b)(3) of this section, the former
 17 reference to a license being issued "only" to certain types of clubs is deleted for
 18 clarity.

19 In subsection (b)(3)(ii) of this section, the former phrase "per annum" is deleted
 20 as surplusage.

21 Defined terms: "Beer" § 1-101

22 "Club" § 1-101

23 **27-604. CLASS D BEER LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS D BEER LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
 28 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
 29 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

1 **THE ANNUAL LICENSE FEE IS \$50.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 4–201(a)(15), (b)(1), (c)(1), and (d)(1).

4 Throughout this section, the references to “wine” are substituted for the
5 former references to “light wine” to reflect that license holders in the County
6 may sell wine with an alcohol content of 22%, which is above the traditional
7 maximum level of 15.5% for light wine.

8 In subsection (b) of this section, the reference to a “Class 4 limited winery
9 license” is substituted for the former reference to a “Class 4 manufacturer’s
10 license” to conform to the terminology used throughout this article.

11 Also in subsection (b) of this section, the former reference to a license being
12 issued “by the license issuing authority of the county in which the place of
13 business is located” is deleted as surplusage.

14 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
15 as implicit in the word “sell”.

16 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
17 any consumer” is deleted as surplusage.

18 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
19 former reference to “delivered” to conform to the terminology used throughout
20 this article.

21 Defined terms: “County” § 27–101
22 “Wine” § 1–101

23 **SUBTITLE 8. BEER AND WINE LICENSES.**

24 **27–801. CLASS A BEER AND WINE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS A BEER AND WINE LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

28 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
29 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

1 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
2 **SEALED PACKAGE OR CONTAINER.**

3 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
4 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
5 **SOLD.**

6 **(C) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$500.**

8 REVISOR'S NOTE: This section is new language derived without substantive change
9 from former Art. 2B, § 5–101(s) and (a)(1).

10 In this section and throughout this subtitle, the references to “wine” are
11 substituted for the former references to “light wine” to reflect that license
12 holders in the County may sell wine with an alcohol content of 22%, which is
13 above the traditional maximum level of 15.5% for light wine.

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 In subsection (a) of this section and throughout this subtitle, the former
17 references to the license being “issued by the license issuing authority of the
18 county in which the place of business is located” are deleted as surplusage.

19 In subsection (b)(1) of this section and throughout this subtitle, the former
20 references to “keep[ing] for sale” are deleted as implicit in the references to
21 “sell[ing]”.

22 In subsection (b)(2) of this section, the word “sell” is substituted for the former
23 word “deliver” to conform to the terminology used throughout this article.

24 Defined terms: “Beer” § 1–101

25 “Wine” § 1–101

26 **27–802. CLASS B BEER AND WINE LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS B BEER AND WINE LICENSE.**

29 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
 2 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
 3 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

4 **(C) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$500.**

6 REVISOR'S NOTE: This section is new language derived without substantive change
 7 from former Art. 2B, § 5-201(s) and (a)(1).

8 Subsection (a) of this section is revised in standard language used throughout
 9 this article to establish a license.

10 In subsection (b) of this section, the reference to "on- and off-premises
 11 consumption" is substituted for the former reference to "consumption on the
 12 premises or elsewhere" for clarity.

13 Defined terms: "Beer" § 1-101

14 "Hotel" § 1-101

15 "Restaurant" § 1-101

16 "Wine" § 1-101

17 **27-803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

18 **A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 5-301(s).

21 Defined terms: "Beer" § 1-101

22 "County" § 27-101

23 "Wine" § 1-101

24 **27-804. CLASS D BEER AND WINE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS D BEER AND WINE LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

28 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
 29 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
 30 **OFF-PREMISES CONSUMPTION.**

1 **(C) DRUGSTORE PROHIBITION.**

2 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

3 **(D) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$500.**

5 REVISOR'S NOTE: This section is new language derived without substantive change
6 from former Art. 2B, § 5-401(s) and (a)(1).

7 Subsection (a) of this section is revised in standard language used throughout
8 this article to establish a license.

9 In subsection (b) of this section, the reference to "on- and off-premises
10 consumption" is substituted for the former reference to "consumption on the
11 premises or elsewhere" for clarity.

12 Defined terms: "Beer" § 1-101
13 "Wine" § 1-101

14 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

15 **27-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
20 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

21 **(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR**
22 **IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS**
23 **CONSUMED ON THE LICENSED PREMISES.**

24 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

25 **A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE**
26 **UNLESS THE APPLICANT:**

1 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
2 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
3 **THE LICENSE;**

4 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
5 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
6 **APPLIED FOR; OR**

7 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
8 **LEAST 3 YEARS.**

9 **(D) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$2,000.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 6–101(s) and (a)(1) and (3).

13 Subsection (a) of this section is revised in standard language used throughout
14 this article to establish a license.

15 In subsection (b) of this section, the references to “beer, wine, or liquor” are
16 substituted for the former references to “alcoholic beverages” for clarity.

17 In subsection (b)(1) of this section, the phrase “to sell” is substituted for the
18 former phrase “to keep for sale and to sell” for brevity.

19 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
20 deleted as surplusage.

21 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
22 of the application for the license” is substituted for the former phrase “that
23 length of time” for clarity.

24 In subsection (c)(3) of this section, the former reference to “actually” engaged
25 is deleted as surplusage.

26 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
27 deleted as surplusage.

28 Defined terms: “Beer” § 1–101

29 “Wine” § 1–101

30 **27–902. HOTEL AND RESTAURANT REQUIREMENTS FOR CLASS B LICENSES.**

1 **(A) HOTEL REQUIREMENTS.**

2 **A HOTEL FOR WHICH A CLASS B LICENSE OF ANY TYPE IS ISSUED SHALL:**

3 **(1) BE A BUILDING CONSTRUCTED FOR HOTEL PURPOSES;**

4 **(2) HAVE AT LEAST 20 BEDROOMS;**

5 **(3) PROVIDE SERVICES ORDINARILY FOUND IN HOTELS TO**
6 **ACCOMMODATE THE PUBLIC;**

7 **(4) HAVE A DINING ROOM WITH FACILITIES FOR PREPARING AND**
8 **SERVING MEALS; AND**

9 **(5) HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT**
10 **EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
11 **BEVERAGES.**

12 **(B) RESTAURANT REQUIREMENTS.**

13 **A RESTAURANT FOR WHICH A CLASS B LICENSE OF ANY TYPE IS ISSUED**
14 **SHALL:**

15 **(1) BE A BUSINESS ESTABLISHMENT TO ACCOMMODATE THE PUBLIC;**

16 **(2) BE FULLY EQUIPPED WITH A PROPER AND ADEQUATE DINING**
17 **ROOM WITH SEATING FOR AT LEAST 12 INDIVIDUALS;**

18 **(3) HAVE SUFFICIENT FACILITIES THAT HAVE BEEN APPROVED BY**
19 **THE BOARD FOR PREPARING AND SERVING MEALS; AND**

20 **(4) HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT**
21 **ARE AT LEAST 51% OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS.**

22 **(C) GROSS RECEIPTS RATIO.**

23 **THE BOARD:**

24 **(1) SHALL REQUIRE A HOLDER OF A CLASS B LICENSE AT LEAST**
25 **EVERY 2 YEARS, ON DATES THAT THE BOARD SETS, TO FILE WITH THE BOARD A**
26 **SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE**
27 **RESTAURANT FOR THE 6 MONTHS IMMEDIATELY BEFORE THE FILING OF THE**

1 REPORT EXCEED THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES;
2 AND

3 (2) MAY REQUIRE A LICENSE HOLDER TO PROVIDE SUPPORTING DATA
4 TO ESTABLISH THAT THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION
5 RELATING TO THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THOSE
6 FROM THE SALE OF ALCOHOLIC BEVERAGES HAVE BEEN MET.

7 (D) ISSUANCE REQUIREMENT.

8 (1) BEFORE A CLASS B LICENSE OF ANY TYPE IS ISSUED, THE
9 APPLICANT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM
10 FOOD SALES IN THE RESTAURANT WILL EXCEED THE GROSS RECEIPTS FROM THE
11 SALE OF ALCOHOLIC BEVERAGES.

12 (2) IF THE LICENSE HOLDER FAILS TO MAINTAIN GROSS RECEIPTS
13 FROM THE SALE OF FOOD THAT EXCEED THE GROSS RECEIPTS FROM THE SALE OF
14 ALCOHOLIC BEVERAGES DURING ANY 6-MONTH PERIOD, THE BOARD MAY REVOKE
15 THE LICENSE.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 8-218(a), (c), and (d).

18 In subsections (a) and (b) of this section, the former defined terms "hotel" and
19 "restaurant" are revised as substantive provisions for clarity.

20 In subsection (a)(1) of this section, the former reference to a "structure" is
21 deleted as redundant of a "building". Similarly, the former reference to
22 "erected" is deleted as redundant of "constructed".

23 In subsection (b)(2) of this section, the reference to "individuals" is substituted
24 for the former reference to "persons" because this subsection applies only to
25 human beings.

26 Also in subsection (b)(2) of this section, the former reference to seating
27 "capacity" is deleted as surplusage.

28 In subsection (c)(1) of this section, the reference to "every 2 years" is
29 substituted for the former reference to "biannually" for clarity.

30 Also in subsection (c)(1) of this section, the former language stating that
31 "nothing prohibits the Board of License Commissioners from requiring more
32 frequent sworn statements" is deleted as unnecessary in light of the provision
33 that the Board require a license holder "at least" every 2 years to file a sworn
34 statement.

1 Defined terms: "Alcoholic beverage" § 1-101

2 "Board" § 27-101

3 "Hotel" § 27-101

4 "Restaurant" § 27-101

5 **27-903. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

6 (A) ESTABLISHED.

7 THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

8 (B) SCOPE OF AUTHORIZATION.

9 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
10 LIQUOR AT A HOTEL OR RESTAURANT THAT MEETS THE REQUIREMENTS IN § 27-902
11 OF THIS SUBTITLE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR
12 ON-PREMISES CONSUMPTION.

13 (C) FEE.

14 THE ANNUAL LICENSE FEE IS \$1,000.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 6-201(a)(1) and (s)(2) and (3).

17 Subsection (a) of this section is revised in standard language used throughout
18 this article to establish a license.

19 Defined terms: "Beer" § 1-101

20 "Hotel" § 27-101

21 "Restaurant" § 27-101

22 "Wine" § 1-101

23 **27-904. CLASS B-D BEER, WINE, AND LIQUOR LICENSE.**

24 (A) ESTABLISHED.

25 THERE IS A CLASS B-D BEER, WINE, AND LIQUOR LICENSE.

26 (B) AUTHORIZED HOLDER.

27 THE BOARD MAY ISSUE THE LICENSE FOR USE AT AN ESTABLISHMENT:

1 **(1) THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD TO**
2 **THE PUBLIC; AND**

3 **(2) THAT DERIVES AT LEAST 25% OF THE AVERAGE DAILY GROSS**
4 **RECEIPTS OF THE ESTABLISHMENT THAT ARE FROM THE SALE OF FOOD; AND**

5 **(3) WHOSE AVERAGE DAILY GROSS RECEIPTS ARE APPROVED BY THE**
6 **BOARD.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE**
9 **PLACE DESCRIBED IN THE LICENSE:**

10 **(1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**

11 **(2) BEER FOR OFF-PREMISES CONSUMPTION.**

12 **(D) CONVERSION OF CLASS B LICENSE.**

13 **A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY CONVERT**
14 **THE LICENSE TO A CLASS B-D LICENSE.**

15 **(E) HOURS AND DAYS OF SALE.**

16 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
17 **HOURS AND DAYS AS SET OUT UNDER § 27-2004(C) OF THIS TITLE.**

18 **(F) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$1,800.**

20 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
21 language derived without substantive change from former Art. 2B, § 8-218(e).

22 Subsection (e) of this section is new language added for clarity.

23 Subsection (a) of this section is revised in standard language used throughout
24 this article to establish a license.

25 In subsection (b) of this section, the former reference to the issuance of the
26 license "only" to specified establishments is deleted as surplusage.

1 In the introductory language of subsection (b)(1) of this section, the reference
2 that the Board “may issue” the license is substituted for the former reference
3 that the Board “may authorize the issuance” of the license for brevity and
4 clarity.

5 Also in the introductory language of subsection (b)(1) of this section, the
6 former reference to the issuance of an “additional” alcoholic beverages license
7 is deleted as unnecessary.

8 In subsection (b)(2) of this section, the reference to an establishment that
9 “derives” at least 25% of its average daily gross receipts from food sales is
10 substituted for the former reference that food sales “comprise” at least 25% of
11 the average daily gross receipts for clarity.

12 Also in subsection (b)(2) of this section, the reference to the average daily gross
13 receipts of the “establishment” is substituted for the former reference to the
14 average daily gross receipts of the “entire business” for clarity and consistency
15 within this section.

16 In the introductory language of subsection (c) of this section, the former
17 reference authorizing a license holder to “keep for sale” beer, wine, and liquor
18 is deleted as included in the phrase “to sell” beer, wine, and liquor.

19 In subsection (d) of this section, the reference to the authority of a license
20 holder to “convert” a license is substituted for the former reference authorizing
21 a license holder to “exchange” a license for clarity and consistency within this
22 revised article.

23 Also in subsection (d) of this section, the reference authorizing “[a] holder” of
24 a Class B license to convert the license is substituted for the former reference
25 authorizing “[a]ll restaurants” to exchange the license for clarity and accuracy,
26 as a license may be held only by an individual and merely applies to a
27 restaurant.

28 Also in subsection (d) of this section, the former reference to the “current”
29 license is deleted as surplusage.

30 Also in subsection (d) of this section, the former reference authorizing a license
31 holder to convert a “valid” license is deleted as implicit.

32 Defined terms: “Beer” § 1–101

33 “Board” § 27–101

34 “Wine” § 1–101

35 **27–905. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

36 **(A) ESTABLISHED.**

1 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

2 **(B) AUTHORIZED HOLDER.**

3 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

4 **(1) A NONPROFIT ORGANIZATION OR CLUB THAT:**

5 **(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE**
6 **ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES**
7 **HAS BEEN ENGAGED; AND**

8 **(II) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND**
9 **GUESTS WHEN ACCOMPANIED BY MEMBERS; OR**

10 **(2) A YACHT CLUB, GOLF CLUB, FRATERNAL CLUB OR ORDER,**
11 **COUNTRY CLUB, OR SOCIAL OR RECREATIONAL CLUB THAT:**

12 **(I) HAS AT LEAST 50 ADULT MEMBERS PAYING DUES OF AT**
13 **LEAST \$20 PER YEAR PER MEMBER FOR THE YEAR IMMEDIATELY BEFORE THE YEAR**
14 **FOR WHICH THE LICENSE IS ISSUED; AND**

15 **(II) OWNS OR OPERATES A CLUBHOUSE OR MEETING ROOM**
16 **THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES,**
17 **WHICH ARE PRINCIPALLY USED FOR MEMBERS AND GUESTS WHEN ACCOMPANIED**
18 **BY MEMBERS.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
21 **LIQUOR AT RETAIL AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
22 **ON- OR OFF-PREMISES CONSUMPTION.**

23 **(D) FEE.**

24 **THE ANNUAL LICENSE FEE IS \$500.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 6-301(a)(1) and (s)(2) through (4).

27 Subsection (a) of this section is revised in standard language used throughout
28 this title to establish a license.

1 In subsection (b) of this section, the former reference to “keep[ing] for sale” is
2 deleted as implicit in the reference to “sell[ing]”.

3 In subsection (b)(1)(i) and (2) of this section, the former references to a “bona
4 fide” organization or club are deleted as surplusage. Similarly, in subsection
5 (b)(1)(ii) of this section, the former reference to “bona fide” adult members is
6 deleted.

7 In subsection (b)(2) of this section, the former requirement that the
8 organization “not [be] directly or indirectly owned or operated as a public
9 business” is deleted as unnecessary because the organization is nonprofit.

10 Also in subsection (b)(2) of this section, the former phrase “which is not
11 operated for profit,” is deleted as unnecessary in light of the defined term
12 “club”.

13 In subsection (c) of this section, the phrase “for on- or off-premises
14 consumption”, which revises the provision specifically applicable to Queen
15 Anne’s County – former Art. 2B, § 6–301(s)(4) – supersedes the provision of
16 former Art. 2B, § 6–301(a)(1), which stated in general terms that a Class C
17 license shall be issued “for consumption on the premises only”. The revision
18 follows § 1–202 of this article, which states that to the extent that a statement
19 of a general rule of law conflicts or is inconsistent with an exception or
20 qualification applicable to a special area, the exception or qualification
21 prevails.

22 Also in subsection (c) of this section, the reference to “beer, wine, and liquor”
23 is substituted for the former reference to “alcoholic beverages” for clarity.

24 Former Art. 2B, § 6–301(s)(1), which stated that former Art. 2B, § 6–301(s)
25 applied only in Queen Anne’s County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Beer” § 1–101

28 “Board” § 27–101

29 “Club” § 1–101

30 “Wine” § 1–101

31 **27–906. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

32 **(A) ESTABLISHED.**

33 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

34 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:**

2 **(1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**

3 **(2) BEER FOR OFF-PREMISES CONSUMPTION.**

4 **(C) DRUGSTORE PROHIBITION.**

5 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

6 **(D) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$1,800.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 6-401(s)(2) and (3) and the first and third
10 sentences of (a)(1).

11 Subsection (a) of this section is revised in standard language used throughout
12 this article to establish a license.

13 In subsection (b)(2) of this section, the reference to "beer for off-premises
14 consumption" is substituted for the former reference to "the off-sale of beer"
15 for clarity.

16 Former Art. 2B, § 6-401(s)(1), which stated that former Art. 2B, § 6-401(s)
17 applied only in Queen Anne's County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Defined terms: "Beer" § 1-101

20 "Wine" § 1-101

21 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

22 **27-1001. CONFERENCE CENTER LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS B (CONFERENCE CENTER) BEER, WINE, AND LIQUOR**
25 **LICENSE.**

26 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE FOR USE IN A CONFERENCE CENTER**
2 **THAT HAS THE FOLLOWING FACILITIES TO ACCOMMODATE AT LEAST 100**
3 **INDIVIDUALS:**

4 **(1) A KITCHEN FACILITY;**

5 **(2) A DINING FACILITY; AND**

6 **(3) OVERNIGHT FACILITIES.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
9 **LIQUOR FOR ON-PREMISES CONSUMPTION TO INDIVIDUALS ATTENDING AN EVENT**
10 **AT THE CONFERENCE CENTER.**

11 **(D) HOURS AND DAYS OF SALE.**

12 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
13 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
14 **UNDER § 27-2004 OF THIS TITLE.**

15 **(E) FEE.**

16 **THE ANNUAL LICENSE FEE IS \$1,500.**

17 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
18 language derived without substantive change from former Art. 2B, §
19 6-201(s)(4).

20 Subsection (d) of this section is new language added to provide a
21 cross-reference to the hours and days of sale provision that applies to a Class
22 B beer, wine, and liquor license in Queen Anne's County.

23 In subsections (b) and (c) of this section, the references to "individuals" are
24 substituted for the former references to "persons" because the provision only
25 applies to human beings.

26 Former Art. 2B, § 6-201(s)(1), which stated that former Art. 2B, § 6-201(s)
27 applied only in Queen Anne's County, is deleted as unnecessary in light of the
28 organization of this revised article.

29 Defined terms: "Beer" § 1-101

30 "Board" § 27-101

31 "Wine" § 1-101

1 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

2 **27-1101. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
5 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
6 **EXCEPTION OR VARIATION:**

7 **(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
8 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

9 **(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
10 **FROM LICENSED PREMISES”).**

11 **(B) EXCEPTION.**

12 **SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
13 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

14 **(C) VARIATION.**

15 **SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
16 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-1102 OF**
17 **THIS SUBTITLE.**

18 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
19 general provisions relating to additional privileges of license holders.

20 Defined terms: “Beer” § 1-101

21 “County” § 27-101

22 “License” § 1-101

23 “License holder” § 1-101

24 “Wine” § 1-101

25 **27-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

26 **(A) AUTHORIZED HOLDER.**

27 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
28 **TO A HOLDER OF A CLASS A, CLASS B, CLASS C, OR CLASS D LICENSE.**

1 **(B) APPLICATION FORM.**

2 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
3 **BOARD PROVIDES.**

4 **(C) HOURS OF SALE.**

5 **THE HOURS OF SALE FOR THE PERMIT:**

6 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
7 **LICENSE; AND**

8 **(2) END AT MIDNIGHT.**

9 **(D) FEES.**

10 **THE ANNUAL PERMIT FEES ARE:**

11 **(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE**
12 **PRIVILEGE; AND**

13 **(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN**
14 **OFF-SALE PRIVILEGE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 8-218.1(c)(1), (3), and (4).

17 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

18 In subsection (c) of this section, the reference to the "underlying license" is
19 substituted for the former reference to the "license already held by the person
20 to whom the refillable container permit is issued" for brevity.

21 Former Art. 2B, § 8-103(a)(1)(vii), which stated that former Art. 2B, § 8-103
22 applied with respect to draft beer in Queen Anne's County, and former Art.
23 2B, § 8-218.1(a)(1), which stated that former Art. 2B, § 8-218.1 applied only
24 in the County, are deleted as unnecessary in light of the organization of this
25 revised article.

26 Former Art. 2B, § 8-218.1(a)(2), which defined the term "Board" to mean the
27 Queen Anne's County Board of License Commissioners, is deleted as
28 redundant of the defined term "Board" in § 27-101 of this title.

1 Former Art. 2B, § 8–218.1(b) and (c)(2) are deleted as unnecessary because
2 they merely repeated provisions concerning refillable container permits that
3 appear in § 4–1104 of this article.

4 Former Art. 2B, § 8–218.1(c)(5), which authorized the Board to adopt
5 regulations to carry out this section, is deleted as unnecessary because the
6 Board has power to adopt regulations under § 27–206 of this title.

7 Defined terms: “Beer” § 1–101

8 “Board” § 27–101

9 “License” § 1–101

10 “Off–sale” § 1–101

11 **SUBTITLE 12. CATERER’S LICENSES.**

12 **27–1201. LOCAL CATERER’S LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A LOCAL CATERER’S LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS B**
17 **RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

18 **(C) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES A HOLDER TO:**

20 **(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF**
21 **THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL**
22 **(ON–SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

23 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
24 **HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL**
25 **(ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

26 **(D) FOOD REQUIREMENT.**

27 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
28 **CATERED EVENT.**

29 **(E) FEE.**

1 **27-1301. APPLICATION OF GENERAL PROVISIONS.**

2 **TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS**
3 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 the general provisions relating to local temporary licenses.

6 Defined term: “County” § 27-101

7 **27-1302. RESERVED.**

8 **27-1303. RESERVED.**

9 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

10 **27-1304. BEER AND WINE FESTIVAL LICENSE.**

11 **(A) “FESTIVAL” DEFINED.**

12 **IN THIS SECTION, “FESTIVAL” MEANS A BEER AND WINE FESTIVAL (BWF) IN**
13 **QUEEN ANNE’S COUNTY.**

14 **(B) ESTABLISHED.**

15 **THERE IS A BEER AND WINE FESTIVAL (BWF) LICENSE.**

16 **(C) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
18 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

19 **(D) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:**

21 **(1) WINE THAT IS:**

22 **(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

23 **(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE**
24 **APPLICATION IS FILED; OR**

1 **(2) BEER THAT IS BREWED BY A BREWER:**

2 **(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER**
3 **ANNUALLY; AND**

4 **(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE WHEN THE**
5 **LICENSE APPLICATION IS FILED.**

6 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

7 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:**

8 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

9 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

10 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

11 **THE BOARD:**

12 **(1) EACH YEAR MAY CHOOSE FOR THE FESTIVAL A MAXIMUM OF 4**
13 **WEEKENDS, EACH OF WHICH:**

14 **(I) EXTENDS FROM FRIDAY THROUGH SUNDAY, INCLUSIVE;**
15 **BUT**

16 **(II) IS NOT WITHIN 14 DAYS BEFORE OR AFTER THE WEEKEND**
17 **CHOSEN FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

18 **(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;**
19 **AND**

20 **(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
21 **THE PROMOTION OF MARYLAND BEER AND WINE.**

22 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

23 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
24 **OR NATURE.**

25 **(H) INVOICING AND DELIVERY.**

26 **BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

1 **(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED**
2 **WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

3 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
4 **THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

5 **(I) DELIVERY AGREEMENT.**

6 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
7 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

8 **(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
9 **EFFECTIVE DATE OF THE LICENSE; AND**

10 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
11 **EXPIRATION DATE OF THE LICENSE.**

12 **(J) FEE.**

13 **THE BOARD MAY SET THE LICENSE FEE.**

14 **(K) REGULATIONS.**

15 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 8–311(c) through (i) and (a)(1) and (3).

18 Throughout this section, the former references to “special” festival licenses are
19 deleted as surplusage.

20 Subsection (b) of this section is revised in standard language used throughout
21 this article to establish a license.

22 In subsection (c) of this section, the reference to a “retail” license is substituted
23 for the former reference to an “existing State retail alcoholic beverages” license
24 for brevity.

25 Also in subsection (c) of this section, the former phrase “[n]otwithstanding any
26 other provision of this article,” is deleted as unnecessary in light of the
27 organization of this revised article.

28 In the introductory language of subsection (d) of this section, the reference to
29 the “license authoriz[ing] the holder” to display and sell is substituted for the

1 former reference to the requirement that the “licensee shall” display and sell
2 for clarity and consistency with terminology used throughout this article.

3 In subsection (d) of this section, the former requirement that wine must be
4 “[p]rice filed in accordance with regulations adopted by the Comptroller” is
5 deleted as obsolete. *See* General Revisor’s Note to Division II.

6 In subsection (f)(1)(ii) of this section, the reference to the Maryland Wine
7 Festival “in Carroll County” is added for clarity.

8 Also in subsection (f)(1)(ii) of this section, the reference to a weekend that “is
9 not within 14 days before or after” the weekend of the Maryland Wine Festival
10 is substituted for the former reference to the weekend that “does not occur
11 within 14 days on either side” of the Maryland Wine Festival for clarity.

12 In subsection (f)(2) of this section, the reference to a location “that is not
13 already licensed” is substituted for the former reference to a location “which
14 is not licensed under this article” for consistency with terminology used
15 throughout this article.

16 Also in subsection (f)(2) of this section, the former reference to a location “for
17 a Festival” is deleted as surplusage.

18 Also in subsection (f)(2) of this section, the former reference to a location “in
19 the county” is deleted as surplusage.

20 In subsection (g) of this section, the reference to a license holder who “may
21 hold” another license is substituted for the former statement that “[t]his
22 section does not prohibit the holder” from holding another license for clarity.

23 In the introductory language of subsection (h) of this section, the reference to
24 “[b]eer and wine” is substituted for the former reference to “[p]roducts” for
25 clarity.

26 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
27 winery, or Class 4 limited winery” is substituted for the former reference to a
28 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
29 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
30 or Class 4 limited winery” is substituted for the former reference to a
31 “wholesaler, winery, or limited winery” and in the introductory language of
32 subsection (i) of this section, the reference to a “holder of a wholesale, Class 3
33 winery, or Class 4 limited winery license” is substituted for the former
34 reference to “holders of wholesale, winery, or limited winery licenses”.

35 In the introductory language of subsection (i) of this section, the former phrase
36 “[w]henver a festival license is issued pursuant to this subsection,” is deleted
37 as surplusage.

1 In subsection (i)(1) of this section, the reference to the delivery of beer and
2 wine “not earlier than” 2 days before the effective date is added for clarity.
3 Similarly, in subsection (i)(2) of this section, the reference to the acceptance of
4 returns “not later than” 2 days after the expiration date is added.

5 Former Art. 2B, § 8–311(a)(2), which defined “Board” to mean the Queen
6 Anne’s County Board of License Commissioners, is deleted as redundant in
7 light of the defined term “Board” in § 27–101 of this title.

8 Former Art. 2B, § 8–311(b), which stated that former Art. 2B, § 8–311 applied
9 only in Queen Anne’s County, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Defined terms: “Beer” § 1–101

12 “Board” § 27–101

13 “State” § 1–101

14 “Wine” § 1–101

15 **27–1305. WINE TASTING LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A WINE TASTING (WT) LICENSE.**

18 **(B) AUTHORIZED HOLDER.**

19 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND**
20 **WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

21 **(C) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW, FOR TASTING, THE**
23 **ON-PREMISES CONSUMPTION OF WINE THAT CONTAINS NOT MORE THAN 22% OF**
24 **ALCOHOL BY VOLUME.**

25 **(D) LIMIT ON SERVINGS.**

26 **THE LICENSE HOLDER MAY SERVE:**

27 **(1) NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN**
28 **INDIVIDUAL; AND**

29 **(2) NOT MORE THAN 4 OUNCES TO AN INDIVIDUAL IN A DAY.**

(E) FEE.

IN ADDITION TO THE FEE FOR ANY OTHER LICENSE, THE ANNUAL LICENSE FEE IS \$100.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-410.1(b).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the reference to the license "authoriz[ing] the holder to allow" the consumption of wine is added for clarity and consistency with the terminology used throughout this article.

Also in subsection (c) of this section, the former reference to "sampling" is deleted as redundant of the reference to "tasting".

In subsection (d) of this section, the reference to each "offering" is substituted for the former reference to each "given brand" for clarity.

Also in subsection (d) of this section, the references to an "individual" are substituted for the former, overly broad references to a "person" for clarity.

Former Art. 2B, § 8-410.1(a), which stated that former Art. 2B, § 8-410.1 applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-410.1(c), which stated that the Board of License Commissioners may adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 27-206 of this title.

Defined terms: "Beer" § 1-101

"Board" § 27-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

27-1306. BEER, WINE, AND LIQUOR TASTING LICENSE.**(A) ESTABLISHED.**

THERE IS A BEER, WINE, AND LIQUOR TASTING (BWL T) LICENSE.

(B) AUTHORIZED HOLDER.

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
 2 **AND LIQUOR LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE**
 5 **CONSUMPTION FOR TASTING IN A QUANTITY OF:**

6 **(I) NOT MORE THAN 1 OUNCE OF BEER FROM EACH OFFERING**
 7 **AND 4 OUNCES FROM ALL OFFERINGS;**

8 **(II) NOT MORE THAN 2 OUNCES OF WINE FROM EACH OFFERING**
 9 **AND 4 OUNCES FROM ALL OFFERINGS; AND**

10 **(III) NOT MORE THAN ONE-HALF OUNCE OF LIQUOR FROM EACH**
 11 **OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS.**

12 **(2) THE LIMITS ON CONSUMPTION SPECIFIED IN PARAGRAPH (1) OF**
 13 **THIS SUBSECTION APPLY TO ONE INDIVIDUAL IN A DAY.**

14 **(D) FEE.**

15 **IN ADDITION TO THE FEE FOR ANY OTHER LICENSE HELD BY THE LICENSE**
 16 **HOLDER, THE ANNUAL LICENSE FEE IS \$100.**

17 REVISOR'S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 8-410.2(b) through (e).

19 Subsection (a) of this section is revised in standard language used throughout
 20 this title to establish a license.

21 In subsection (c) of this section, the references to each "offering" and all
 22 "offerings" are substituted for the former references to each "given brand" and
 23 all "brands" for clarity.

24 In subsection (c)(1) of this section, the reference to the license authorizing "the
 25 holder to allow the consumption" is added for clarity and consistency with
 26 terminology used throughout this article.

27 Former Art. 2B, § 8-410.2(a), which stated that former Art. 2B, § 8-410.2
 28 applied only in Queen Anne's County, is deleted as unnecessary in light of the
 29 organization of this revised article.

30 Defined terms: "Beer" § 1-101

1 "Board" § 27-101
2 "License" § 1-101
3 "License holder" § 1-101
4 "Wine" § 1-101

5 **27-1307. RESERVED.**

6 **27-1308. RESERVED.**

7 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

8 **27-1309. RESERVED.**

9 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

10 **27-1401. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
13 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
14 **WITHOUT EXCEPTION OR VARIATION:**

15 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
16 **BOARD");**

17 **(2) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

18 **(3) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**

19 **(4) § 4-110 ("REQUIRED INFORMATION ON APPLICATION —**
20 **PETITION OF SUPPORT");**

21 **(5) § 4-111 ("PAYMENT OF LICENSE FEES");**

22 **(6) § 4-112 ("DISPOSITION OF LICENSE FEES"); AND**

23 **(7) § 4-114 ("FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR").**

24 **(B) EXCEPTIONS.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
26 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

1 (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”); AND

2 (2) § 4-113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY
3 § 27-1406 OF THIS SUBTITLE.

4 (C) VARIATIONS.

5 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
6 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

7 (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT
8 TO § 27-1402 OF THIS SUBTITLE;

9 (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),
10 SUBJECT TO § 27-1403 OF THIS SUBTITLE;

11 (3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
12 COMPANY”), SUBJECT TO § 27-1403 OF THIS SUBTITLE; AND

13 (4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
14 GENERAL”), SUBJECT TO § 27-1404 OF THIS SUBTITLE.

15 REVISOR’S NOTE: This section is new language added to incorporate by reference
16 general provisions relating to applications for local licenses.

17 Defined term: “County” § 27-101

18 **27-1402. APPLICATION ON BEHALF OF PARTNERSHIP.**

19 AN APPLICANT ON BEHALF OF A PARTNERSHIP MAY NOT BE ISSUED A CLASS
20 A BEER, WINE AND LIQUOR LICENSE UNLESS THE OWNERS OF 75% OF THE INTEREST
21 IN THE PARTNERSHIP HAVE BEEN RESIDENTS OF THE COUNTY FOR 2 YEARS
22 IMMEDIATELY BEFORE THE APPLICATION IS FILED.

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 9-101(f)(1), as it related to a partnership.

25 The reference to an “applicant on behalf of a partnership” is substituted for
26 the former reference to an “individual for the use of a partnership” to conform
27 to the terminology used throughout this subtitle.

28 The Alcoholic Beverages Article Review Committee notes, for consideration by
29 the General Assembly, that the requirement that an applicant reside in the
30 County may violate the equal protection guarantees of the Fourteenth

1 Amendment to the United States Constitution and Article 24 of the Maryland
2 Declaration of Rights. Maryland courts look unfavorably on legislation that
3 classifies persons by geography, which may be accomplished by residency or
4 registration requirements, if the primary purpose of the legislation is
5 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

6 Defined term: "County" § 27-101

7 **27-1403. APPLICATION ON BEHALF OF CORPORATION OR LIMITED LIABILITY**
8 **COMPANY.**

9 **(A) REQUIREMENTS FOR CLASS A BEER, WINE, AND LIQUOR LICENSE**
10 **APPLICATION.**

11 **(1) AN INDIVIDUAL ON BEHALF OF A CORPORATION OR LIMITED**
12 **LIABILITY COMPANY MAY NOT BE ISSUED A CLASS A BEER, WINE, AND LIQUOR**
13 **LICENSE UNLESS THE OWNERS OF 75% OF THE TOTAL ISSUED CAPITAL STOCK OR**
14 **INTEREST IN THE CORPORATION OR LIMITED LIABILITY COMPANY HAVE BEEN**
15 **RESIDENTS OF THE COUNTY FOR 2 YEARS IMMEDIATELY BEFORE THE APPLICATION**
16 **IS FILED.**

17 **(2) A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED**
18 **FOR A CORPORATION IF MORE THAN ONE CLASS OF COMMON STOCK IS AUTHORIZED**
19 **BY THE CORPORATE CHARTER.**

20 **(B) FOR APPLICATIONS OTHER THAN FOR CLASS A BEER, WINE, AND**
21 **LIQUOR LICENSES.**

22 **(1) THIS SUBSECTION DOES NOT APPLY TO:**

23 **(I) A CLASS A BEER, WINE, AND LIQUOR LICENSE; OR**

24 **(II) ANY OTHER LICENSE ISSUED BEFORE MAY 1, 1976.**

25 **(2) AN APPLICANT FOR A LICENSE ON BEHALF OF A CORPORATION OR**
26 **LIMITED LIABILITY COMPANY IS NOT REQUIRED TO BE A RESIDENT OF THE COUNTY.**

27 **(3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH**
28 **APPLICANT APPLYING FOR A LICENSE FOR A CORPORATION OR LIMITED LIABILITY**
29 **COMPANY SHALL:**

30 **(I) BE A RESIDENT OF THE STATE; AND**

1 **(II) OWN AT LEAST 15% OF THE TOTAL OUTSTANDING SHARES**
 2 **OF COMMON STOCK OF THE CORPORATION OR AT LEAST A 15% INTEREST IN THE**
 3 **LIMITED LIABILITY COMPANY, ENTITLING THE APPLICANT TO VOTE AT A MEETING**
 4 **OF STOCKHOLDERS OR MEMBERS.**

5 **(4) A LICENSE MAY NOT BE ISSUED FOR A CORPORATION IF MORE**
 6 **THAN ONE CLASS OF COMMON STOCK IS AUTHORIZED BY THE CORPORATE CHARTER.**

7 **(5) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH**
 8 **YEAR, AN APPLICANT, THE CORPORATION, OR THE LIMITED LIABILITY COMPANY**
 9 **SHALL SUBMIT TO THE BOARD A SWORN STATEMENT THAT CONTAINS:**

10 **(I) THE NAME AND ADDRESS OF EACH STOCKHOLDER OF THE**
 11 **CORPORATION AND THE NUMBER OF SHARES THE STOCKHOLDER OWNS AND IS**
 12 **ENTITLED TO VOTE AT A STOCKHOLDER MEETING; OR**

13 **(II) THE NAME AND ADDRESS OF EACH MEMBER OF THE**
 14 **LIMITED LIABILITY COMPANY AND THE AMOUNT OF INTEREST THE MEMBER OWNS**
 15 **AND IS ENTITLED TO VOTE AT A MEETING OF MEMBERS.**

16 **(6) THE BOARD MAY REQUIRE AN APPLICANT TO SUBMIT OTHER**
 17 **INFORMATION REGARDING THE BACKGROUND AND PRIOR ACTIVITIES OF THE**
 18 **APPLICANT.**

19 **(C) CONFERENCE CENTER.**

20 **SUBSECTION (B)(3) AND (5) OF THIS SECTION DOES NOT APPLY TO A CLASS B**
 21 **BEER, WINE, AND LIQUOR (ON-SALE) LICENSE FOR USE IN A CONFERENCE CENTER.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 9–101(g) and (f)(2) and, as it related to
 24 corporations and limited liability companies, (1).

25 In subsection (a)(1) of this section, the reference to “immediately before” is
 26 substituted for the former reference to “next preceding” for clarity.

27 Also in subsection (a)(1) of this section, the former reference to a Class A
 28 “(off–sale)” license is deleted as unnecessary because all Class A licenses are
 29 off–sale licenses.

30 In subsection (b)(3)(ii) of this section, the reference to “at least” 15% interest
 31 in the limited liability company is added for clarity.

32 In subsection (b)(4) of this section, the former reference to the “qualifying”
 33 corporation is deleted as surplusage.

1 In subsection (b)(6) of this section, the former reference to “data” is deleted as
2 included in the reference to “information”.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that the requirements that an applicant reside in the
5 State in subsections (a)(1) and (b)(3)(i) of this section may violate the equal
6 protection guarantees of the Fourteenth Amendment to the United States
7 Constitution and Article 24 of the Maryland Declaration of Rights. Maryland
8 courts look unfavorably on legislation that classifies persons by geography,
9 which may be accomplished by residency or registration requirements, if the
10 primary purpose of the legislation is economic. *See Verzi v. Baltimore County*,
11 333 Md. 411 (1994).

12 Defined terms: “Board” § 27–101
13 “County” § 27–101
14 “License” § 1–101
15 “State” § 1–101

16 **27–1404. REQUIRED STATEMENT.**

17 **AN APPLICANT FOR A LICENSE SHALL:**

18 **(1) INCLUDE A STATEMENT IN THE APPLICATION THAT THE**
19 **APPLICANT IS AT LEAST 21 YEARS OLD; AND**

20 **(2) SUBMIT AN AFFIDAVIT VERIFYING THE APPLICATION.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10–104(s).

23 Defined term: “License” § 1–101

24 **27–1405. SIX– AND TWELVE–MONTH LICENSES.**

25 **(A) TERM OF LICENSES.**

26 **(1) ALL LICENSES SHALL BE ISSUED FOR 6 OR 12 MONTHS.**

27 **(2) THE TERM OF A 6–MONTH LICENSE BEGINS ON NOVEMBER 1.**

28 **(3) THE TERM OF A 12–MONTH LICENSE BEGINS ON MAY 1.**

29 **(B) FEE FOR 6–MONTH LICENSE.**

1 **THE FEE FOR A 6-MONTH LICENSE IS HALF OF THE ANNUAL FEE.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from the first sentence of former Art. 2B, § 10-207(b).

4 In subsection (a) of this section, the former phrase "for no other periods of
5 time" is deleted as surplusage.

6 Also in subsection (a) of this section, the former phrases "in the year of their
7 issue" are deleted as surplusage.

8 Defined term: "License" § 1-101

9 **27-1406. REFUND IN CASES OF HARDSHIP.**

10 **IN CASES OF HARDSHIP, THE BOARD MAY REFUND A PORTION OF THE FEE FOR**
11 **A LICENSE IT HAS ISSUED.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from the second sentence of former Art. 2B, § 10-207(b).

14 The former reference to "undue" hardship is deleted as surplusage.

15 Defined term: "Board" § 27-101

16 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

17 **27-1501. APPLICATION OF GENERAL PROVISIONS.**

18 **(A) WITHOUT EXCEPTION OR VARIATION.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
20 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
21 **WITHOUT EXCEPTION OR VARIATION:**

22 **(1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

23 **(2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

24 **(3) § 4-207 ("LICENSES ISSUED TO MINORS");**

25 **(4) § 4-208 ("NOTICE OF LICENSE APPLICATION REQUIRED");**

26 **(5) § 4-209 ("HEARING");**

1 **(6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

2 **(7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

3 **(8) § 4–212 (“LICENSE NOT PROPERTY”);**

4 **(9) § 4–213 (“REPLACEMENT LICENSES”); AND**

5 **(10) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
6 **APPLICATIONS”).**

7 **(B) VARIATIONS.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
9 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

10 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
11 **TO § 27–1502 OF THIS SUBTITLE;**

12 **(2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
13 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 27–1503 OF THIS SUBTITLE**
14 **AND SUBTITLE 13, PART III OF THIS TITLE; AND**

15 **(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
16 **FOR SAME PREMISES”), SUBJECT TO § 27–1503 OF THIS SUBTITLE AND SUBTITLE**
17 **13, PART III AND SUBTITLE 16, PART II OF THIS TITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to the issuance of local licenses.

20 Defined terms: “County” § 27–101

21 “License” § 1–101

22 “Local licensing board” § 1–101

23 **27–1502. AUTHORITY OF BOARD — PROHIBITED ISSUANCE OF LICENSE.**

24 **THE BOARD MAY NOT ISSUE A CLASS A BEER, WINE, AND LIQUOR LICENSE TO**
25 **A PERSON OR ON BEHALF OF A FIRM OR CORPORATION THAT HAS BEEN CONVICTED**
26 **OF A VIOLATION OF THIS ARTICLE.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10–202(j).

29 The reference to “[t]he Board” is added for clarity.

1 Defined terms: “Beer” § 1–101
 2 “Board” § 27–101
 3 “License” § 1–101
 4 “Person” § 1–101
 5 “Wine” § 1–101

6 **27–1503. BOWLING ESTABLISHMENTS.**

7 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
 8 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
 9 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

10 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
 11 **LICENSES; AND**

12 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
 13 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

14 REVISOR’S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 9–102(b–1)(1)(i).

16 In item (1) of this section, the reference to “Class D beer or Class D beer and
 17 wine licenses” is substituted for the former reference to licenses issued
 18 “[u]nder § 3–401 or § 5–401 of this article” for clarity.

19 In item (2) of this section, the former reference to the premises “operated as”
 20 a bowling establishment is deleted as surplusage.

21 Defined terms: “Beer” § 1–101
 22 “License” § 1–101
 23 “Wine” § 1–101

24 **27–1504. CLASS B LICENSE FILING REQUIREMENTS.**

25 **(A) INITIAL STATEMENT AS TO GROSS RECEIPTS FROM FOOD SALES.**

26 **(1) BEFORE A CLASS B LICENSE OF ANY TYPE MAY BE ISSUED, THE**
 27 **APPLICANT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM**
 28 **FOOD SALES IN THE RESTAURANT WILL BE MORE THAN THE GROSS RECEIPTS FROM**
 29 **THE SALE OF ALCOHOLIC BEVERAGES.**

30 **(2) IF THE LICENSE HOLDER FAILS TO MAINTAIN MORE GROSS**
 31 **RECEIPTS FROM THE SALE OF FOOD THAN GROSS RECEIPTS FROM THE SALE OF**

1 ALCOHOLIC BEVERAGES FOR A 6-MONTH PERIOD, THE BOARD MAY REVOKE THE
2 LICENSE.

3 (B) STATEMENT ON GROSS RECEIPTS FROM FOOD SALES.

4 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE
5 HOLDER OF A CLASS B LICENSE OF ANY TYPE SHALL FILE WITH THE BOARD A
6 SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE
7 RESTAURANT FOR THE 6-MONTH PERIOD IMMEDIATELY BEFORE THE FILING OF THE
8 REPORT ARE MORE THAN THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC
9 BEVERAGES.

10 (2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE:

11 (I) THE SWORN STATEMENT REQUIRED UNDER PARAGRAPH (1)
12 OF THIS SUBSECTION AT LEAST BIANNUALLY, ON DATES TO BE SET BY THE BOARD;
13 AND

14 (II) SUPPORTING DATA TO ESTABLISH THAT THE
15 REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION HAVE BEEN MET.

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 8-218(c) and (d).

18 In subsection (a)(2) of this section, the reference to the "license holder" is
19 substituted for the former reference to a "Class B licensee of any type" for
20 clarity and brevity.

21 Also in subsection (a)(2) of this section, the former phrase "in [the Board's]
22 discretion" is deleted as surplusage.

23 In the introductory language of subsection (b)(2) of this section, the clause
24 "[t]he Board may require" is substituted for the former clause "[h]owever,
25 nothing prohibits the Board of License Commissioners from requiring" for
26 clarity and brevity.

27 In subsection (b)(2)(i) of this section, the reference to requiring sworn
28 statements "at least" biannually is substituted for the former reference to the
29 requirement to file them "biannually" and to the authority of the Board to
30 require "more frequent" sworn statements for brevity.

31 In subsection (b)(2)(ii) of this section, the former reference to supporting data
32 "as [the Board], in its discretion, considers necessary in order" to establish
33 that the requirements of paragraph (1) of this subsection "relating to the ratio

1 of gross receipts from the sale of food to those from the sale of alcoholic
2 beverages” have been met is deleted as surplusage.

3 Defined terms: “Alcoholic beverage” § 1–101
4 “Board” § 27–101
5 “License” § 1–101
6 “License holder” § 1–101

7 **27–1505. ISSUANCE OF LICENSE BEFORE COMPLETION OF ESTABLISHMENT.**

8 **THE BOARD MAY:**

9 **(1) GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN**
10 **ESTABLISHMENT THAT IS NOT COMPLETED, BASED ON PLANS AND SPECIFICATIONS**
11 **THAT ACCOMPANY THE APPLICATION; AND**

12 **(2) ISSUE THE LICENSE WHEN THE CONSTRUCTION IS COMPLETED IN**
13 **ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9–218(a).

16 In item (1) of this section, the word “establishment” is substituted for the
17 former word “building” to conform to the terminology used throughout this
18 article.

19 Also in item (1) of this section, the former reference to an “application for a
20 license is made” is deleted as implicit in the reference to “giv[ing] tentative
21 approval to issuing a license”.

22 Defined terms: “Board” § 27–101
23 “License” § 1–101

24 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

25 **PART I. LICENSING CONDITIONS.**

26 **27–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, LIBRARY,**
27 **OR YOUTH CENTER.**

28 **(A) IN GENERAL.**

29 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
30 **BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT UNLESS THE**
31 **ESTABLISHMENT IS LOCATED AT LEAST 500 FEET AWAY FROM:**

- 1 **(I) A PLACE OF WORSHIP;**
2 **(II) AN ELEMENTARY OR SECONDARY SCHOOL;**
3 **(III) A PUBLIC LIBRARY; OR**
4 **(IV) A YOUTH CENTER SPONSORED OR CONDUCTED BY A**
5 **GOVERNMENTAL UNIT.**

6 **(2) THE DISTANCE IS TO BE MEASURED FROM THE NEAREST POINT OF**
7 **THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE PROPERTY**
8 **LINE OF THE PLACE OF WORSHIP, ELEMENTARY OR SECONDARY SCHOOL, PUBLIC**
9 **LIBRARY, OR YOUTH CENTER.**

10 **(B) EXCEPTIONS.**

11 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
12 **SECTION DOES NOT APPLY TO:**

13 **(1) THE RENEWAL OR TRANSFER OF A LICENSE ISSUED BEFORE MAY**
14 **1, 1976; OR**

15 **(2) THE ISSUANCE OF A CLASS B (ON-SALE) HOTEL AND RESTAURANT**
16 **LICENSE OF ANY TYPE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 9-218(b) and (c).

19 In the introductory language of subsection (a)(1) of this section, the reference
20 to the "Board" is added to state expressly what was only implicit in the former
21 law, that the Board is the governmental unit that issues licenses.

22 Also in the introductory language of subsection (a)(1) of this section, the
23 former reference to an establishment "proposed for licensure" is deleted as
24 surplusage. Similarly, in subsection (a)(2) of this section, the former reference
25 to an establishment "for which a license is proposed" is deleted.

26 In subsection (a)(1)(i) of this section, the former reference to a "church" is
27 deleted as included in the reference to a "place of worship".

28 In subsection (b) of this section, the former reference to certain provisions not
29 "affect[ing] or prohibit[ing], in any manner" the renewal or transfer of a
30 certain license is deleted as included in the reference to certain provisions not
31 "apply[ing] to" the renewal or transfer of a certain license.

1 In subsection (b)(2) of this section, the reference to a certain prohibition not
2 applying to “the issuance of” a specified license is substituted for the former
3 reference to the prohibition not applying to “an establishment for which” a
4 specified license “is proposed” for clarity.

5 The Alcoholic Beverages Article Review Committee notes, for consideration by
6 the General Assembly, that the distance restriction established under former
7 Art. 2B, § 9–218(b), revised in subsection (a)(1)(ii) of this section, applies only
8 to an elementary or a secondary school, and not to a middle school.

9 Defined terms: “Board” § 27–101
10 “License” § 1–101

11 **27–1602. RESERVED.**

12 **27–1603. RESERVED.**

13 **PART II. MULTIPLE LICENSING PLANS.**

14 **27–1604. RESERVED.**

15 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

16 **27–1701. APPLICATION OF GENERAL PROVISIONS.**

17 **(A) WITHOUT EXCEPTION OR VARIATION.**

18 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
19 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
20 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

21 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
22 **LICENSE AND INVENTORY”);**

23 **(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

24 **(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
25 **REQUIRED”); AND**

26 **(4) § 4–305 (“FILING FEE AND ENDORSEMENT”).**

27 **(B) VARIATION.**

1 **SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF**
2 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-1702 OF**
3 **THIS SUBTITLE.**

4 REVISOR’S NOTE: Subsection (a) of this section is new language derived without
5 substantive change from former Art. 2B, § 10-503(s).

6 Subsection (b) of this section is new language added to incorporate by
7 reference general provisions relating to the substitution of the names of
8 officers on licenses.

9 Defined terms: “County” § 27-101
10 “License” § 1-101

11 **27-1702. CLASS C LICENSE — SUBSTITUTION OF NAMES.**

12 **(A) CONDITIONS FOR SUBSTITUTION.**

13 **FOR A CLASS C LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB,**
14 **THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A**
15 **DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

16 **(1) HAS DIED;**

17 **(2) HAS RETIRED; OR**

18 **(3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

19 **(B) AFFIDAVIT REQUIRED.**

20 **THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT**
21 **CONTAINS:**

22 **(1) THE SUBSTITUTION OF THE OFFICER; AND**

23 **(2) AN EXPLANATION FOR THE SUBSTITUTION.**

24 **(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

25 **ON RECEIPT OF THE AFFIDAVIT, THE BOARD SHALL:**

26 **(1) AMEND ITS RECORD; AND**

27 **(2) ISSUE A CORRECTED LICENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–301(p).

3 In subsection (a) of this section, the former reference to an officer who has
4 “been removed from office” is deleted as included in the reference to an officer
5 who “no longer holds an office in the corporation or club”.

6 In the introductory language of subsection (a) of this section, the reference to
7 “any officer who” is substituted for the former reference to “the deleted officer”
8 for clarity.

9 Also in the introductory language of subsection (a) of this section, the former
10 phrase “during the license year” is deleted as surplusage.

11 Also in the introductory language of subsection (a) of this section, the former
12 phrase “notwithstanding any other provision of this article to the contrary” is
13 deleted as surplusage.

14 In subsection (b)(1) of this section, the former reference to “officers” is deleted
15 in light of the reference to “officer” and GP § 1–202, which provides that the
16 singular generally includes the plural.

17 In subsection (c)(2) of this section, the reference to a “corrected license” is
18 substituted for the former reference to a “new license in corrected form” for
19 brevity.

20 The Alcoholic Beverages Article Review Committee notes, for consideration by
21 the General Assembly, that the provisions in former Art. 2B, § 10–301(p)
22 revised in this section were identical to the general provisions revised in §
23 4–306 of this article, except that § 10–301(p) applied only to a corporation or
24 club holding a Class C license while the general provisions apply to a
25 corporation or club holding any license. The general provisions have additional
26 requirements that the affidavit contain a statement that the ownership of the
27 corporation has not changed and that the Board must determine that the
28 applicant qualifies for the license. It is not clear whether the general
29 provisions were to apply in Queen Anne’s County or whether this section is to
30 supersede the general provisions.

31 Defined terms: “Board” § 27–101

32 “Club” § 1–101

33 “License” § 1–101

34 “License holder” § 1–101

35 **SUBTITLE 18. RENEWAL OF LICENSES.**

36 **27–1801. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF**
2 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the renewal of local licenses.

5 Defined terms: “County” § 27–101
6 “License” § 1–101

7 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

8 **27–1901. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
11 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
12 **WITHOUT EXCEPTION OR VARIATION:**

13 **(1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

14 **(2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
15 **PREMISES”);**

16 **(3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**

17 **(4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**

18 **(5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

19 **(6) § 4–508 (“DISPLAY OF LICENSE”).**

20 **(B) VARIATION.**

21 **SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I**
22 **OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27–1902 OF THIS**
23 **SUBTITLE.**

24 REVISOR’S NOTE: This section is new language added to incorporate by reference
25 general provisions relating to the conduct of local license holders.

26 Defined terms: “Alcoholic beverage” § 1–101
27 “County” § 27–101

1 “License” § 1–101
 2 “License holder” § 1–101

3 **27–1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

4 **(A) SCOPE OF SECTION.**

5 **THIS SECTION APPLIES TO THE HOLDER OF:**

- 6 **(1) A CLASS A (OFF–SALE) LICENSE;**
 7 **(2) A CLASS B (ON–SALE) LICENSE; OR**
 8 **(3) A CLASS C (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

9 **(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

10 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 11 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED TO SELL,**
 12 **DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

13 **(2) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED TO:**

14 **(I) STOCK ALCOHOLIC BEVERAGES IN A PREMISES FOR WHICH**
 15 **A CLASS A LICENSE IS ISSUED;**

16 **(II) SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER**
 17 **ON THE LICENSED PREMISES OTHER THAN A PREMISES FOR WHICH A CLASS A**
 18 **LICENSE IS ISSUED; AND**

19 **(III) OPERATE A LOTTERY TICKET TERMINAL IN A PREMISES FOR**
 20 **WHICH A CLASS A LICENSE IS ISSUED.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 12–302(c)(1), (2), and, as it related to Queen
 23 Anne’s County, (3).

24 Throughout this section, the references to an “individual” are substituted for
 25 the former references to a “person” because this section applies only to human
 26 beings.

27 In the introductory language of subsection (a) of this section, the former
 28 phrase “[n]otwithstanding any other provision of law” is deleted as
 29 surplusage.

1 In subsection (b)(2) of this section, the references to a “premises for which a
2 Class A license is issued” are substituted for former references to a “Class A
3 establishment” for clarity.

4 In subsection (b)(2)(ii) of this section, the reference to a “server” is substituted
5 for the former reference to a “waiter or waitress” for brevity.

6 Former Art. 2B, § 12–302(b)(11), which stated that former Art. 2B, § 12–302(c)
7 applied in Queen Anne’s County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Beer” § 1–101

11 “Off–sale” § 1–101

12 “On–sale” § 1–101

13 “Wine” § 1–101

14 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

15 **27–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

16 **(A) IN GENERAL.**

17 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
18 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
19 **PREMISES LICENSED UNDER THIS TITLE.**

20 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
21 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
22 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

23 **(B) PENALTY.**

24 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
25 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 11–304(a)(1) and, as it related to Queen Anne’s
28 County, (2).

29 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in
30 this title” is added for clarity.

1 Also in subsection (a)(1) of this section, the reference to an “individual” is
2 substituted for the former reference to a “person” because the prohibition
3 against consumption applies only to human beings.

4 Also in subsection (a)(1) of this section, the reference to “a premises licensed
5 under this title” is substituted for the former reference to “any premises open
6 to the general public, any place of public entertainment, or any place at which
7 setups or other component parts of mixed alcoholic drinks are sold under any
8 license issued under the provisions of the Business Regulation Article” for
9 brevity.

10 In subsection (a)(2) of this section, the reference to “a premises licensed under
11 this title” is substituted for the former reference to “the premises” for
12 consistency with the terminology used in subsection (a)(1) of this section.

13 In subsection (b) of this section, the reference to a person who “violates this
14 section” is substituted for the former reference to a person who is “found
15 consuming any alcoholic beverage on any premises open to the general public,
16 and any owner, operator or manager of those premises or places who
17 knowingly permits consumption between the hours provided by this section”
18 for brevity.

19 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
20 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
21 section.

22 Also in subsection (b) of this section, the former reference to a fine “not less
23 than \$5” is deleted to conform to the statement of legislative policy in §
24 14–102 of the Criminal Law Article, which sets forth the general rule that,
25 notwithstanding a statutory minimum penalty, a court may impose a lesser
26 penalty of the same character.

27 Defined terms: “Alcoholic beverage” § 1–101
28 “Person” § 1–101

29 **27–2002. BEER LICENSES.**

30 **(A) CLASS A BEER LICENSE.**

31 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

32 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

33 **AND**

34 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

1 **(B) CLASS B BEER LICENSE.**

2 **A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

3 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

4 **AND**

5 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

6 **(C) CLASS C BEER LICENSE.**

7 **A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:**

8 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

9 **AND**

10 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

11 **(D) CLASS D BEER LICENSE.**

12 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

13 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

14 **AND**

15 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, §§ 11–518, 8–218(b), 11–301(a)(1), (b)(1), (c)(1),
18 and (d)(1), and 11–403(a)(1)(ii) and (b)(2)(v).

19 In this section, the references to a specific class of beer license are substituted
20 for the former references to “all classes of retail alcoholic beverages licenses in
21 Queen Anne’s County” for clarity.

22 Also in this section, the former references to “[t]he hours during which” license
23 privileges may be exercised are deleted as unnecessary.

24 In subsections (a)(2), (b)(2), (c)(2), and (d)(2) of this section, the references to
25 “midnight” are substituted for the former references to “the closing hour
26 permitted by that class of license during any other day of the week” for clarity,
27 as midnight is the closing hour for all classes of beer licenses in the County.

1 In subsections (b) and (c) of this section, the references to the defined term
2 “beer” are substituted for the former references to “alcoholic beverages” for
3 clarity.

4 Defined term: “Beer” § 1–101

5 **27–2003. BEER AND WINE LICENSES.**

6 **(A) CLASS A BEER AND WINE LICENSE.**

7 **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

8 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

9 **AND**

10 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

11 **(B) CLASS B BEER AND WINE LICENSE.**

12 **A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

13 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

14 **AND**

15 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

16 **(C) CLASS C BEER AND WINE LICENSE.**

17 **RESERVED.**

18 **(D) CLASS D BEER AND WINE LICENSE.**

19 **A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

20 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

21 **AND**

22 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

23 **REVISOR’S NOTE:** This section is new language derived without substantive
24 change from former Art. 2B, §§ 11–518, 8–218(b), 11–302(a)(1), (b)(1), and
25 (d)(1), and 11–403(a)(1)(ii) and (b)(2)(v).

1 In this section, references to a “beer and wine license” are substituted for the
2 former references to a “beer and light wine license” to avoid confusion. In
3 former Art. 2B, § 4–101(s), “light wine” was defined in the County as a
4 fermented beverage containing up to 22% of alcohol by volume – a maximum
5 amount sufficient to include fortified wines, thus rendering meaningless the
6 traditional division of wines into light wines and fortified wines.

7 Also in this section, the references to a specific class of beer license are
8 substituted for the former references to “all classes of retail alcoholic
9 beverages licenses in Queen Anne’s County” for clarity.

10 Also in this section, the former phrase “[t]he hours during which” license
11 privileges may be exercised is deleted as unnecessary.

12 In the introductory language of subsection (b) of this section, the reference to
13 “beer and wine” is substituted for the former reference to “alcoholic beverages”
14 for clarity.

15 Defined term: “Beer” § 1–101

16 **27–2004. BEER, WINE, AND LIQUOR LICENSES.**

17 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

18 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
19 **WINE, AND LIQUOR:**

20 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
21 **AND**

22 **(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

23 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

24 **A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
25 **WINE, AND LIQUOR:**

26 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
27 **FOLLOWING DAY; AND**

28 **(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

29 **(C) CLASS B–D BEER, WINE, AND LIQUOR LICENSE.**

1 **A HOLDER OF A CLASS B–D BEER, WINE, AND LIQUOR LICENSE MAY SELL**
 2 **BEER, WINE, AND LIQUOR:**

3 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
 4 **FOLLOWING DAY; AND**

5 **(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

6 **(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

7 **A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
 8 **WINE, AND LIQUOR:**

9 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
 10 **FOLLOWING DAY; AND**

11 **(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

12 **(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

13 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
 14 **WINE, AND LIQUOR:**

15 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
 16 **FOLLOWING DAY; AND**

17 **(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

18 REVISOR’S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, §§ 11–518, 8–218(b), 11–303(a)(1), (b)(1), (c)(1),
 20 and (d)(5), and 11–403(a)(1)(ii) and (b)(2)(v).

21 In this section, the references to a specific class of beer license are substituted
 22 for the former references to “all classes of retail alcoholic beverages licenses in
 23 Queen Anne’s County” for clarity.

24 Also in this section, the former phrase “[t]he hours during which” license
 25 privileges may be exercised is deleted as unnecessary.

26 In subsections (b) and (c) of this section, the references to “beer, wine, and
 27 liquor” are substituted for the former references to “alcoholic beverages” for
 28 clarity.

1 Former Art. 2B, § 6–201(s)(1), which stated that former Art. 2B, § 6–201(s)
2 applied only in Queen Anne’s County, is deleted in light of the organization of
3 this revised article.

4 Defined terms: “Beer” § 1–101
5 “License holder” § 1–101
6 “Wine” § 1–101

7 **27–2005. HOURS ON JANUARY 1.**

8 **ON JANUARY 1, A HOLDER OF A LICENSE WITH AN ON–SALE PRIVILEGE MAY**
9 **SELL ALCOHOLIC BEVERAGES AUTHORIZED BY THE LICENSE FOR ON–PREMISES**
10 **CONSUMPTION AT ANY TIME.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 11–402(s)(2).

13 The phrase “for on–premises consumption” is added for clarity.

14 The former reference to prohibiting this article to “be construed to require any
15 holder of an on–sale license to close that establishment at any time on January
16 1 of any year” is deleted as redundant of this section.

17 The former phrase “of any year” is deleted as surplusage.

18 Former Art. 2B, § 11–402(s)(1), which stated that former Art. 2B, § 11–402(s)
19 applied only in Queen Anne’s County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
22 the General Assembly, that the practice in Queen Anne’s County is to allow a
23 license holder to be open on New Year’s Day at the same times the license
24 holder is permitted to be open on the day of the week on which January 1 falls.
25 Therefore, in practice this provision has been construed to mean that an
26 establishment cannot be required to close on New Year’s Day, but the rest of
27 the article controls the time an establishment can be open on New Year’s Day.
28 This provision has not been construed to mean that an establishment can be
29 open for 24 hours on January 1.

30 Defined terms: “Alcoholic beverage” § 1–101
31 “License” § 1–101

32 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

33 **27–2101. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”)**
2 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
3 **VARIATION.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to the revocation and suspension of local licenses.

6 Former Art. 2B, § 10–405(a)(14), which stated that former Art. 2B, § 10–405,
7 which related to nudity and sexual displays, applied in Queen Anne’s County,
8 is deleted as unnecessary in light of the organization of this revised article.

9 Defined terms: “County” § 27–101
10 “License” § 1–101

11 **SUBTITLE 22. EXPIRATION OF LICENSES.**

12 **27–2201. APPLICATION OF GENERAL PROVISIONS.**

13 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
14 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

15 REVISOR’S NOTE: This section is new language added to incorporate by reference
16 the general provisions relating to the expiration of local licenses.

17 Defined terms: “County” § 27–101
18 “License” § 1–101

19 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

20 **27–2301. APPLICATION OF GENERAL PROVISIONS.**

21 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
22 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to the death of a local license holder.

25 Defined terms: “County” § 27–101
26 “License holder” § 1–101

27 **SUBTITLE 24. JUDICIAL REVIEW.**

28 **27–2401. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
2 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 general provisions relating to the appeal of the decisions of the Board.

5 Defined term: “County” § 27–101

6 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

7 **27–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

8 **(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
9 **BEVERAGES.**

10 **A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND**
11 **ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR**
12 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT**
13 **ENTERTAINMENT THAT:**

14 **(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

15 **(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR**
16 **ATTIRE PROHIBITED UNDER § 4–605 OF THIS ARTICLE.**

17 **(B) PROHIBITION AGAINST OPERATOR.**

18 **A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS**
19 **NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
20 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

21 **(C) PENALTY.**

22 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
23 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
24 **NOT EXCEEDING \$10,000 OR BOTH.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 20–108.2(a), (c), and (d).

27 In the introductory language of subsection (a) of this section, the former
28 reference to “dispense” is deleted as included in the reference to “serve”.

1 In subsection (a)(2) of this section, the reference to “location” is substituted for
 2 the former reference to “premises” to avoid implication that the establishment
 3 is licensed.

4 Former Art. 2B, § 20–108.2(b), which provided that former Art. 2B, § 20–108.2
 5 applied only in Queen Anne’s County, is deleted as unnecessary in light of the
 6 organization of this revised article.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “License” § 1–101

9 “Person” § 1–101

10 **27–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 11 **BEVERAGES IS PROHIBITED.**

12 **(A) PROHIBITION AGAINST INDIVIDUAL.**

13 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
 14 **ALCOHOLIC BEVERAGES IN:**

15 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

16 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

17 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
 18 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
 19 **BUSINESS REGULATION ARTICLE.**

20 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

21 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
 22 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
 23 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
 24 **THIS SECTION.**

25 **(C) PENALTY.**

26 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 27 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

28 REVISOR’S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 11–304(a)(1) and the introductory language of
 30 (2).

1 In subsections (a)(1) and (b) of this section, the references to an
2 “establishment” are substituted for the former references to “premises” to
3 avoid the implication that the establishment is licensed.

4 In subsection (a) of this section, the former reference to the “general” public is
5 deleted as surplusage.

6 In subsection (b) of this section, the former reference to an “operator” is deleted
7 as included in the reference to a “manager”.

8 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
9 to conform to the statement of legislative policy in § 14–102 of the Criminal
10 Law Article, which sets forth the general rule that, notwithstanding a
11 statutory minimum penalty, a court may impose a lesser penalty of the same
12 character.

13 The Alcoholic Beverages Article Review Committee notes, for consideration by
14 the General Assembly, that under § 27–2501 of this subtitle, a person who
15 operates an unlicensed business establishment who knowingly allows a
16 customer to bring alcoholic beverages for consumption into the establishment
17 is subject to imprisonment not exceeding 2 years or a fine not exceeding
18 \$10,000 or both, while under this section, an owner or a manager of an
19 unlicensed establishment who allows the consumption of alcoholic beverages
20 in the establishment is subject only to a fine not exceeding \$50.

21 Defined terms: “Alcoholic beverage” § 1–101
22 “Person” § 1–101

23 **SUBTITLE 26. ENFORCEMENT.**

24 **27–2601. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
27 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
28 **VARIATION:**

29 **(1) § 6–202 (“INSPECTIONS”);**

30 **(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND**
31 **QUALITY OF ALCOHOLIC BEVERAGES”);**

32 **(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

1 **(4) § 6–205 (“PEACE OFFICERS”);**

2 **(5) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF**
3 **ALCOHOL IN PUBLIC PLACES”); AND**

4 **(6) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
5 **CONSUMPTION”).**

6 **(B) EXCEPTION.**

7 **SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
8 **LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

9 **(C) VARIATIONS.**

10 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
11 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

12 **(1) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
13 **ALCOHOLIC BEVERAGE”), IN ADDITION TO § 27–2608 OF THIS SUBTITLE;**

14 **(2) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
15 **EVIDENCE OF SALE”), IN ADDITION TO § 27–2609 OF THIS SUBTITLE; AND**

16 **(3) § 6–211 (“FINES AND FORFEITURES”), SUBJECT TO §§ 27–2614**
17 **AND 27–2615 OF THIS SUBTITLE.**

18 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
19 incorporate by reference general provisions relating to enforcement.

20 Subsection (b) of this section is new language derived without substantive
21 change from former Art. 2B, § 19–103(b)(2).

22 Defined terms: “Alcoholic beverage” § 1–101

23 “County” § 27–101

24 “State” § 1–101

25 **27–2602. LEGISLATIVE INTENT; CONSTRUCTION OF SUBTITLE.**

26 **(A) LEGISLATIVE INTENT.**

27 **THE INTENTION OF THIS SUBTITLE IS TO PREVENT THE EVASION AND**
28 **VIOLATION OF ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

1 **(B) LIBERAL CONSTRUCTION.**

2 **THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO CARRY OUT THIS**
3 **PURPOSE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from the first clause of former Art. 2B, § 16–414(o).

6 Throughout this section, the reference to “subtitle” is substituted for the
7 former reference to “section” to conform to the organization of this revised
8 article.

9 In subsection (a) of this section, the former reference to “effectually” prevent
10 the violation of alcoholic beverages laws is deleted as surplusage.

11 Also in subsection (a) of this section, the former reference to “suppress” is
12 deleted as included in the reference to “prevent”.

13 In subsection (b) of this section, the former reference to “interpreted” is deleted
14 as included in the reference to “construed”.

15 The first clause of former Art. 2B, § 16–414(q), which stated that former Art.
16 2B, § 16–414 applied in Queen Anne’s County, is deleted in light of the
17 organization of this revised article.

18 Defined terms: “Alcoholic beverage” § 1–101
19 “County” § 27–101

20 **27–2603. APPLICATION OF SUBTITLE.**

21 **THIS SUBTITLE DOES NOT APPLY TO A SHIPMENT BY A COMMON CARRIER IF**
22 **THE COMMON CARRIER HAS NO KNOWLEDGE THAT THE SHIPMENT CONTAINS**
23 **ALCOHOLIC BEVERAGES.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from the second clause of former Art. 2B, § 16–414(o).

26 The former reference to a common carrier “operating under the Interstate
27 Commerce Act” is deleted as surplusage.

28 Defined term: “Alcoholic beverage” § 1–101

29 **27–2604. SEARCH WARRANTS.**

30 **(A) ISSUANCE OF WARRANT.**

1 **A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE**
2 **OFFICER OR ANY OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

3 **(1) IS SWORN TO BY THE APPLICANT;**

4 **(2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE**
5 **SEARCHED;**

6 **(3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED**
7 **FOR; AND**

8 **(4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT**
9 **ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED**
10 **OF IN VIOLATION OF LAW.**

11 **(B) CONTENTS; REQUIREMENTS.**

12 **A WARRANT ISSUED UNDER THIS SECTION SHALL:**

13 **(1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER**
14 **POLICE OFFICER;**

15 **(2) INCLUDE A COPY OF THE AFFIDAVIT;**

16 **(3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO**
17 **SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT AND SEIZE ANY:**

18 **(I) ALCOHOLIC BEVERAGES FOUND IN QUANTITIES THAT**
19 **SUGGEST THAT THEY ARE BEING KEPT FOR SALE;**

20 **(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING**
21 **FURNITURE, IMPLEMENTS, AND EQUIPMENT;**

22 **(III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS**
23 **ALCOHOLIC BEVERAGES; AND**

24 **(IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR**
25 **THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED**
26 **OFFENSE; AND**

27 **(4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH**
28 **AND MAKE AN IMMEDIATE RETURN ON THE WARRANT.**

(C) FORM OF AFFIDAVIT, WARRANT, AND REPORT AND RETURN.

AN AFFIDAVIT, A WARRANT FOR SEARCH, AND A REPORT AND RETURN SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

STATE OF MARYLAND, QUEEN ANNE’S COUNTY, TO WIT:

TO:, OF QUEEN ANNE’S COUNTY:

GREETINGS: WHEREAS, THERE HAS BEEN FILED WITH THE UNDERSIGNED AN AFFIDAVIT, OF WHICH THE FOLLOWING IS A COPY, TO WIT: WHEREAS ON THIS DAY OF, 20..., BEFORE THE SUBSCRIBER, IN AND FOR SAID COUNTY, PERSONALLY APPEARED, AND MADE COMPLAINT AND OATH THAT THE APPLICANT HAS JUST AND REASONABLE CAUSE TO SUSPECT AND BELIEVE AND DOES SUSPECT AND BELIEVE THAT INTOXICATING LIQUOR IS SOLD, OR EXCEPT FOR THE PURPOSE OF BEING SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF THE LAW IN THE OF AT, IN OF SAID COUNTY, AND THAT IN AND UPON SAID PREMISES AND AT SAID PLACE AND HOUSE WILL BE FOUND UPON SEARCH THEREOF, THE FOLLOWING:

INTOXICATING LIQUORS, AND THE VESSELS AND BOTTLES IN WHICH THE SAME ARE CONTAINED, AND BARROOM, AND DRINKING SALOON PARAPHERNALIA, AND THE UNITED STATES INTERNAL REVENUE TAX RECEIPT FOR SALE OF INTOXICATING LIQUOR AT THIS TIME EFFECTIVE (AND ANY OTHER FACTS MATERIAL):

THESE ARE THEREFORE, IN THE NAME OF THE STATE OF MARYLAND, TO COMMAND YOU, TOGETHER WITH THE NECESSARY AND PROPER ASSISTANCE, TO ENTER INTO THE SAID OF THE SAID AT, IN IN THE COUNTY AFORESAID, AND THERE DILIGENTLY SEARCH FOR THE SAID INTOXICATING LIQUOR AND MEANS USED FOR THE SALE OF SAME, OR ANY PART THEREOF AS DESCRIBED IN THE AFOREGOING AFFIDAVIT OF COMPLAINT, AND THAT YOU BRING THE SAME, OR ANY PART THEREOF, FOUND IN SUCH SEARCH, AND THE PERSON OR PERSONS IN WHOSE CUSTODY THEY ARE FOUND FORTHWITH BEFORE ME TO BE DISPOSED OF AND DEALT WITH ACCORDING TO LAW; AND HAVE YOU THERE THIS WARRANT.

GIVEN UNDER MY HAND THIS DAY OF, 20...

**.....
JUDGE OF THE DISTRICT COURT**

REPORT AND RETURN

TO HON., JUDGE OF THE DISTRICT COURT IN QUEEN ANNE’S COUNTY.

THIS RETURN AND REPORT, MADE THIS DAY OF, 20..., IS TO CERTIFY, THAT PURSUANT AND IN OBEDIENCE TO THE COMMANDS OF THE ANNEXED WARRANT TO ME DIRECTED, I DID ON THE DAY OF, 20..., ENTER AND SEARCH THE PLACE, HOUSE AND PREMISES DESCRIBED IN SAID WARRANT AND FOUND AND SEIZED THE FOLLOWING, TO WIT: (HERE SET FORTH WHAT WAS FOUND AND SEIZED), AND DO FORTHWITH BRING THE SAME, AND ONE THE PERSON IN WHOSE CUSTODY THE SAME WERE FOUND BEFORE YOU.

.....
(PERSON SERVING WARRANT)

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REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(b).

In subsection (a) of this section, the former reference to a judge in the District Court “in the county” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a “house, store, boat, motor vehicle, [or] aeroplane” is deleted as included in the reference to a “place”.

Also in subsection (a) of this section, the former phrase “does believe” is deleted in light of the reference to “has reason to believe”.

Also in subsection (a) of this section, the former reference to disposition “contrary to law” is deleted in light of the phrase “in violation of law”.

Also in subsection (a) of this section, the former reference to a judge issuing a warrant “to serve criminal process” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the affidavit “inserted therein, or annexed and referred to” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former requirement that the warrant “particularly describe the thing to be searched for and the place, house, or thing to be searched” is deleted as duplicative of the contents of the affidavit under subsection (a) of this section.

In the introductory language of subsection (b)(3) of this section, the former references to the “premises”, “house”, and “appurtenances thereof” are deleted as included in the reference to the “place or thing”.

In subsection (b)(3)(iii) of this section, the former reference to “part of the paraphernalia” is deleted in light of the reference to the “paraphernalia”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the meaning of the phrase “except for the purpose of being sold or otherwise disposed of in violation of the law” is unclear.

Defined terms: “Alcoholic beverage” § 1–101
“County” § 27–101
“Person” § 1–101

1 AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE
2 APPLICANT MAY:

- 3 (1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;
- 4 (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;
5 AND
- 6 (3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 16-414(g).

9 In the introductory language of this section, the reference to an "applicant" for
10 a warrant is substituted for the former reference to the "person making
11 affidavit" for a warrant for brevity.

12 Also in the introductory language of this section, the former reference to a
13 warrant to search "any place or thing where intoxicating liquor is believed to
14 be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished
15 contrary to this section" is deleted as included in the reference to a warrant
16 "under this subtitle".

17 In item (3) of this section, the reference to "assist" is substituted for the former
18 reference to "give information and assistance" for brevity.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
20 the General Assembly, that item (3) of this section, which authorizes a private
21 citizen to assist an officer in a search of a place or thing alleged to be involved
22 in the illegal sale of alcoholic beverages, could result in a constitutional
23 violation if the person's actions are not limited to assisting the officer in the
24 execution of the warrant.

25 **27-2606. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

26 (A) IN GENERAL.

27 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY
28 NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:

- 29 (1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE,
30 HOTEL, RESTAURANT, OR BOARDING HOUSE;
- 31 (2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR

1 **(3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC**
 2 **BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

3 **(B) ISSUANCE BY JUDICIAL DISCRETION.**

4 **A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER**
 5 **DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION**
 6 **OF:**

7 **(1) THE APPLICANT FOR THE WARRANT; OR**

8 **(2) OTHER EVIDENCE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 16-414(f).

11 In the introductory language of subsection (a) of this section, the former
 12 reference to a residence "accepted as such" is deleted as surplusage.

13 In subsection (a)(2) of this section the former reference to a "place of" public
 14 resort is deleted as surplusage.

15 In subsection (a)(3) of this section, the former references to "stor[e]",
 16 "secret[e]", "furnis[h]", and "handl[e]" are deleted as included in the reference
 17 to "keep, hide, or provide".

18 Also in subsection (a)(3) of this section, the reference to "violates the law" is
 19 substituted for the former reference to "contrary to this subtitle or contrary to
 20 law" for brevity.

21 In the introductory language of subsection (b) of this section, the reference to
 22 a judge of the District Court "determining" that the issuance of the warrant
 23 would be proper is substituted for the former reference to the judge "deem[ing]
 24 it" proper to issue the warrant, for brevity.

25 Also in the introductory language of subsection (b) of this section, the former
 26 phrase "in his discretion" is deleted in light of the reference to "may".

27 Also in the introductory language of subsection (b) of this section, the former
 28 reference to a warrant "as hereinabove provided, for the searching of such a
 29 residence" is deleted as surplusage.

30 In subsection (b)(1) of this section, the reference to the "applicant for the
 31 warrant" is substituted for the former reference to "the party making the oath"
 32 to conform to the terminology of this subtitle.

1 In subsection (b)(2) of this section, the reference to “other evidence” is
2 substituted for the former reference to “such other proof as may be produced”
3 for brevity.

4 Defined terms: “Alcoholic beverage” § 1–101
5 “Hotel” § 1–101
6 “Restaurant” § 1–101

7 **27–2607. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

8 **IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH**
9 **ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER**
10 **THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

11 **(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT**
12 **THE PLACE SEARCHED OR AT OR NEAR THE THING SEARCHED; AND**

13 **(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND**
14 **MAKE RETURN OF THAT ACTION.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from the first sentence of former Art. 2B, § 16–414(e).

17 In the introductory language of this section, the phrase “from which alcoholic
18 beverages or other items are seized” is substituted for the former phrase
19 “where intoxicating liquor may be found” for clarity.

20 Also in the introductory language of this section, the phrase “[i]f an owner or
21 operator of the establishment or thing from which alcoholic beverages or other
22 items are seized cannot be served” is substituted for the former phrase “[i]f no
23 one is found in possession of the premises, place, or thing where intoxicating
24 liquor may be found” for clarity.

25 Also in the introductory language of this section, the reference to the officer
26 “seizing the items” is substituted for the former reference to the officer “taking
27 the same” for clarity.

28 In item (2) of this section, the reference to “that action” is substituted for the
29 former reference to “his doing thereto” for clarity.

30 Also in item (2) of this section, the former phrase “take possession of such
31 liquor and means used for the sale of the same” is deleted as surplusage.

32 Defined term: “Alcoholic beverage” § 1–101

1 **27-2608. REQUIREMENTS FOR PROSECUTION.**

2 **IN A PROSECUTION UNDER THIS TITLE:**

3 **(1) IT IS NOT NECESSARY TO:**

4 **(I) DESCRIBE THE PLACE WHERE THE ALCOHOLIC BEVERAGE**
5 **IS SOLD OR HANDLED;**

6 **(II) SHOW KNOWLEDGE ON THE PART OF THE PRINCIPAL TO**
7 **CONVICT FOR THE ACTS OF THE AGENT; OR**

8 **(III) STATE THE NAME OF ANY PERSON TO WHOM THE**
9 **ALCOHOLIC BEVERAGE IS SOLD; BUT**

10 **(2) IT IS SUFFICIENT TO STATE THAT THE VIOLATION CHARGED TOOK**
11 **PLACE IN THE COUNTY.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from the first sentence of former Art. 2B, § 16-414(c)(2).

14 In the introductory language of this section, the former reference to a
15 prosecution "by charge, indictment or otherwise" is deleted as surplusage.

16 In item (1)(i) of this section, the former reference to "involved" is deleted as
17 included in the reference to "sold or handled".

18 In item (1)(ii) of this section, the former reference to a "servant" is deleted as
19 included in the reference to an "agent".

20 The former provision stating that it shall "not be necessary to state the kind
21 of liquor sold, handled or involved" is deleted as redundant of § 6-206 of this
22 article.

23 Defined terms: "Alcoholic beverage" § 1-101

24 "County" § 27-101

25 "Person" § 1-101

26 **27-2609. RECEIPT IS PRIMA FACIE EVIDENCE OF SALE.**

27 **IN A PROSECUTION UNDER THIS ARTICLE, THE ISSUANCE OF A RECEIPT**
28 **ISSUED BY THE UNITED STATES IN THE COUNTY TO A PERSON AS A WHOLESALER**
29 **OR RETAIL DEALER IN ALCOHOLIC BEVERAGES OR MALT LIQUOR IS PRIMA FACIE**
30 **EVIDENCE OF THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES OR MALT LIQUOR**
31 **AUTHORIZED TO BE SOLD UNDER THE RECEIPT:**

1 **(1) BY THE PERSON;**

2 **(2) IN THE COUNTY OR A PLACE OF BUSINESS OF THE PERSON WHERE**
3 **THE RECEIPT IS POSTED; AND**

4 **(3) AT THE TIME CHARGED IN A SUIT OR PROSECUTION UNDER THIS**
5 **ARTICLE, IF THE TIME IS WITHIN THE LIFE OF THE RECEIPT.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from the second and third sentences of former Art. 2B, § 16-414(c)(2).

8 The former reference to an "internal revenue special tax stamp" is deleted as
9 obsolete.

10 The former phrase "at any place" in the County is deleted as surplusage.

11 The former statement that the paragraph applies only in Queen Anne's
12 County is deleted as unnecessary in light of the organization of this article.

13 Defined terms: "Alcoholic beverage" § 1-101

14 "County" § 27-101

15 "Person" § 1-101

16 "Retail dealer" § 1-101

17 "Wholesaler" § 1-101

18 **27-2610. ITEMS SEIZED AS EVIDENCE.**

19 **(A) IN GENERAL.**

20 **ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES**
21 **THAT ARE SEIZED SHALL BE HELD SUBJECT TO THE ORDER OF THE COURT TO BE**
22 **USED AS EVIDENCE IN THE PROSECUTION OF A VIOLATION OF THIS ARTICLE.**

23 **(B) PRIMA FACIE EVIDENCE.**

24 **PRIMA FACIE EVIDENCE OF THE VIOLATION OF THIS ARTICLE INCLUDES:**

25 **(1) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC**
26 **BEVERAGES;**

27 **(2) THE MEANS OR MATERIALS TO MANUFACTURE, TRANSPORT, OR**
28 **DISPOSE OF THE ALCOHOLIC BEVERAGES; AND**

29 **(3) THE PARAPHERNALIA OF A BARROOM OR SALOON.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from the first sentence of former Art. 2B, § 16–414(c)(1).

3 In subsection (a) of this section, the reference to “items used to sell alcoholic
4 beverages” is substituted for the former reference to “means used for the sale
5 of the same” for clarity.

6 Also in subsection (a) of this section, the former phrase “of any case” is deleted
7 as surplusage.

8 In the introductory language of subsection (b) of this section, the reference to
9 “this article” is substituted for the former reference to “this subtitle” to
10 conform to the terminology used in subsection (a) of this section.

11 In subsection (b)(2) of this section, the former reference to “instrumentalities”
12 is deleted as included in the reference to “materials”.

13 Also in subsection (b)(2) of this section, the former reference to “dispens[e],
14 handl[e]” is deleted in light of the reference to “dispose”.

15 Also in subsection (b)(2) of this section, the former reference to a violation of
16 this article “as charged or presented” is deleted as surplusage.

17 In subsection (b)(3) of this section, the former reference to “part of the
18 paraphernalia” is deleted in light of the reference to “paraphernalia”.

19 The second sentence of former Art. 2B, § 16–414(c)(1), which stated that fluids
20 poured out or otherwise destroyed when the premises, place, or thing are
21 searched or about to be searched are to be held prima facie to be intoxicating
22 liquor and intended for sale in violation of this article, is deleted as duplicative
23 of § 1–809(b) of this article.

24 Defined term: “Alcoholic beverage” § 1–101

25 **27–2611. SCHEDULING OF TRIAL.**

26 **(A) WITHIN 30 DAYS AFTER SEIZURE.**

27 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF ALCOHOLIC**
28 **BEVERAGES ARE SEIZED AND INTENDED TO BE USED AS EVIDENCE IN A**
29 **PROSECUTION UNDER THIS ARTICLE, THE TRIAL MUST TAKE PLACE WITHIN 30 DAYS**
30 **AFTER THE START OF THE PROSECUTION.**

31 **(B) 15–DAY POSTPONEMENT.**

1 **THE TRIAL MAY BE POSTPONED NOT MORE THAN 15 DAYS BEYOND THE**
2 **30-DAY PERIOD:**

3 **(1) IF AT THE TIME FOR TRIAL, A RETURN HAS NOT BEEN PROPERLY**
4 **MADE; OR**

5 **(2) FOR OTHER SUFFICIENT CAUSE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 16-414(i).

8 In subsection (a) of this section, the former references to the court being "in
9 session", "not in session", and "next in session" are deleted as obsolete because
10 in practice courts are continuously in session.

11 Defined term: "Alcoholic beverage" § 1-101

12 **27-2612. NOTICE OF HEARING.**

13 **(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

14 **(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE**
15 **FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A**
16 **HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

17 **(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE**
18 **NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES**
19 **WERE FOUND.**

20 **(B) FAILURE TO APPEAR AT HEARING.**

21 **IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED**
22 **ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR**
23 **WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE**
24 **ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from the second and third sentences of former Art. 2B, § 16-414(e).

27 In subsection (a)(2) of this section, the former term "premises" is deleted as
28 included in the term "place".

29 In subsection (b) of this section, the former reference to items being
30 "destroyed" is deleted as included in the reference to items being "disposed of".

1 Defined term: "Alcoholic beverage" § 1-101

2 **27-2613. DISPOSITION OF SEIZED ITEMS.**

3 **(A) PROSECUTION RESULTING IN CONVICTION.**

4 **IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN**
5 **APPEAL IS NOT TAKEN:**

6 **(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE**
7 **PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

8 **(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE**
9 **PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT**
10 **OR THE OWNER.**

11 **(B) PROSECUTION NOT RESULTING IN CONVICTION.**

12 **IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION,**
13 **PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED**
14 **TO THE PERSON FROM WHOM IT WAS TAKEN.**

15 **(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

16 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S**
17 **CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES**
18 **SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN**
19 **THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF**
20 **THE ALCOHOLIC BEVERAGES TO THE PERSON.**

21 **(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER**
22 **PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM**
23 **WHEN THE CASE IS TRIED.**

24 **(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

25 **(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE**
26 **OF ALCOHOLIC BEVERAGES; OR**

27 **(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING**
28 **ALCOHOLIC BEVERAGES.**

1 **(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS**
2 **SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF**
3 **REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS**
4 **PENDING.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 16–414(d) and (h).

7 In subsection (a) of this section, the reference to the “defendant” is substituted
8 for the former references to the “accused” for consistency with the language
9 used throughout the Code.

10 In the introductory language of subsection (a) of this section, the reference to
11 a “prosecution under this article results in a conviction” is substituted for the
12 former reference to “upon final judgment ..., the accused shall be found guilty”
13 for brevity.

14 Also in the introductory language of subsection (a) of this section, the reference
15 to an appeal that is “not taken” is substituted for the former phrase “after the
16 time for appeal has expired and if no appeal is taken” for brevity.

17 In subsection (c)(1) of this section, the reference to “alcoholic beverages seized
18 under this subtitle” is substituted for the former reference to liquor “seized by
19 virtue of such warrant” for clarity and consistency with the language used in
20 this subtitle.

21 In subsection (c)(2) of this section, the phrase “on the claim” is added for
22 clarity.

23 In the introductory language of subsection (c)(3) of this section, the former
24 reference to “final judgment of” conviction is deleted as surplusage.

25 Also in the introductory language of subsection (c)(3) of this section, the phrase
26 “under this subtitle” is substituted for the former phrase “in such proceedings”
27 for clarity.

28 Also in the introductory language of subsection (c)(3) of this section, the former
29 phrase “in all cases” is deleted as surplusage.

30 In subsection (c)(3)(ii) of this section, the former reference to the “detention”
31 of alcoholic beverages is deleted as included in the reference to the “seizing” of
32 alcoholic beverages.

33 In subsection (c)(4) of this section, the phrase “under this subtitle” is
34 substituted for the former phrase “herein provided” for clarity.

35 Defined terms: “Alcoholic beverage” § 1–101

1 “Person” § 1–101

2 **27–2614. DISTRIBUTION OF FINES.**

3 **FINES IMPOSED IN THE COUNTY SHALL BE PAID AS FOLLOWS:**

4 **(1) ONE–HALF OF EACH FINE TO THE CLERK OF THE COURT FOR USE**
5 **AS PROVIDED IN § 7–507 OF THE COURTS ARTICLE; AND**

6 **(2) THE OTHER HALF TO THE COUNTY.**

7 REVISOR’S NOTE: This section is new language derived without substantive
8 change from the third sentence of former Art. 2B, § 16–414(p).

9 In item (1) of this section, the former reference to fines imposed “by a circuit
10 court” is deleted as unnecessary because all fines under this subtitle are
11 imposed by a circuit court.

12 In item (2) of this section, the reference to the “County” is substituted for the
13 former reference to the “County Commissioners for general county purposes”
14 for brevity.

15 Defined term: “County” § 27–101

16 **27–2615. USE OF FINES.**

17 **(A) DETECTIVES OR UNDERCOVER AGENTS.**

18 **(1) THE COUNTY MAY USE ANY PART OF THE FINES FOR A VIOLATION**
19 **OF THIS ARTICLE TO HIRE DETECTIVES OR UNDERCOVER AGENTS.**

20 **(2) A DETECTIVE OR AN UNDERCOVER AGENT HIRED UNDER THIS**
21 **SECTION SHALL BE DEPUTIZED AS AN OFFICER.**

22 **(B) APPROPRIATION FROM GENERAL FUND.**

23 **WHEN MONEY IS NOT AVAILABLE FROM FINES, THE COUNTY COMMISSIONERS**
24 **MAY APPROPRIATE NOT MORE THAN \$200 ANNUALLY FROM THE GENERAL FUND OF**
25 **THE COUNTY TO ENFORCE THIS SUBTITLE.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 16–414(n), as it related to Queen Anne’s County.

28 In subsection (a) of this section, the references to “undercover agents” are
29 substituted for the former references to “secret service officers” for clarity.

1 In subsection (a)(1) of this section, the former reference to fines “imposed by a
2 circuit court” is deleted as unnecessary because all fines under this subtitle
3 are imposed by a circuit court.

4 In subsection (a)(2) of this section, the former reference to a “proper” officer is
5 deleted as surplusage.

6 In subsection (b) of this section, the reference to “money” is substituted for the
7 former reference to “funds” to conform to the terminology used throughout this
8 article.

9 Also in subsection (b) of this section, the former reference to fines “collected
10 for the violation of this article” is deleted as unnecessary.

11 Defined term: “County” § 27–101

12 **27–2616. PUBLIC NUISANCE.**

13 **(A) PLACE DECLARED PUBLIC NUISANCE.**

14 **A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS**
15 **ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

16 **(B) BOND REQUIREMENT.**

17 **(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE,**
18 **THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A**
19 **\$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

20 **(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR**
21 **OPERATOR:**

22 **(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF**
23 **THIS ARTICLE; AND**

24 **(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED**
25 **AGAINST THE OWNER.**

26 **(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY**
27 **BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND**
28 **DAMAGES.**

29 **(C) JURY TRIAL; APPEAL.**

1 **IF A JURY TRIAL IS REQUESTED OR APPEAL IS TAKEN IN A CASE IN WHICH A**
2 **PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL**
3 **THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE**
4 **SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

5 **(D) PENALTIES.**

6 **A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN**
7 **SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**
8 **CONVICTION IS SUBJECT TO:**

9 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500 OR**
10 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; AND**

11 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$2,000**
12 **AND IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 16–414(a) and the first, second, and fourth
15 sentences of (p).

16 In subsection (a) of this section, the reference to “Title 5 of the Tax – General
17 Article” is added for accuracy. Former Article 2B of the Code at one time
18 included provisions that are now codified in Title 5 of the Tax – General
19 Article.

20 In subsection (b) of this section, the references to “owner or operator” are
21 substituted for the former references to “keeper” for clarity and consistency
22 with language used in reference to abatement of nuisance actions in RP
23 § 14–120.

24 In subsections (b)(1) and (c) of this section, the references to a place being
25 “closed” are substituted for the former references to a place being “shut up and
26 abated” for clarity and consistency with language used throughout this article.

27 In subsection (b)(1) of this section, the phrase “the public nuisance may be
28 abated” is added for clarity.

29 Also in subsection (b)(1) of this section, the former phrase “with sufficient
30 security to be approved by the court, in the penal sum” of \$2,000 is deleted as
31 surplusage.

32 In subsection (b)(2)(i) of this section, the reference to selling alcoholic
33 beverages “in violation of this article” is substituted for the former reference
34 to selling intoxicating liquor “contrary to law” for clarity and consistency with
35 language used throughout this article.

1 In the introductory language of subsection (d) of this section, the reference to
2 being “guilty of a misdemeanor” is added to state expressly that which only
3 was implied by the reference in the former law to a “conviction”. In this State,
4 any crime that was not a felony at common law and has not been declared a
5 felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278
6 Md. 483, 490 (1976) and *Williams v. State*, 4 Md. App. 342, 347 (1968).

7 Also in the introductory language of subsection (d) of this section, the
8 reference to a person who “owns or operates a public nuisance as described in
9 subsection (a) of this section” is added for clarity.

10 In subsection (d) of this section, the former references to imprisonment “in the
11 county jail or House of Correction” are deleted as surplusage.

12 Also in subsection (d) of this section, the former statement that “[a] certified
13 transcript from the docket of the District Court or a certified copy of the record,
14 under seal, of the clerk of any court shall be sufficient evidence of a previous
15 conviction or convictions under any section of this subtitle” is deleted as
16 surplusage.

17 In subsection (d)(1) of this section, the former references to minimum
18 penalties of imprisonment of 6 months and a \$200 fine are deleted to conform
19 to the statement of legislative policy in CR § 14–102, which sets forth the
20 general rule that, notwithstanding a statutory minimum penalty, a court may
21 impose a lesser penalty of the same character. Similarly, in subsection (d)(2)
22 of this section, the former references to minimum penalties of imprisonment
23 of 1 year and a \$500 fine for a subsequent offense are deleted.

24 Also in subsection (d)(1) of this section, the former phrase “in the discretion of
25 the court” is deleted as surplusage.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “County” § 27–101

28 “Person” § 1–101

29 “State” § 1–101

30 GENERAL REVISOR’S NOTE TO SUBTITLE

31 Former Art. 2B, § 16–414(j), which defined “liquor”, “means used for the sale of the
32 same”, and “place” is deleted as unnecessary.

33 The definition of “liquor”, which was defined to include “the vessels containing the
34 same”, was deleted because: (1) this article uses the defined term “alcoholic beverage”
35 rather than “liquor” as the generic term for any type of alcoholic drink; and (2) the
36 provision concerning vessels containing alcoholic beverages is implicit in the term

1 “alcoholic beverage”. In § 27–2604(c) of this subtitle, the reference to vessels is
2 expressly stated to reflect its appearance in the source law that the provision revises.

3 The definition of “means used for the sale of the same”, which was defined to include
4 all furniture, implements, equipment, instrumentalities, or paraphernalia of a
5 barroom or drinking saloon or any part of same, any United States Internal Revenue
6 tax receipts effective for the period of time covering the alleged offense, and any
7 conveyance or vehicle, is deleted because the term is not used in this revised article.
8 Section 27–2604(b) of this subtitle, which states the required contents of a search
9 warrant, incorporates elements of this definition.

10 The definition of “place”, which was defined to mean any edifice, apartment, room,
11 tent, boat, wagon, conveyance, motor vehicle, aero plane, or any open air location, is
12 deleted as unnecessary.

13 Former Art. 2B, § 16–414(k) and (m), which prohibited giving away alcoholic
14 beverages by a storekeeper or at a private residence used as a store to sell alcoholic
15 beverages or a place to keep alcoholic beverages, or taking or soliciting orders or
16 making agreements for the sale or delivery of alcoholic beverages, are deleted as
17 obsolete. These former provisions were enacted in the early 1900’s before enactment
18 of the current licensing scheme for sellers of alcoholic beverages and places to keep
19 alcoholic beverages.

20 **SUBTITLE 27. PROHIBITED ACTS.**

21 **27–2701. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
24 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
25 **VARIATION:**

26 **(1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

27 **(2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
28 **INDIVIDUAL”);**

29 **(3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
30 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

31 **(4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
32 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
33 **YEARS”);**

- 1 (5) § 6-310 (“PROVIDING FREE FOOD”);
- 2 (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
3 DEALER”);
- 4 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 5 (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
6 CONTAINER”);
- 7 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
8 DETACHABLE METAL TAB”);
- 9 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
10 REGULAR LABEL PRESUMED ILLICIT”);
- 11 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 12 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
13 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 14 (13) § 6-320 (“DISORDERLY INTOXICATION”);
- 15 (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
16 MACHINE”);
- 17 (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
18 BEVERAGES”);
- 19 (16) § 6-327 (“TAX EVASION”);
- 20 (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- 21 (18) § 6-329 (“PERJURY”).

22 **(B) EXCEPTIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
24 **OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- 25 (1) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
26 PUBLIC”); AND

1 **(2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).**

2 **(C) VARIATIONS.**

3 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
 4 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

5 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
 6 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 27-2702 OF THIS**
 7 **SUBTITLE; AND**

8 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
 9 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 27-2703 OF THIS SUBTITLE.**

10 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
 11 incorporate by reference general provisions relating to prohibited acts.

12 Subsection (b) of this section is new language derived without substantive
 13 change from former Art. 2B, § 19-201(b), as it related to Queen Anne’s County.

14 Defined terms: “Alcoholic beverage” § 1-101
 15 “County” § 27-101
 16 “License holder” § 1-101
 17 “Retail dealer” § 1-101

18 **27-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
 19 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

20 **(A) SUMMONS; BAIL.**

21 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 22 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

23 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 24 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 25 **EMPLOYEE; AND**

26 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 27 **COURT IN THE STATE.**

28 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

29 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
 30 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

1 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
2 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
3 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
4 **OF 21 YEARS; AND**

5 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

6 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

7 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
8 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
9 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
10 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (e).

13 In subsection (a)(2) of this section, the former reference to bail "bond" is
14 deleted as surplusage.

15 In subsection (b)(1) of this section, the reference to the "finder of fact" is
16 substituted for the former reference to the "jury or the court sitting as a jury"
17 for brevity.

18 Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted
19 as surplusage.

20 In subsection (c) of this section, the reference to the Board proceeding
21 "administratively" is added to conform to the terminology used in other similar
22 provisions of this article.

23 Also in subsection (c) of this section, the former phrase "[n]otwithstanding any
24 other provision of this section to the contrary" is deleted as unnecessary in
25 light of the organization of this revised article.

26 Defined terms: "Board" § 27-101

27 "License holder" § 1-101

28 "State" § 1-101

29 **27-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
30 **INDIVIDUAL — CRIMINAL PROCEDURE.**

31 **(A) SUMMONS; BAIL.**

1 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 2 **CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

3 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 4 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
 5 **EMPLOYEE; AND**

6 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 7 **COURT IN THE STATE.**

8 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

9 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
 10 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS**
 11 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
 12 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 12-108(a)(2) and (e).

15 In subsection (a)(2) of this section, the former reference to bail "bond" is
 16 deleted as surplusage.

17 In subsection (b) of this section, the reference to the Board proceeding
 18 "administratively" is added to conform to the terminology used in other similar
 19 provisions of this article.

20 Also in subsection (b) of this section, the former phrase "[n]otwithstanding any
 21 other provision of this section to the contrary" is deleted as unnecessary in
 22 light of the organization of this revised article.

23 Defined terms: "Board" § 27-101

24 "License holder" § 1-101

25 "State" § 1-101

26 **27-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL**
 27 **DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

28 **(A) "KNOWINGLY" DEFINED.**

29 **IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE**
 30 **INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE**
 31 **HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

32 **(B) PROHIBITED.**

1 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT**
2 **KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

3 **(1) A HABITUAL DRUNKARD;**

4 **(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

5 **(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN**
6 **WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER**
7 **NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE**
8 **OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND**
9 **MIND.**

10 **(C) PENALTY.**

11 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
12 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

13 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

14 **(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT**
15 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 12-110(a) and, as it related to Queen Anne's
18 County, the first sentence of (b).

19 In subsection (a) of this section, the former reference to the definition of
20 "knowingly" applying "as to habitual drunkards" is deleted as surplusage.

21 In subsection (b) of this section, the defined term "alcoholic beverage" is
22 substituted for the former references to "intoxicating beverages" for clarity
23 and consistency with the terminology used throughout this article.

24 Also in subsection (b) of this section, the former references to "barter" and
25 "furnish" are deleted as included in the references to "sell" and "provide".

26 In subsection (b)(2) of this section, the reference to an individual with an
27 "intellectual disability" is substituted for the former reference to a "mentally
28 deficient" person to conform to the requirements of Chapter 119 of the Acts of
29 2009. Chapter 119 requires the substitution of the term "intellectual
30 disability" in the Code for the former reference of "mentally deficient".

1 In subsection (b)(3) of this section, the reference to a “family member or
2 guardian” is substituted for the former reference to “parent or parents,
3 guardian, husband, wife, son, daughter, brother, or sister” for brevity.

4 Also in subsection (b)(3) of this section, the reference to an “employee of the
5 license holder” is added for consistency within this subsection.

6 In subsection (c) of this section, the former references to imprisonment “in the
7 county jail” and to both fine and imprisonment “in the discretion of the court”
8 are deleted as surplusage and to conform to standard language for imposition
9 of a penalty for a criminal conviction.

10 The Alcoholic Beverages Article Review Committee notes, for consideration by
11 the General Assembly, that the penalty stated in subsection (c) of this section
12 applies only to a license holder who violates this section and not to an
13 employee of a license holder, even though, under subsection (b) of this section,
14 both a license holder and the holder’s employee are prohibited from selling or
15 providing an alcoholic beverage to a habitual drunkard, an individual with an
16 intellectual disability, or an individual whose relative has given notice. The
17 employee would, presumably, be subject to the general penalty for a violation
18 of this article under § 6–402 of this article.

19 Defined terms: “Alcoholic beverage” § 1–101
20 “License holder” § 1–101

21 **SUBTITLE 28. PENALTIES.**

22 **27–2801. APPLICATION OF GENERAL PROVISION.**

23 **SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE** 24 **APPLIES IN THE COUNTY.**

25 REVISOR’S NOTE: This section is new language added to incorporate by reference
26 general provisions relating to imposing a penalty for a violation for which no
27 specific penalty is provided.

28 Defined term: “County” § 27–101

29 **27–2802. PENALTY IMPOSED BY BOARD.**

30 **(A) IN GENERAL.**

31 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 OR SUSPEND A**
32 **LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION**
33 **UNDER THE ALCOHOLIC BEVERAGES LAWS AFFECTING THE COUNTY.**

1 **(B) PENALTY IN ADDITION TO RELATED COURT ACTION.**

2 **THE PENALTIES IMPOSED UNDER THIS SECTION ARE:**

3 **(1) IN ADDITION TO AND DO NOT LIMIT OTHER PENALTIES FOR THE**
4 **SAME VIOLATION; AND**

5 **(2) INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE**
6 **SAME VIOLATION.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 16–507(s).

9 In subsection (b)(1) of this section, the former phrase “under this article” is
10 deleted as surplusage.

11 Defined terms: “Alcoholic beverage” § 1–101

12 “Board” § 27–101

13 “County” § 27–101

14 “License” § 1–101

15 **TITLE 28. ST. MARY'S COUNTY.**

16 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

17 **28–101. DEFINITIONS.**

18 **(A) IN GENERAL.**

19 **IN THIS TITLE:**

20 **(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT**
21 **EXCEPTION OR VARIATION; AND**

22 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

23 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
24 by reference terms defined for the entire article.

25 Item (2) of this subsection is new language added as the standard introductory
26 language to a definition section.

27 **(B) BOARD.**

1 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ST. MARY’S**
2 **COUNTY.**

3 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
4 full reference to the “Board of License Commissioners for St. Mary’s County”.

5 **(C) COUNTY.**

6 **“COUNTY” MEANS ST. MARY’S COUNTY.**

7 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
8 full reference to “St. Mary’s County”.

9 **(D) TAXPAYER.**

10 **“TAXPAYER” MEANS A RESIDENT WHO PAYS REAL ESTATE OR INCOME TAX TO**
11 **THE COUNTY.**

12 REVISOR’S NOTE: This subsection is new language derived without substantive
13 change from former Art. 2B, § 1–102(b)(3), as it related to St. Mary’s County.

14 The phrase “to the County” is added for clarity.

15 Defined term: “County” § 28–101

16 **28–102. SCOPE OF TITLE.**

17 **THIS TITLE APPLIES ONLY IN ST. MARY’S COUNTY.**

18 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
19 organization of this revised article.

20 **28–103. REGULATION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.**

21 **THE COUNTY COMMISSIONERS MAY REGULATE BY ORDINANCE THE**
22 **CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, INCLUDING**
23 **BUILDINGS, GROUNDS, STREETS, HIGHWAYS, ALLEYS, SIDEWALKS, AND OTHER**
24 **STRUCTURES OR ROADS ON LAND IN THE COUNTY OWNED BY:**

25 **(1) THE COUNTY;**

26 **(2) THE COUNTY BOARD OF EDUCATION; OR**

27 **(3) THE STATE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 18–105(b).

3 Former Art. 2B, § 18–105(a), as it related to St. Mary's County, which stated
4 that former Art. 2B, § 18–105 applied to St. Mary's County, is deleted as
5 unnecessary in light of the organization of this revised article.

6 Defined terms: "Alcoholic beverage" § 1–101

7 "County" § 28–101

8 "State" § 1–101

9 **28–104. COPY OF LEGISLATION.**

10 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
11 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
12 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
13 **MARYLAND 21401.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 18–103.

16 The reference to the "County Commissioners" is substituted for the former
17 reference to the "local governing body" for clarity.

18 The reference to this "title" is substituted for the former reference to this
19 "subtitle" to conform to the organization of this revised article. Under the
20 former law, each local governing body derived its authority to enact alcoholic
21 beverages legislation from a common subtitle. Under this revised article, each
22 local governing body derives its authority from the title dedicated to the
23 jurisdiction of the local governing body.

24 Defined terms: "Alcoholic beverage" § 1–101

25 "County" § 28–101

26 **GENERAL REVISOR'S NOTE TO SUBTITLE**

27 Throughout this title, the references to "wine" are substituted for the former
28 references to "light wine" to reflect that license holders in the County may sell wine
29 with a maximum alcohol content of 22%, which is above the traditional maximum
30 level of 15.5% for light wine.

31 Correspondingly, former Art. 2B, § 4–101(t), which defined "light wine" in the County
32 as a fermented beverage that contains not in excess of 22% of alcohol by volume, is
33 deleted because the definition is not used in this title.

1 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

2 **28-201. ESTABLISHED.**

3 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ST. MARY'S COUNTY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 15-102(a)(1).

6 The name "Board of License Commissioners of St. Mary's County" is used
7 instead of the former reference to "the Alcohol Beverage Board of St. Mary's
8 County" for clarity and consistency with the terminology used throughout this
9 article to refer to local licensing boards.

10 **28-202. MEMBERSHIP.**

11 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

12 **(1) THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO THE BOARD,**
13 **SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

14 **(2) OF THE FIVE MEMBERS:**

15 **(I) ONE SHALL BE APPOINTED FROM EACH OF THE COUNTY**
16 **COMMISSIONER DISTRICTS; AND**

17 **(II) ONE SHALL BE APPOINTED AT LARGE.**

18 **(B) QUALIFICATIONS.**

19 **A MEMBER OF THE BOARD SHALL BE:**

20 **(1) (I) OF GOOD MORAL CHARACTER AND INTEGRITY; AND**

21 **(II) AT LEAST 21 YEARS OLD; AND**

22 **(2) EXCEPT FOR THE AT-LARGE MEMBER, A RESIDENT OF THE**
23 **COUNTY COMMISSIONER DISTRICT AT THE TIME OF APPOINTMENT AND DURING**
24 **THE TERM OF OFFICE.**

25 **(C) RESTRICTIONS.**

26 **(1) IN THIS SUBSECTION, "DIRECT OR INDIRECT INTEREST" MEANS**
27 **AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN.**

1 **(2) A MEMBER OF THE BOARD MAY NOT:**

2 **(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A**
3 **PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

4 **(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS**
5 **WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC**
6 **BEVERAGES;**

7 **(III) OWN STOCK IN:**

8 **1. A CORPORATION THAT HAS A DIRECT OR INDIRECT**
9 **INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR**
10 **SOLD; OR**

11 **2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE**
12 **MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

13 **(IV) HOLD ANY ELECTIVE PUBLIC OFFICE OR POSITION OF**
14 **PUBLIC EMPLOYMENT.**

15 **(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
16 **MISDEMEANOR AND IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

17 **(D) TENURE.**

18 **(1) THE TERM OF A MEMBER IS 4 YEARS.**

19 **(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**
20 **MEMBER MAY SERVE A MAXIMUM OF TWO CONSECUTIVE TERMS.**

21 **(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
22 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

23 **(E) VACANCIES.**

24 **A MEMBER WHO IS APPOINTED TO FILL A VACANCY SERVES ONLY FOR THE**
25 **REMAINDER OF THE TERM AND IS ELIGIBLE TO SERVE THE NEXT CONSECUTIVE**
26 **TERM IF OTHERWISE QUALIFIED AND APPOINTED.**

27 **(F) REMOVAL.**

1 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
2 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY REQUIRED BY LAW.**

3 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
4 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
5 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

6 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
7 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
8 **MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, §§ 15–102(a)(2) through (6) and (h)(1)(i) and (2)
11 and 15–110(a).

12 In subsection (a)(1) of this section, the reference to appointments being
13 “subject to” the advice and consent of the Senate is substituted for the former
14 reference to appointments being “with” the advice and consent of the Senate
15 to conform to the terminology used throughout this article.

16 In the introductory language of subsection (b) of this section, the reference to
17 a “member of the Board” is substituted for the former reference to a “person”
18 for clarity.

19 In subsection (c)(2)(iv) of this section, the reference to a “position of public”
20 employment is added for clarity.

21 In subsection (d)(1) of this section, the former phrase “[e]xcept for the new
22 Board appointed in accordance with this section” is deleted as obsolete.

23 In subsection (d)(3) of this section, the date of “July 1, 2016” is substituted for
24 the former obsolete date of “January 1, 1986”. This substitution is not intended
25 to alter the term of any member of the Board of License Commissioners for St.
26 Mary's County.

27 In subsection (e) of this section, the former reference to the remainder of the
28 “unserved” term is deleted as surplusage.

29 In subsection (f)(1) of this section, the former reference to a member “of any
30 board of license commissioners appointed by him under the provisions of this
31 article” is deleted as surplusage.

32 In subsection (f)(2) of this section, the former phrase “in his own defense” is
33 deleted as surplusage.

1 Former Art. 2B, § 15–101(t), which provided a cross–reference to provisions
2 applicable to St. Mary’s County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 28–101

6 “County” § 28–101

7 “Person” § 1–101

8 **28–203. CHAIR.**

9 **THE AT–LARGE MEMBER OF THE BOARD IS THE CHAIR.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 15–102(b).

12 The reference to a “chair” is substituted for the former reference to a
13 “[c]hairman” because SG § 2–1238 requires the use of words that are neutral
14 as to gender to the extent practicable.

15 The reference to a member “of the Board” is added for clarity.

16 Defined term: “Board” § 28–101

17 **28–204. QUORUM; MEETINGS; COMPENSATION; STAFF.**

18 **(A) QUORUM.**

19 **A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.**

20 **(B) MEETINGS.**

21 **(1) THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

22 **(2) EACH HEARING THAT THE BOARD HOLDS SHALL BE OPEN TO THE**
23 **PUBLIC.**

24 **(C) COMPENSATION.**

25 **THE COUNTY COMMISSIONERS SHALL:**

26 **(1) SET THE ANNUAL SALARY FOR THE CHAIR AND EACH OTHER**
27 **MEMBER OF THE BOARD; AND**

1 **(2) PROVIDE FOR THE REASONABLE AND NECESSARY EXPENSES OF**
2 **THE BOARD.**

3 **(D) STAFF.**

4 **SUBJECT TO THIS SECTION AND § 28–206 OF THIS SUBTITLE, THE BOARD MAY:**

5 **(1) EMPLOY:**

6 **(I) A SECRETARY;**

7 **(II) INSPECTORS; AND**

8 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

9 **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

10 **(E) ATTORNEY.**

11 **(1) THE BOARD SHALL APPOINT AN ATTORNEY.**

12 **(2) THE COUNTY COMMISSIONERS SHALL SET THE ANNUAL SALARY**
13 **FOR THE ATTORNEY.**

14 **(F) ADMINISTRATOR.**

15 **(1) THE BOARD SHALL APPOINT AN ADMINISTRATOR.**

16 **(2) THE ADMINISTRATOR SHALL CARRY OUT THE DUTIES ASSIGNED**
17 **BY THE BOARD.**

18 **(3) THE COUNTY COMMISSIONERS:**

19 **(I) SHALL SET THE SALARY OF THE ADMINISTRATOR; AND**

20 **(II) MAY ASSIGN CLERICAL ASSISTANTS TO DISCHARGE THE**
21 **DUTIES OF THE BOARD.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, §§ 15–102(c)(1), (2), and (3), (d), (e), and (g) and
24 15–112(a)(2).

25 In subsection (a) of this section, the reference to members “then” serving is
26 added for clarity.

1 In subsection (c)(1) of this section, the reference to each “other” member is
2 added for clarity.

3 Also in subsection (c)(1) of this section, the reference to the “chair” is
4 substituted for the former reference to the “[c]hairman” because SG § 2–1238
5 requires the use of words that are neutral as to gender to the extent
6 practicable.

7 In subsection (d)(1)(iii) and (f)(3)(ii) of this section, the reference to
8 “assistants” is substituted for the former reference to “assistance” for clarity.

9 Former Art. 2B, § 15–109(t), which stated that certain provisions regarding
10 salaries of the members of the Board applied in the County, is deleted as
11 unnecessary in light of subsection (c) of this section.

12 Defined terms: “Board” § 28–101
13 “County” § 28–101

14 **28–205. ADVISORY COMMITTEES.**

15 **THE BOARD MAY APPOINT ADVISORY COMMITTEES COMPOSED OF**
16 **RESPONSIBLE INDIVIDUALS IN THE COUNTY TO ADVISE THE BOARD ON**
17 **ADMINISTERING ALCOHOLIC BEVERAGES LAWS.**

18 REVISOR’S NOTE: This section is new language derived without substantive change
19 from former Art. 2B, § 15–102(c)(4).

20 The reference to “individuals” is substituted for the former reference to
21 “persons” because only a human being and not the other entities included in
22 the definition of “person” can be appointed to a committee.

23 The reference to “administering” alcoholic beverages laws is substituted for
24 the former reference to “matters relating to the administration of” alcoholic
25 beverages laws for brevity.

26 Defined terms: “Alcoholic beverage” § 1–101
27 “Board” § 28–101
28 “County” § 28–101

29 **28–206. INSPECTOR.**

30 **(A) APPOINTMENT BY BOARD.**

31 **THE BOARD SHALL APPOINT AN INSPECTOR.**

1 **(B) POWERS AND DUTIES.**

2 **AN INSPECTOR SHALL:**

3 **(1) POSSESS THE POWER OF A PEACE OFFICER IN THE STATE ARISING**
 4 **OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE; AND**

5 **(2) CARRY OUT THE DUTIES THAT THE BOARD REQUIRES.**

6 **(C) SALARY.**

7 **THE COUNTY COMMISSIONERS SHALL SET THE SALARY OF THE INSPECTOR.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 15–102(f).

10 In subsection (b)(1) of this section, the reference to the power of a peace officer
 11 “arising out of or relating to the enforcement of this article” is substituted for
 12 the former reference to power “in respect to the enforcement of alcoholic
 13 beverages laws of St. Mary’s County” to conform to the terminology used in
 14 similar provisions in Division II of this article.

15 Defined terms: “County” § 28–101
 16 “State” § 1–101

17 **28–207. NOISE.**

18 **THE BOARD MAY REGULATE THE PLAYING TIME AND NOISE LEVEL OF LIVE**
 19 **MUSIC, A MECHANICAL MUSIC BOX, OR A SOUND MAKING DEVICE ON LICENSED**
 20 **PREMISES IF THE SOUND DISTURBS THE PEACE, TRANQUILITY, SAFETY, AND**
 21 **HEALTH OF THE SURROUNDING NEIGHBORHOOD.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 12–219(b).

24 Defined term: “Board” § 28–101

25 **28–208. REGULATIONS.**

26 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 16–301(a), as it related to the authority of the
 29 Board to adopt regulations.

1 The defined term “Board” is substituted for the former reference to “the board
2 of license commissioners from any county or Baltimore City, respectively”
3 because this section applies only to the Board of License Commissioners for
4 St. Mary’s County.

5 The reference to the Board “adopt[ing] regulations to carry out” this article is
6 substituted for the former reference to the Board “hav[ing] full power and
7 authority to adopt such reasonable rules and regulations as they may deem
8 necessary to enable them effectively to discharge the duties imposed upon
9 them by” this article for brevity.

10 The former phrase “[i]n addition to the powers otherwise provided by this
11 article,” is deleted as surplusage.

12 Defined term: “Board” § 28–101

13 SUBTITLE 3. LIQUOR CONTROL.

14 28–301. LIQUOR CONTROL — NOT APPLICABLE.

15 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
16 **IN THE COUNTY.**

17 REVISOR’S NOTE: This section is new language added to clarify that there is no
18 liquor control board or department of liquor control in the County.

19 Defined term: “County” § 28–101

20 SUBTITLE 4. MANUFACTURER’S LICENSES.

21 28–401. APPLICATION OF GENERAL PROVISIONS.

22 (A) **WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
24 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
25 **EXCEPTION OR VARIATION:**

26 (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

27 (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);

28 (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);

29 (4) § 2–205 (“CLASS 3 WINERY LICENSE”);

- 1 (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- 2 (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- 3 (7) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- 4 (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- 5 (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- 6 (10) § 2-212 (“ADDITIONAL LICENSES”);
- 7 (11) § 2-213 (“ADDITIONAL FEES”);
- 8 (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- 9 (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
10 PROHIBITED”);
- 11 (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
12 AND RETAILERS”);
- 13 (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
14 PROHIBITED PRACTICES”); AND
- 15 (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
16 RETAILERS — PROHIBITED”).

17 (B) EXCEPTION.

18 SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF
19 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

20 (C) VARIATION.

21 SECTION 2-208 (“CLASS 6 PUB-BREWERY LICENSE”) OF DIVISION I OF THIS
22 ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-403 OF THIS SUBTITLE.

23 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
24 incorporate by reference general provisions relating to the issuance of
25 manufacturer’s licenses.

1 Subsection (b) of this section is new language derived without substantive
2 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
3 implicit in the former law, that a limited distillery license may not be issued
4 in the County.

5 Former Art. 2B, § 2–208(b)(2)(xix), which provided that a Class 7
6 micro–brewery license shall be issued in the County, is deleted as unnecessary
7 in light of the organization of this revised article.

8 Defined terms: “County” § 28–101
9 “Manufacturer’s license” § 1–101

10 **28–402. HOURS AND DAYS OF SALE OR DELIVERY.**

11 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
12 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
13 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 11–101(a).

16 The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted
17 as unnecessary.

18 Defined terms: “Alcoholic beverage” § 1–101
19 “Manufacturer’s license” § 1–101

20 **28–403. CLASS 6 PUB–BREWERY LICENSE.**

21 **(A) APPLICATION OF SECTION.**

22 **THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE**
23 **COUNTY.**

24 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

25 **SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a
28 Class 6 pub–brewery license in St. Mary’s County, and, as it authorized
29 off–sale privileges of beer in refillable containers only in specific jurisdictions,
30 not including the County, the introductory language of (g)(1).

31 Defined terms: “County” § 28–101

1 “License holder” § 1–101

2 **SUBTITLE 5. WHOLESALER’S LICENSES.**

3 **28–501. APPLICATION OF GENERAL PROVISIONS.**

4 **TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS**
5 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
7 general provisions relating to the issuance of wholesaler’s licenses.

8 Defined terms: “County” § 28–101

9 “Wholesaler’s license” § 1–101

10 **28–502. HOURS AND DAYS OF SALE OR DELIVERY.**

11 **EXCEPT AS PROVIDED IN § 28–503 OF THIS SUBTITLE, A HOLDER OF A**
12 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
13 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
14 **SUNDAY.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 11–102(a).

17 Defined terms: “Alcoholic beverage” § 1–101

18 “Wholesaler’s license” § 1–101

19 **28–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

20 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

21 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
22 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
23 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
24 **RETURNS ON THE SAME DAY.**

25 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

26 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
27 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
28 **REQUIRED TO DISPENSE DRAFT BEER.**

29 REVISOR’S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 11–102(b).

1 In subsection (a) of this section, the reference to a “per diem” license is
2 substituted for the former reference to a “special 1–day” license to conform to
3 the terminology used throughout this article.

4 Also in subsection (a) of this section, the reference to a per diem license issued
5 “under Subtitle 13 of this title” is substituted for the former reference to a
6 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
7 of material relating to per diem licenses in titles for each applicable
8 jurisdiction in this revision.

9 Also in subsection (a) of this section, the reference to delivery of beer on the
10 “effective date of the per diem license” is substituted for the former reference
11 to delivery on the “effective day of the license” for clarity.

12 Also in subsection (a) of this section, the former reference to accepting returns
13 on the same day “of delivery” is deleted as surplusage.

14 In subsection (b) of this section, the language that the “agreement entered into
15 under subsection (a) of this section shall include [the type of equipment to
16 dispense draft beer]” is substituted for the former language that the “parties
17 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

18 Defined terms: “Beer” § 1–101
19 “Wholesaler’s license” § 1–101

20 **SUBTITLE 6. BEER LICENSES.**

21 **28–601. CLASS A BEER LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A CLASS A BEER LICENSE.**

24 **(B) SCOPE OF AUTHORIZATION.**

25 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
26 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

27 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
28 **PACKAGE OR CONTAINER.**

29 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
30 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

1 **(C) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$200.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 3–101(t) and (a)(1).

5 In subsection (a) of this section, the former reference to a license being “issued
6 by the license issuing authority of the county in which the place of business is
7 located” is deleted as surplusage.

8 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
9 as implicit in the word “sell”.

10 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
11 deleted as surplusage.

12 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
13 the former reference to “deliver[ing]” for clarity and accuracy.

14 Defined terms: “Beer” § 1–101
15 “Consumer” § 1–101

16 **28–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

17 **A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 3–201(t).

20 Defined terms: “Beer” § 1–101
21 “County” § 28–101

22 **28–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

23 **A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 3–301(t).

26 Defined terms: “Beer” § 1–101
27 “County” § 28–101

28 **28–604. CLASS D BEER LICENSE.**

29 **(A) ESTABLISHED.**

1 **THERE IS A CLASS D BEER LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
 4 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
 5 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

6 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

7 **(C) FEES.**

8 **THE ANNUAL LICENSE FEES ARE:**

9 **(1) \$200 FOR A 6-DAY LICENSE; AND**

10 **(2) \$250 FOR A 7-DAY LICENSE.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 3-401(a)(1) and (t)(2) and (3).

13 In subsection (a) of this section, the former reference to a license being "issued
 14 by the license issuing authority of the county in which the place of business is
 15 located" is deleted as surplusage.

16 In subsection (b)(1) of this section, the reference to "on- and off-premises"
 17 consumption is substituted for the former reference to consumption "on the
 18 premises or elsewhere" for clarity.

19 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
 20 deleted as implicit in the word "sell".

21 Former Art. 2B, § 3-401(t)(1), which stated that former Art. 2B, § 3-401(t)
 22 applied in St. Mary's County, is deleted as unnecessary in light of the
 23 organization of this revised article.

24 Defined terms: "Beer" § 1-101

25 "7-day license" § 1-101

26 "6-day license" § 1-101

27 **SUBTITLE 7. WINE LICENSES.**

28 **28-701. CLASS A WINE LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY**
5 **LICENSE.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
8 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE**
9 **WINERY.**

10 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
11 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

12 **(D) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$50.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 4-201(a)(16), (b)(1), (c)(1), and (d)(1).

16 Throughout this section, the references to "wine" are substituted for the
17 former references to "light wine" to reflect that license holders in the County
18 may sell wine with an alcohol content of 22%, which is above the traditional
19 maximum level of 15.5% for light wine.

20 In subsection (b) of this section, the reference to a "Class 4 limited winery
21 license" is substituted for the former reference to a "Class 4 manufacturer's
22 license" to conform to the terminology used throughout this article.

23 Also in subsection (b) of this section, the former reference to a license being
24 issued "by the license issuing authority of the county in which the place of
25 business is located" is deleted as surplusage.

26 In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted
27 as implicit in the word "sell".

28 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
29 any consumer" is deleted as surplusage.

1 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
2 former reference to “delivered” to conform to the terminology used throughout
3 this article.

4 Defined terms: “County” § 28–101
5 “Wine” § 1–101

6 **SUBTITLE 8. BEER AND WINE LICENSES.**

7 **28–801. CLASS A–3 BEER AND WINE LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A CLASS A–3 BEER AND WINE LICENSE.**

10 **(B) SCOPE OF AUTHORIZATION.**

11 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
12 **AND WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

13 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
14 **SEALED PACKAGE OR CONTAINER.**

15 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
16 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
17 **SOLD.**

18 **(C) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$350.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 5–101(t) and (a)(1).

22 In this section and throughout this subtitle, the references to “wine” are
23 substituted for the former references to “light wine” to reflect that license
24 holders in the County may sell wine with an alcohol content of 22%, which is
25 above the traditional maximum level of 15.5% for light wine.

26 Subsection (a) of this section is revised in standard language used throughout
27 this article to establish a license.

28 In subsection (a) of this section and throughout this subtitle, the former
29 references to the license being “issued by the license issuing authority of the
30 county in which the place of business is located” are deleted as surplusage.

1 In subsection (b)(1) of this section and throughout this subtitle, the former
 2 references to “keep[ing] for sale” are deleted as implicit in the references to
 3 “sell[ing]”.

4 In subsection (b)(1) of this section, the former reference to selling beer and
 5 wine “in any quantity to any consumers” is deleted as surplusage.

6 In subsection (b)(2) of this section, the word “sell” is substituted for the former
 7 word “deliver” to conform to the terminology used throughout this article.

8 Defined terms: “Beer” § 1–101
 9 “Wine” § 1–101

10 **28–802. CLASS B BEER AND WINE LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A CLASS B BEER AND WINE LICENSE.**

13 **(B) SCOPE OF AUTHORIZATION.**

14 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
 15 **A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE,**
 16 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

17 **(C) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$400.**

19 REVISOR’S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 5–201(t) and (a)(1).

21 Subsection (a) of this section is revised in standard language used throughout
 22 this article to establish a license.

23 In subsection (b) of this section, the reference to “on- and off-premises
 24 consumption” is substituted for the former reference to “consumption on the
 25 premises or elsewhere” for clarity.

26 Defined terms: “Beer” § 1–101
 27 “Hotel” § 1–101
 28 “Restaurant” § 1–101
 29 “Wine” § 1–101

30 **28–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

1 **A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 5-301(t).

4 Defined terms: "Beer" § 1-101

5 "County" § 28-101

6 "Wine" § 1-101

7 **28-804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

8 **A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 5-401(t).

11 Defined terms: "Beer" § 1-101

12 "County" § 28-101

13 "Wine" § 1-101

14 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

15 **28-901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

16 **(A) ESTABLISHED.**

17 **THERE ARE:**

18 **(1) A CLASS A-1 BEER, WINE, AND LIQUOR 7-DAY LICENSE; AND**

19 **(2) A CLASS A-2 BEER, WINE, AND LIQUOR 6-DAY LICENSE.**

20 **(B) SCOPE OF AUTHORIZATION.**

21 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
22 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

23 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
24 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
25 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

26 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

1 **THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE**
2 **APPLICANT:**

3 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
4 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
5 **THE LICENSE;**

6 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
7 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
8 **APPLIED FOR; OR**

9 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
10 **LEAST 3 YEARS.**

11 **(D) FEES.**

12 **THE ANNUAL LICENSE FEES ARE:**

13 **(1) \$400 FOR A CLASS A-1 7-DAY LICENSE; AND**

14 **(2) \$300 FOR A CLASS A-2 6-DAY LICENSE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 6-101(a)(1) and (3) and (t)(2) and (3).

17 Subsection (a) of this section is revised in standard language used throughout
18 this article to establish a license.

19 In subsection (b) of this section, the references to "beer, wine, or liquor" are
20 substituted for the former references to "alcoholic beverages" for clarity.

21 In subsection (b)(1) of this section, the phrase "to sell" is substituted for the
22 former phrase "to keep for sale and to sell" for brevity.

23 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
24 deleted as surplusage.

25 In subsection (c)(2) of this section, the phrase "at least 1 year before the date
26 of the application for the license" is substituted for the former phrase "that
27 length of time" for clarity.

28 In subsection (c)(3) of this section, the former reference to "actually" engaged
29 is deleted as surplusage.

1 Also in subsection (c)(3) of this section, the former phrase “for a period of” is
2 deleted as surplusage.

3 Former Art. 2B, § 6–101(t)(1), which stated that former Art. 2B, § 6–101(t)
4 applied only in St. Mary’s County, is deleted as unnecessary in light of the
5 organization of this revised article.

6 Defined terms: “Beer” § 1–101

7 “License” § 1–101

8 “License holder” § 1–101

9 “7–day” § 1–101

10 “6–day” § 1–101

11 “Wine” § 1–101

12 **28–902. CLASS B BEER, WINE, AND LIQUOR HOTEL/RESTAURANT LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS B BEER, WINE, AND LIQUOR HOTEL/RESTAURANT LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT:**

17 **(1) ACCOMMODATES THE PUBLIC AND PROVIDES SERVICE**
18 **ORDINARILY FOUND IN HOTELS; AND**

19 **(2) HAS:**

20 **(I) AT LEAST 25 ROOMS;**

21 **(II) A LOBBY WITH A REGISTRATION AND MAIL DESK AND**
22 **SEATING FACILITIES; AND**

23 **(III) A DINING ROOM THAT SERVES FULL–COURSE MEALS AT**
24 **LEAST TWICE DAILY.**

25 **(C) SCOPE OF AUTHORIZATION.**

26 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
27 **LIQUOR FOR ON–PREMISES CONSUMPTION AT RETAIL AT THE PLACE DESCRIBED IN**
28 **THE LICENSE.**

29 **(D) HOURS AND DAYS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 2 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
 3 **UNDER § 28–2004(B) OF THIS TITLE.**

4 **(E) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$1,000.**

6 REVISOR’S NOTE: Subsections (a), (b), (c), and (e) of this section are new language
 7 derived without substantive change from former Art. 2B, § 6–201(t)(2).

8 Subsection (d) of this section is new language added for clarity.

9 In the introductory language of subsection (b) of this section, the reference to
 10 “[t]he Board” issuing the license is added to state expressly what was only
 11 implicit in the former law, that the Board is the license issuing authority.

12 Also in the introductory language of subsection (b) of this section, the former
 13 reference to a “bona fide” hotel is deleted as surplusage.

14 In subsection (c) of this section, the phrase “at retail at the place described in
 15 the license” is added to conform to the terminology used throughout this
 16 article.

17 Former Art. 2B, § 6–201(t)(1), which stated that former Article 2B, § 6–201(t)
 18 applied only in St. Mary’s County, is deleted as unnecessary in light of the
 19 organization of this revised article.

20 Defined terms: “Beer” § 1–101

21 “Board” § 28–101

22 “Hotel” § 1–101

23 “Restaurant” § 1–101

24 “Wine” § 1–101

25 **28–903. CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE.**

28 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
2 **LIQUOR AT A RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE**
3 **FOR ON- AND OFF- PREMISES CONSUMPTION.**

4 **(C) HOURS AND DAYS OF SALE.**

5 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
6 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
7 **UNDER § 28-2004(B) OF THIS TITLE.**

8 **(D) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$650.**

10 REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language
11 derived without substantive change from former Art. 2B, § 6-201(t)(3) and, as
12 it related to restaurants, (a)(1).

13 Subsection (c) of this section is new language added for clarity.

14 Defined terms: "Beer" § 1-101

15 "License" § 1-101

16 "License holder" § 1-101

17 "Restaurant" § 1-101

18 "Wine" § 1-101

19 **28-904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

22 **(B) AUTHORIZED HOLDER.**

23 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT**
24 **ORGANIZATION OR CLUB THAT:**

25 **(1) IS COMPOSED ONLY OF MEMBERS WHO HAVE SERVED IN THE**
26 **ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES**
27 **HAS BEEN ENGAGED;**

28 **(2) OPERATES ONLY FOR ITS MEMBERS AND GUESTS ACCOMPANIED**
29 **BY MEMBERS; AND**

1 **(3) MEETS IN A CLUBHOUSE THAT IS PRINCIPALLY USED FOR CLUB**
 2 **PURPOSES.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 5 **LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE FOR**
 6 **ON-PREMISES CONSUMPTION.**

7 **(D) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$350.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 6-301(a)(1) and (t)(2) and (3).

11 Subsection (a) of this section is revised in standard language used throughout
 12 this title to establish a license.

13 In the introductory language of subsection (b) of this section, the former
 14 reference to a "bona fide" nonprofit organization or club is deleted as
 15 surplusage.

16 In subsection (b)(3) of this section, the former requirement that the
 17 organization or club be "neither directly nor indirectly operated as a public
 18 business" is deleted as unnecessary because the organization or club is
 19 nonprofit.

20 In subsection (c) of this section, the reference to "beer, wine, and liquor" is
 21 substituted for the former reference to "all alcoholic beverages" for clarity.

22 Also in subsection (c) of this section, the former reference to "keep[ing] for sale"
 23 is deleted as implicit in the reference to "sell[ing]".

24 Also in subsection (c) of this section, the former reference to consumption
 25 "only" on the licensed premises is deleted as surplusage.

26 Former Art. 2B, § 6-301(t)(1), which stated that former Art. 2B, § 6-301(t)
 27 applied only in St. Mary's County, is deleted as unnecessary in light of the
 28 organization of this revised article.

29 Defined terms: "Beer" § 1-101

30 "Board" § 28-101

31 "Club" § 1-101

32 "Wine" § 1-101

1 **28-905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

2 **(A) ESTABLISHED.**

3 **THERE ARE:**

4 **(1) A CLASS D BEER, WINE, AND LIQUOR 6-DAY LICENSE; AND**

5 **(2) A CLASS D BEER, WINE, AND LIQUOR 7-DAY LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
8 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND**
9 **OFF-PREMISES CONSUMPTION.**

10 **(C) DRUGSTORE PROHIBITION.**

11 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

12 **(D) FEE.**

13 **THE ANNUAL LICENSE FEES ARE:**

14 **(1) \$250 FOR A 6-DAY LICENSE; AND**

15 **(2) \$650 FOR A 7-DAY LICENSE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 6-401(a)(1) and (t)(2).

18 Subsection (a) of this section is revised in standard language used throughout
19 this article to establish a license.

20 Former Art. 2B, § 6-401(t)(1), which stated that former Art. 2B, § 6-401(t)
21 applied only in St. Mary's County, is deleted as unnecessary in light of the
22 organization of this revised article.

23 Defined terms: "Beer" § 1-101

24 "License" § 1-101

25 "7-day license" § 1-101

26 "6-day license" § 1-101

27 "Wine" § 1-101

1 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

2 **28-1001. GOLF COURSE LICENSE.**

3 **(A) SCOPE OF SECTION.**

4 **THIS SECTION APPLIES ONLY TO A GOLF COURSE THAT IS:**

5 **(1) ON LAND THAT IS OWNED BY THE COUNTY; AND**

6 **(2) OPERATED BY A COUNTY GOLF COURSE MANAGER OR A GOLF**
7 **COURSE MANAGER UNDER A MANAGEMENT AGREEMENT WITH THE COUNTY.**

8 **(B) ESTABLISHED.**

9 **THERE IS A CLASS M-G BEER, WINE, AND LIQUOR LICENSE.**

10 **(C) AUTHORIZED HOLDER.**

11 **THE BOARD MAY ISSUE THE LICENSE TO A GOLF COURSE MANAGER.**

12 **(D) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
14 **LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE FACILITIES USED FOR**
15 **GOLFING PURPOSES.**

16 **(E) DESIGNATED AGENT AS SELLER.**

17 **(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER,**
18 **WINE, AND LIQUOR AT THE GOLF COURSE.**

19 **(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR**
20 **COLLECTING AND REMITTING THE SALES AND USE TAX.**

21 **(F) TRANSFER TO DIFFERENT GOLF COURSE MANAGER ALLOWED.**

22 **ON REQUEST OF THE COUNTY, THE BOARD MAY TRANSFER A CLASS M-G**
23 **LICENSE TO A DIFFERENT GOLF COURSE MANAGER.**

24 **(G) REGULATIONS.**

25 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

1 **(H) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$600.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8-509.

5 In subsection (d) of this section, the former reference to "only" on the land and
6 in the facilities used for golfing purposes is deleted as surplusage.

7 Subsection (g) of this section is revised in standard language used throughout
8 this article to direct a board to adopt regulations.

9 The Alcoholic Beverages Article Review Committee notes, for consideration by
10 the General Assembly, that the hours and days of sale for the license are not
11 stated in statutory law.

12 Defined terms: "Beer" § 1-101

13 "Board" § 28-101

14 "County" § 28-101

15 "Wine" § 1-101

16 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

17 **28-1101. APPLICATION OF GENERAL PROVISIONS.**

18 **(A) WITHOUT EXCEPTION OR VARIATION.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 ("ADDITIONAL LICENSE**
20 **PRIVILEGES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
21 **EXCEPTION OR VARIATION:**

22 **(1) § 4-1102 ("CORKAGE — CONSUMING WINE NOT PURCHASED**
23 **FROM LICENSE HOLDER ON LICENSED PREMISES"); AND**

24 **(2) § 4-1103 ("REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
25 **FROM LICENSED PREMISES").**

26 **(B) EXCEPTION.**

27 **SECTION 4-1105 ("REFILLABLE CONTAINER PERMIT — WINE") OF DIVISION**
28 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

29 **(C) VARIATION.**

1 **SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
 2 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1102 OF**
 3 **THIS SUBTITLE.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
 5 general provisions relating to additional privileges of license holders.

6 Defined terms: “Beer” § 1-101

7 “County” § 28-101

8 “License” § 1-101

9 “License holder” § 1-101

10 “Wine” § 1-101

11 **28-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

12 **(A) AUTHORIZED PERMIT HOLDER.**

13 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
 14 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

15 **(B) APPLICATION FORM.**

16 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
 17 **BOARD PROVIDES.**

18 **(C) HOURS OF SALE.**

19 **THE HOURS OF SALE FOR THE PERMIT:**

20 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
 21 **LICENSE; AND**

22 **(2) END AT MIDNIGHT.**

23 **(D) REGULATIONS.**

24 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

25 **(E) FEES.**

26 **THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF UP TO:**

1 **(1) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE**
2 **WITH AN OFF-SALE PRIVILEGE; OR**

3 **(2) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE**
4 **WITHOUT AN OFF-SALE PRIVILEGE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 8-217.1(d) through (g).

7 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

8 Former Art. 2B, § 8-103(a)(1)(vii), which stated that provisions regarding
9 refillable container permits with respect to draft beer applied in St. Mary's
10 County, and former Art. 2B, § 8-219.1(a), which stated that former Art. 2B, §
11 8-219.1 applied only in St. Mary's County, are deleted as unnecessary in light
12 of the organization of this revised article.

13 Former Art. 2B, § 8-219.1(b), which defined "Board" to mean the Alcohol
14 Beverage Board, is deleted as redundant of the defined term "Board" in
15 § 28-101 of this title.

16 Former Art. 2B, § 8-219.1(c), which stated that there is a refillable container
17 permit, is deleted as unnecessary in light of § 4-1104 of this article.

18 Defined terms: "Beer" § 1-101

19 "Board" § 28-101

20 **SUBTITLE 12. CATERER'S LICENSES.**

21 **28-1201. LOCAL CATERER'S LICENSE.**

22 **(A) ESTABLISHED.**

23 **THERE IS A LOCAL CATERER'S LICENSE.**

24 **(B) AUTHORIZED HOLDER.**

25 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS B**
26 **RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

27 **(C) SCOPE OF AUTHORIZATION.**

28 **THE LICENSE AUTHORIZES A HOLDER TO:**

1 **(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD**
 2 **OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL**
 3 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

4 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
 5 **HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL**
 6 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

7 **(D) FOOD REQUIREMENT.**

8 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
 9 **CATERED EVENT.**

10 **(E) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$250.**

12 **(F) EFFECT OF SECTION.**

13 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
 14 **HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL**
 15 **CATERER’S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B**
 16 **LICENSE IS ISSUED.**

17 REVISOR’S NOTE: Subsection (a) of this section is new language added to state
 18 expressly what was only implied in the former law, that a local caterer’s
 19 license exists in St. Mary’s County.

20 Subsections (b) through (f) of this section are new language derived without
 21 substantive change from former Art. 2B, § 6–708(b) through (g).

22 In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is
 23 substituted for the former reference to “alcoholic beverages” for clarity.

24 In subsection (c)(2) of this section, the former phrase “in this article” is deleted
 25 as surplusage.

26 In subsection (d) of this section, the former reference to providing food “as well
 27 as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1)
 28 of this section.

29 In subsection (f) of this section, the reference to a “local” caterer’s license is
 30 added for clarity.

1 Also in subsection (f) of this section, the reference to the premises “for which
2 the Class B license is issued” is substituted for the former reference to
3 premises “that is covered by the existing license” for clarity.

4 Also in subsection (f) of this section, the former reference to an “existing” Class
5 B license is deleted as surplusage.

6 Former Art. 2B, § 6–708(a), which stated that former Art. 2B, § 6–708 applied
7 only in St. Mary’s County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Defined terms: “Beer” § 1–101

10 “Board” § 28–101

11 “Hotel” § 1–101

12 “On–sale” § 1–101

13 “Restaurant” § 1–101

14 “Wine” § 1–101

15 SUBTITLE 13. TEMPORARY LICENSES.

16 PART I. IN GENERAL.

17 28–1301. APPLICATION OF GENERAL PROVISIONS.

18 (A) WITHOUT EXCEPTION OR VARIATION.

19 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
20 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
21 EXCEPTION OR VARIATION:

22 (1) § 4–1202 (“PER DIEM LICENSES”);

23 (2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);

24 (3) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

25 (4) § 4–1208 (“HOURS AND DAYS OF SALE”); AND

26 (5) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).

27 (B) EXCEPTIONS.

28 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
29 LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

1 **(1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
2 **AND WINE LICENSES”)**, WHICH IS SUPERSEDED BY § 28-1309 OF THIS SUBTITLE;

3 **(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
4 **LICENSE”)**, WHICH IS SUPERSEDED BY § 28-1309 OF THIS SUBTITLE; AND

5 **(3) § 4-1205 (“LICENSE FEES”)**, WHICH IS SUPERSEDED BY § 28-1310
6 **OF THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 the general provisions relating to local temporary licenses.

9 Defined term: “County” § 28-101

10 **28-1302. RESERVED.**

11 **28-1303. RESERVED.**

12 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

13 **28-1304. BEER FESTIVAL LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A BEER FESTIVAL (BF) LICENSE.**

16 **(B) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE**
18 **AUTHORIZING THE SALE OF BEER, A CLASS 5 BREWERY LICENSE, A CLASS 6**
19 **PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM**
20 **BREWERY LICENSE.**

21 **(C) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER THAT IS:**

23 **(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

24 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**
25 **FILED.**

26 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

1 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

2 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

3 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

4 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

5 **THE BOARD SHALL:**

6 **(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE BEER FESTIVAL THAT**
7 **DOES NOT FALL ON THE DATES CHOSEN FOR THE SOTTERLEY WINE FESTIVAL;**

8 **(2) CHOOSE A LOCATION IN HISTORIC ST. MARY'S CITY FOR THE**
9 **FESTIVAL; AND**

10 **(3) ENSURE THAT THE PRIMARY FOCUSES OF THE FESTIVAL ARE THE**
11 **PROMOTIONS OF BOTH MARYLAND BEER AND TOURISM IN HISTORIC ST. MARY'S**
12 **CITY.**

13 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

14 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
15 **OR NATURE.**

16 **(G) FEE.**

17 **THE LICENSE FEE IS \$15.**

18 **(H) REGULATIONS.**

19 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8-806.

22 Subsection (a) of this section is revised as standard language used throughout
23 this article to establish a license.

24 In subsection (b) of this section, the reference to a "retail" license is substituted
25 for the former reference to an "existing State retail alcoholic beverages" license
26 for brevity.

1 Also in subsection (b) of this section, the former phrase “[n]otwithstanding any
2 other law,” is deleted as unnecessary in light of the organization of this revised
3 article.

4 In the introductory language of subsection (c) of this section, the reference to
5 the license “authoriz[ing] the holder” to display and sell is substituted for the
6 former reference to the requirement that the “holder of a special BF license
7 shall” display and sell for clarity and consistency with terminology used
8 throughout this article.

9 In subsection (c) of this section, the former reference to a limit on the display
10 and sale of wine that is “[p]rice filed in accordance with regulations adopted
11 by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to
12 Division II.

13 In subsection (f) of this section, the reference to a license holder who “may
14 hold” another license is substituted for the former statement that “[t]his
15 section does not prohibit the holder ... from holding” another license for
16 clarity.

17 Defined terms: “Beer” § 1–101
18 “Board” § 28–101
19 “License” § 1–101
20 “License holder” § 1–101
21 “State” § 1–101

22 **28–1305. WINE FESTIVAL LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A WINE FESTIVAL (WF) LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE**
27 **THAT AUTHORIZES THE SALE OF WINE, CLASS 3 WINERY LICENSE, OR CLASS 4**
28 **LIMITED WINERY LICENSE.**

29 **(C) SCOPE OF AUTHORIZATION.**

30 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

31 **(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

1 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**
2 **FILED.**

3 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

4 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

5 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

6 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

7 **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

8 **THE BOARD SHALL:**

9 **(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL;**

10 **(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

11 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE**
12 **PROMOTION OF MARYLAND WINE.**

13 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

14 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
15 **OR NATURE.**

16 **(G) FEE.**

17 **THE LICENSE FEE IS \$15.**

18 **(H) REGULATIONS.**

19 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 8-312.1.

22 Throughout this section, the former references to a "special" festival license
23 are deleted as surplusage.

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

1 In subsection (b) of this section, the reference to a “retail” license is substituted
 2 for the former reference to an “existing State retail alcoholic beverages license
 3 issued in the State” for brevity.

4 Also in subsection (b) of this section, the former phrase “[n]otwithstanding any
 5 other provision to the contrary,” is deleted as unnecessary in light of the
 6 organization of this revised article.

7 In the introductory language of subsection (c) of this section, the reference to
 8 the license “authoriz[ing] the holder to” display and sell is substituted for the
 9 former reference to the requirement that the “holder of a special WF license
 10 shall” display and sell for clarity and consistency with terminology used
 11 throughout this article.

12 In subsection (c) of this section, the former requirement that wine must be
 13 “[p]rice filed in accordance with regulations adopted by the Comptroller” is
 14 deleted as obsolete. *See* General Revisor’s Note to Division II.

15 In subsection (e)(2) of this section, the reference to a location that is not
 16 “already licensed” is substituted for the former reference to a location that is
 17 not “licensed under this article” for consistency with terminology used
 18 throughout this article.

19 Also in subsection (e)(2) of this section, the former reference to a location “for
 20 this festival” is deleted as surplusage.

21 Also in subsection (e)(2) of this section, the former reference to the Board
 22 approving a location “in St. Mary’s County” is deleted as surplusage.

23 In subsection (f) of this section, the reference to a license holder who “may
 24 hold” another license is substituted for the former statement that “[t]his
 25 section does not prohibit the holder” from holding another license for clarity.

26 Defined terms: “Board” § 28–101

27 “License” § 1–101

28 “License holder” § 1–101

29 “State” § 1–101

30 “Wine” § 1–101

31 **28–1306. BEER AND WINE TASTING OR SAMPLING LICENSE.**

32 **(A) ESTABLISHED.**

33 **THERE IS A 1-DAY CLASS BWTS BEER AND WINE TASTING OR SAMPLING**
 34 **LICENSE.**

1 **(B) AUTHORIZED HOLDER.**

2 **THE BOARD MAY ISSUE THE LICENSE TO:**

3 **(1) A HOLDER OF A CURRENT ALCOHOLIC BEVERAGES LICENSE; OR**

4 **(2) A RELIGIOUS, FRATERNAL, CIVIC, VETERANS', HOSPITAL, OR**
5 **CHARITABLE:**

6 **(I) CLUB;**

7 **(II) SOCIETY;**

8 **(III) ASSOCIATION; OR**

9 **(IV) ORGANIZATION.**

10 **(C) SCOPE OF AUTHORIZATION.**

11 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF**
12 **BEER OR WINE FOR TASTING OR SAMPLING IF:**

13 **(1) THE BEER OR WINE IS GIVEN TO CONSUMERS AT NO CHARGE; AND**

14 **(2) ALL CONSUMPTION OF THE BEER OR WINE OCCURS AT THE**
15 **LOCATION OF THE LICENSE HOLDER.**

16 **(D) PUBLICATION OF LICENSE APPLICATION NOT REQUIRED.**

17 **THE BOARD NEED NOT PUBLISH A LICENSE APPLICATION BEFORE ISSUING**
18 **THE LICENSE.**

19 **(E) LIMIT ON NUMBER OF LICENSES.**

20 **THE BOARD MAY ISSUE A LICENSE TO A PERSON NOT MORE THAN 12 TIMES IN**
21 **A CALENDAR YEAR.**

22 **(F) LIMIT ON SERVINGS.**

23 **AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A**
24 **QUANTITY NOT EXCEEDING:**

1 **(1) 1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL**
2 **OFFERINGS OF WINE IN A DAY; AND**

3 **(2) 3 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL**
4 **OFFERINGS OF BEER IN A DAY.**

5 **(G) DISPOSAL OF REMAINING BEER OR WINE.**

6 **AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE**
7 **HOLDER SHALL DISPOSE OF ANY BEER OR WINE THAT REMAINS IN A CONTAINER**
8 **OPENED FOR TASTING OR SAMPLING.**

9 **(H) FEE.**

10 **THE LICENSE FEE IS \$50.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 8–410.4(b) through (j).

13 Subsection (a) of this section is revised in standard language used throughout
14 this article to establish a license.

15 In subsection (b)(2) of this section, the reference to a “religious, fraternal, civic,
16 veterans’, hospital, or charitable” club, society, association, or organization is
17 substituted for the former reference to “an organization that qualifies for a
18 special Class C beer, special Class C beer and wine license, or a special Class
19 C beer, wine and liquor license under § 7–101(r) of this article” for clarity.

20 In subsection (c)(1) and (2) of this section, the references to “beer or wine” are
21 substituted for the former references to “alcoholic beverages” to reflect the
22 scope of this section.

23 In subsection (c)(2) of this section, the reference to the “location” of the license
24 holder is substituted for the former reference to the “licensed premises” of the
25 license holder for consistency with terminology used throughout this article.

26 In the introductory language of subsection (f) of this section, the reference to
27 an “individual” is substituted for the former, overly broad reference to a
28 “person” for clarity.

29 In subsection (f)(1) and (2) of this section, the references to “each offering” and
30 all “offerings” are substituted for the former references to “a single brand” and
31 all “brands” for clarity.

1 In subsection (g) of this section, the reference to “any beer and wine that
2 remains” in a container is substituted for the former reference to “unconsumed
3 alcoholic beverages remaining” for brevity and clarity.

4 Former Art. 2B, § 8–410.4(a), which stated that former Art. 2B, § 8–410.4
5 applied only in St. Mary’s County, is deleted as unnecessary in light of the
6 organization of this revised article.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Beer” § 1–101

9 “Board” § 28–101

10 “Consumer” § 1–101

11 “License” § 1–101

12 **28–1307. RESERVED.**

13 **28–1308. RESERVED.**

14 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

15 **28–1309. CLASS C PER DIEM LICENSES.**

16 **(A) ESTABLISHED.**

17 **THERE IS:**

18 **(1) A CLASS C PER DIEM BEER LICENSE;**

19 **(2) A CLASS C PER DIEM BEER AND WINE LICENSE; AND**

20 **(3) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) AUTHORIZED LICENSE HOLDER.**

22 **THE BOARD MAY:**

23 **(1) ISSUE A LICENSE TO A:**

24 **(I) RELIGIOUS, FRATERNAL, CIVIC, VETERANS’, OR**
25 **CHARITABLE ORGANIZATION, ASSOCIATION, CLUB, OR SOCIETY; OR**

26 **(II) HOSPITAL SUPPORTING ORGANIZATION; AND**

27 **(2) IMPOSE CONDITIONS ON THE LICENSE.**

1 (C) LICENSE PERIOD.

2 THE PERIOD FOR WHICH A LICENSE UNDER THIS SECTION MAY BE ISSUED IS:

3 (1) FOR A CLASS C PER DIEM BEER LICENSE, NOT LONGER THAN 10
4 DAYS;

5 (2) FOR A CLASS C PER DIEM BEER AND WINE LICENSE, 1 DAY; AND

6 (3) FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, 1
7 DAY.

8 (D) PURCHASE OF ALCOHOLIC BEVERAGES FROM RETAIL DEALER.

9 A LICENSE HOLDER MAY PURCHASE THE ALCOHOLIC BEVERAGES TO BE SOLD
10 UNDER THE LICENSE FROM A RETAIL DEALER.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 7-101(r)(2) through (4) and (6).

13 In subsection (b) of this section, the former reference to a "bona fide"
14 organization is deleted as surplusage.

15 Also in subsection (b) of this section, the reference to a hospital "supporting"
16 organization is added for clarity, reflecting terminology used in the Internal
17 Revenue Code.

18 Former Art. 2B, § 7-101(r)(1), which stated that former Art. 2B, § 7-101(r)
19 applied only in St. Mary's County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Defined terms: "Alcoholic beverage" § 1-101

22 "Beer" § 1-101

23 "Board" § 28-101

24 "License" § 1-101

25 "Retail dealer" § 1-101

26 "Wine" § 1-101

27 28-1310. FEE.

28 THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER
29 AND WINE LICENSE, AND A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS
30 \$10 PER DAY.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 7-101(r)(5).

3 The specific types of licenses are substituted for the former reference to "each
4 license" for clarity.

5 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

6 **28-1401. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
9 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
10 **WITHOUT EXCEPTION OR VARIATION:**

11 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
12 **BOARD");**

13 **(2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**

14 **(3) § 4-104 ("APPLICATION ON BEHALF OF CORPORATION OR CLUB");**

15 **(4) § 4-105 ("APPLICATION ON BEHALF OF LIMITED LIABILITY**
16 **COMPANY");**

17 **(5) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

18 **(6) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**

19 **(7) § 4-109 ("REQUIRED INFORMATION ON APPLICATION — IN**
20 **GENERAL");**

21 **(8) § 4-111 ("PAYMENT OF LICENSE FEES");**

22 **(9) § 4-113 ("REFUND OF LICENSE FEES"); AND**

23 **(10) § 4-114 ("FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR").**

24 **(B) VARIATIONS.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
26 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

1 **(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
2 **28-1402 THROUGH 28-1407 OF THIS SUBTITLE;**

3 **(2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
4 **PETITION OF SUPPORT”), SUBJECT TO § 28-1408 OF THIS SUBTITLE; AND**

5 **(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
6 **28-1410 OF THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to applications for local licenses.

9 Defined term: “County” § 28-101

10 **28-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

11 **(A) REQUIRED.**

12 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
13 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

14 **(B) CRIMINAL HISTORY RECORD INFORMATION FROM COUNTY POLICE.**

15 **THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON**
16 **LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10-103(b)(13)(ii)2 and 1D and (d)(3)(i).

19 The reference to “criminal history record information” is substituted for the
20 former reference to “criminal history records check” to conform to the
21 terminology used in CP § 10-201.

22 Defined terms: “Board” § 28-101

23 “Central Repository” § 1-101

24 “County” § 28-101

25 “License” § 1-101

26 **28-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE MADE AVAILABLE ONLY**
27 **TO BOARD PERSONNEL.**

28 **THE BOARD SHALL MAKE CRIMINAL HISTORY RECORD INFORMATION IN ITS**
29 **POSSESSION AVAILABLE ONLY TO THE ADMINISTRATOR, INSPECTOR, MEMBERS,**
30 **AND DESIGNEES OF THE BOARD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–103(d)(7).

3 The reference to “criminal history record information” is substituted for the
4 former reference to “criminal records” to conform to the terminology used in
5 CP § 10–201.

6 The former requirement that the Board keep criminal records confidential is
7 deleted as redundant of the confidentiality requirement in § 4–107(d)(1) of this
8 article.

9 Defined term: “Board” § 28–101

10 **28–1404. HEARING MAY NOT BE DELAYED BECAUSE OF FAILURE TO PROVIDE**
11 **CRIMINAL HISTORY RECORDS CHECK.**

12 **THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY**
13 **NOT BE DELAYED BECAUSE OF THE FAILURE OF THE FEDERAL BUREAU OF**
14 **INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORD CHECK**
15 **BY THE DATE OF THE SCHEDULED HEARING.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10–103(d)(8).

18 Defined term: “License” § 1–101

19 **28–1405. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
20 **APPLICATION PROCESS.**

21 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
22 **OBTAINED UNDER § 4–107 OF THIS ARTICLE OR § 28–1402 OF THIS SUBTITLE ON**
23 **COMPLETION OF THE APPLICATION PROCESS.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10–103(b)(13)(ii)1D and, as it related to St.
26 Mary's County, (i)2.

27 The reference to “criminal history record information” is substituted for the
28 former reference to “records” to conform to the terminology used in CP §
29 10–201.

30 The reference to “the application process” is substituted for the former
31 reference to “its necessary use” for clarity.

32 Defined term: “Board” § 28–101

1 **28-1406. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND CRIMINAL**
2 **HISTORY RECORDS CHECK RESULTS.**

3 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING**
4 **THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
5 **CRIMINAL HISTORY RECORDS CHECK.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-103(d)(6).

8 The reference to the Board's ability to set "and charge" a fee is added to
9 expressly state what was only implied in the former law.

10 The reference to the "results" is added for clarity.

11 Defined term: "Board" § 28-101

12 **28-1407. REGULATIONS.**

13 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT §§ 28-1403,**
14 **28-1404, AND 28-1406 OF THIS SUBTITLE.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10-103(d)(9).

17 Defined term: "Board" § 28-101

18 **28-1408. PETITION OF SUPPORT.**

19 **AN INDIVIDUAL IS ELIGIBLE TO SIGN THE PETITION OF SUPPORT REQUIRED**
20 **UNDER § 4-110 OF THIS ARTICLE THAT MUST BE INCLUDED AS PART OF AN**
21 **APPLICATION FOR A LICENSE IF THE INDIVIDUAL:**

22 **(1) OWNS REAL PROPERTY WITHIN 5 MILES OF THE PREMISES FOR**
23 **WHICH THE LICENSE IS SOUGHT; AND**

24 **(2) IS A REGISTERED VOTER IN THE COUNTY.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10-103(b)(18)(ii).

27 The reference to a "petition of support" is substituted for the former reference
28 to a "certificate" to conform to the terminology used throughout this article.

1 The references to an “individual” are substituted for the former references to
2 a “person” because this section applies only to human beings.

3 Defined terms: “County” § 28–101
4 “License” § 1–101

5 **28–1409. RESIDENCY REQUIREMENT FOR CORPORATE STOCKHOLDERS.**

6 **A LICENSE MAY NOT BE ISSUED FOR THE USE OF A CORPORATION UNLESS THE**
7 **OWNERS OF AT LEAST 15% OF THE TOTAL STOCK OF THE CORPORATION HAVE**
8 **RESIDED IN THE COUNTY FOR 6 MONTHS IMMEDIATELY BEFORE THE APPLICATION**
9 **FOR THE LICENSE.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 8–219.

12 The reference to owners of “at least” 15% is added for clarity.

13 The reference to “immediately before” the application is substituted for the
14 former reference to “next preceding” the application for clarity.

15 The former reference to a license “for the sale of alcoholic beverages” is deleted
16 as included in the defined term “license”.

17 The former phrase “[f]or the purposes of this section the term” is deleted as
18 unnecessary.

19 The Alcoholic Beverages Article Review Committee notes, for consideration by
20 the General Assembly, that the requirement that the owners of at least 15%
21 of the stock reside in the County may violate the equal protection guarantees
22 of the Fourteenth Amendment to the United States Constitution and Article
23 24 of the Maryland Declaration of Rights. Maryland courts look unfavorably
24 on legislation that classifies persons by geography, which may be
25 accomplished by residency or registration requirements, if the primary
26 purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md.
27 411 (1994).

28 Defined terms: “County” § 28–101
29 “License” § 1–101

30 **28–1410. DISPOSITION OF LICENSE FEES.**

31 **THE COUNTY TREASURER SHALL:**

32 **(1) COLLECT THE LICENSE FEES; AND**

1 **(2) PAY OVER TO THE COMMISSIONERS OF LEONARDTOWN THE FEES**
 2 **RECEIVED FOR LICENSES ISSUED FOR PREMISES IN LEONARDTOWN.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 10–204(t).

5 The former reference to paying funds to the Commissioners of Leonardtown
 6 “for general corporate purposes” is deleted as surplusage.

7 Defined terms: “County” § 28–101
 8 “License” § 1–101

9 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

10 **28–1501. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
 13 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
 14 **WITHOUT EXCEPTION OR VARIATION:**

15 **(1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

16 **(2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

17 **(3) § 4–207 (“LICENSES ISSUED TO MINORS”);**

18 **(4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**

19 **(5) § 4–209 (“HEARING”);**

20 **(6) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

21 **(7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

22 **(8) § 4–212 (“LICENSE NOT PROPERTY”);**

23 **(9) § 4–213 (“REPLACEMENT LICENSES”); AND**

24 **(10) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
 25 **APPLICATIONS”).**

26 **(B) VARIATIONS.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
 2 **OF LOCAL LICENSES”)** OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

3 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
 4 **TO §§ 28–1502 AND 28–1503 OF THIS SUBTITLE;**

5 **(2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 6 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 28–1505 OF THIS SUBTITLE**
 7 **AND SUBTITLE 13, PART III OF THIS TITLE; AND**

8 **(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
 9 **FOR SAME PREMISES”), SUBJECT TO § 28–1505 OF THIS SUBTITLE AND SUBTITLE**
 10 **13, PART III OF THIS TITLE.**

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
 12 general provisions relating to the issuance of local licenses.

13 Defined terms: “County” § 28–101

14 “License” § 1–101

15 “Local licensing board” § 1–101

16 **28–1502. HOLDERS OF OUT–OF–STATE LICENSES.**

17 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
 18 **WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN**
 19 **OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

20 REVISOR’S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 9–102(b–3)(5), as it related to St. Mary’s County
 22 and except as it related to the renewal of a license by a person that holds an
 23 out–of–state license.

24 The reference to “[t]he Board” is added for clarity.

25 The reference to an “out–of–state” license is substituted for the former
 26 reference to a license “in any other state or in Washington, D.C.” for brevity.

27 The former reference to a “corporation, or limited liability company” is deleted
 28 as included in the reference to a “person”.

29 Defined terms: “Alcoholic beverage” § 1–101

30 “Beer” § 1–101

31 “Board” § 28–101

32 “Person” § 1–101

1 "State" § 1-101

2 "Wine" § 1-101

3 **28-1503. PROHIBITED ISSUANCE OF LICENSE.**

4 **A LICENSE APPLICATION SHALL BE DISAPPROVED AND THE LICENSE SHALL**
5 **BE DENIED IF THE BOARD DETERMINES THAT THE APPLICANT HAS BEEN**
6 **CONVICTED OF A FELONY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 10-202(o)(2).

9 The former reference to the license "for which application" is made is deleted
10 as surplusage.

11 Defined terms: "Board" § 28-101

12 "License" § 1-101

13 **28-1504. COUNTY TREASURER.**

14 **THE COUNTY TREASURER SHALL COLLECT LICENSE FEES AND MAY ISSUE**
15 **LICENSES.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-202(o)(1).

18 Defined terms: "County" § 28-101

19 "License" § 1-101

20 **28-1505. BOWLING ESTABLISHMENTS.**

21 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
22 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
23 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

24 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
25 **LICENSES; AND**

26 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
27 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 9-102(b-1)(1)(i).

1 In item (1) of this section, the reference to “Class D beer or Class D beer and
2 wine licenses” is substituted for the former reference to licenses issued
3 “[u]nder § 3–401 or § 5–401 of this article” for clarity.

4 In item (2) of this section, the former reference to the premises “operated as”
5 a bowling establishment is deleted as surplusage.

6 Defined terms: “Beer” § 1–101

7 “License” § 1–101

8 “Wine” § 1–101

9 **28–1506. ADDITIONAL BARS AND SERVING COUNTERS.**

10 **(A) IN GENERAL.**

11 **THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL**
12 **BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN**
13 **BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE**
14 **HOLDER.**

15 **(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

16 **THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN**
17 **ADDITIONAL BAR OR SERVING COUNTER.**

18 **(C) ADDITIONAL LICENSE NOT REQUIRED.**

19 **AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR**
20 **SERVING COUNTER.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 9–102(b–9)(2).

23 In subsections (a) and (b) of this section, the references to the defined term
24 “Board” are substituted for the former broad references to “alcoholic beverages
25 licensing authority” and “licensing authority” because only the Board can act
26 as a licensing authority under this title.

27 In subsection (a) of this section, the reference to the main building “of the
28 premises served by the ... license holder” is added for clarity.

29 Also in subsection (a) of this section, the former phrase “[n]otwithstanding any
30 other provisions of this article,” is deleted as surplusage.

1 In subsections (b) and (c) of this section, the references to “an additional bar
2 or serving counter” are added for clarity.

3 In subsection (c) of this section, the former phrase “, if the authorization is
4 granted,” is deleted as surplusage.

5 Former Art. 2B, § 9–102(b–9)(1)(iii), which stated that the provisions of former
6 Art. 2B, § 9–102(b–9) applied in St. Mary’s County, is deleted as unnecessary
7 in light of the organization of this revised article.

8 Defined terms: “Board” § 28–101

9 “License” § 1–101

10 **28–1507. SALE OF CIDER AND NATIVE WINE WITHOUT LICENSE.**

11 **CIDER AND NATIVE WINE MAY BE SOLD BY THEIR MAKERS WITHOUT A
12 LICENSE.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 1–201(b)(2).

15 Defined terms: “License” § 1–101

16 “Wine” § 1–101

17 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

18 **PART I. LICENSING CONDITIONS.**

19 **28–1601. QUOTA FOR CLASS A LICENSES.**

20 **(A) IN GENERAL.**

21 **THE BOARD MAY NOT:**

22 **(1) ISSUE MORE THAN ONE CLASS A LICENSE FOR EVERY 1,350
23 INDIVIDUALS IN AN ELECTION DISTRICT IN THE COUNTY; OR**

24 **(2) APPROVE THE TRANSFER OF A LICENSE ISSUED UNDER ITEM (1)
25 OF THIS SUBSECTION FROM ONE ELECTION DISTRICT TO ANOTHER ELECTION
26 DISTRICT UNLESS THE TRANSFER CAN BE MADE WITHOUT EXCEEDING THE LICENSE
27 QUOTA PROVIDED IN ITEM (1) OF THIS SUBSECTION.**

28 **(B) STATISTICS FROM COUNTY PLANNING COMMISSION ANNUAL REPORT.**

1 **THE BOARD SHALL USE THE POPULATION STATISTICS FROM THE MOST**
2 **RECENT COUNTY PLANNING COMMISSION ANNUAL REPORT TO MAINTAIN THE**
3 **LICENSE QUOTA PROVIDED IN SUBSECTION (A)(1) OF THIS SECTION.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 9-219(d).

6 In subsection (a)(1) of this section, the former reference to a Class A license
7 "with an off-sale privilege" is deleted as unnecessary because all Class A
8 licenses have an off-sale privilege.

9 In subsection (a)(2) of this section, the reference to the Board "approv[ing] the"
10 transfer "of" a license is added for accuracy.

11 Defined terms: "Board" § 28-101

12 "County" § 28-101

13 "License" § 1-101

14 **28-1602. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

15 **(A) IN GENERAL.**

16 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
17 **BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300**
18 **FEET OF A PLACE OF WORSHIP OR A PUBLIC OR NONPUBLIC KINDERGARTEN,**
19 **ELEMENTARY, OR SECONDARY SCHOOL.**

20 **(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF**
21 **WORSHIP OR THE PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR**
22 **SECONDARY SCHOOL IS TO BE MEASURED FROM THE NEAREST WALL OF THE**
23 **ESTABLISHMENT IN A DIRECT LINE TO THE NEAREST POINT OF THE MAIN BUILDING**
24 **OF THE PLACE OF WORSHIP OR THE SCHOOL.**

25 **(B) EXCEPTIONS.**

26 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
27 **SECTION DOES NOT APPLY:**

28 **(1) TO THE ISSUANCE OF A CLASS B (ON-SALE) BEER, WINE, AND**
29 **LIQUOR LICENSE FOR AN ESTABLISHMENT IN LEONARDTOWN; OR**

30 **(2) IF A PLACE OF WORSHIP OR SCHOOL LOCATES ITS BUILDING**
31 **WITHIN 300 FEET OF A PREMISES THAT IS ALREADY LICENSED.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9–219(b).

3 Throughout this section, the former references to a “church” are deleted as
4 included in the references to a “place of worship”.

5 In subsection (a)(1) of this section, the prohibition against “issu[ing]” a license
6 is substituted for the former prohibition against “approv[ing] any application
7 for” a license for clarity. Correspondingly, in subsection (b)(1) of this section,
8 the reference to “the issuance of” a license is substituted for the former
9 reference to “an application for” a license.

10 Also in subsection (a)(1) of this section, the reference to an “establishment” is
11 substituted for the former reference to a “building” to conform to the
12 terminology used throughout this article. Similarly, in subsection (b)(1) of this
13 section, the reference to “an establishment” in Leonardtown is substituted for
14 the former reference to “a premises” in Leonardtown.

15 Also in subsection (a)(1) of this section, the former reference to a license “to
16 sell alcoholic beverages” is deleted as included in the defined term “license”.

17 In subsection (b)(2) of this section, the reference to “a premises that is already
18 licensed” is substituted for the former reference to “any licensed premises after
19 the licensed premises are there established” for clarity and brevity.

20 The Alcoholic Beverages Article Review Committee notes, for consideration by
21 the General Assembly, that the distance restriction established under former
22 Art. 2B, § 9–219(b)(1), revised in subsection (a)(1) of this section, applies only
23 to a kindergarten, an elementary school, or a secondary school, and not to a
24 middle school.

25 Defined terms: “Board” § 28–101
26 “License” § 1–101

27 **28–1603. DRIVE–THROUGH SALES PROHIBITED.**

28 **THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF–SALE PRIVILEGE FOR**
29 **USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH**
30 **SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

31 **(1) SOLD AT RETAIL; AND**

32 **(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN**
33 **OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9–219(c), except as it related to the transfer of
3 a license.

4 In the introductory language of this section, the reference to a “sales” facility
5 is substituted for the former reference to a “purchase” facility for clarity.

6 Former Art. 2B, § 9–219(a), which stated that former Art. 2B, § 9–219 applied
7 only in St. Mary's County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Board” § 28–101

11 “License” § 1–101

12 “Off-sale” § 1–101

13 **28–1604. RESERVED.**

14 **28–1605. RESERVED.**

15 **PART II. MULTIPLE LICENSING PLANS.**

16 **28–1606. RESERVED.**

17 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

18 **28–1701. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
21 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
22 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

23 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
24 **LICENSE AND INVENTORY”);**

25 **(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

26 **(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
27 **REQUIRED”); AND**

28 **(4) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

29 **(B) VARIATION.**

1 **SECTION 4–305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS**
 2 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28–1702 OF THIS SUBTITLE.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
 4 general provisions relating to the transfer of licenses and the substitution of
 5 the names of officers on licenses.

6 Defined terms: “County” § 28–101
 7 “License” § 1–101

8 **28–1702. FEE.**

9 **THE FEE FOR A TRANSFER OF A LICENSE IS \$100.**

10 REVISOR’S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 10–503(t)(2).

12 The former reference to an “assignment” is deleted as included in the reference
 13 to a “transfer”.

14 Former Art. 2B, § 10–503(t)(1), which stated that former Art. 2B, §
 15 10–503(t) applied only in St. Mary’s County, is deleted as unnecessary in light
 16 of the organization of this revised article.

17 Defined term: “License” § 1–101

18 **28–1703. TRANSFER OF LICENSES PROHIBITED FOR DRIVE–THROUGHS.**

19 **THE BOARD MAY NOT TRANSFER AN OFF–SALE LICENSE FOR USE IN A**
 20 **BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH PURCHASE**
 21 **FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND**
 22 **DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR**
 23 **VEHICLE FOR OFF–PREMISES CONSUMPTION.**

24 REVISOR’S NOTE: This section is new language derived without substantive
 25 change from former Art. 2B, § 9–219(c), as it related to the transfer of a license.

26 The former reference to a license “of any class” is deleted as unnecessary.

27 Defined terms: “Alcoholic beverage” § 1–101
 28 “Board” § 28–101
 29 “License” § 1–101
 30 “Off–sale” § 1–101

1 **SUBTITLE 18. RENEWAL OF LICENSES.**

2 **28-1801. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
5 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
6 **EXCEPTION OR VARIATION:**

7 **(1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

8 **(2) § 4-403 (“RENEWAL APPLICATION”);**

9 **(3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);**

10 **(4) § 4-406 (“PROTESTS”);**

11 **(5) § 4-409 (“MULTIPLE LICENSES”); AND**

12 **(6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

13 **(B) EXCEPTIONS.**

14 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
15 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

16 **(1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) AND IS**
17 **SUPERSEDED BY § 28-1802 OF THIS SUBTITLE; AND**

18 **(2) § 4-408 (“ISSUANCE OF RENEWED LICENSES”) AND IS**
19 **SUPERSEDED BY § 28-1803 OF THIS SUBTITLE.**

20 **(C) VARIATION.**

21 **SECTION 4-407 (“DENIAL OF RENEWAL APPLICATION”) OF DIVISION I OF**
22 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1804 OF THIS SUBTITLE.**

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to the renewal of local licenses.

25 Defined terms: “County” § 28-101

26 “License” § 1-101

1 **28-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

2 (A) **IN GENERAL.**

3 **TO RENEW A LICENSE, THE LICENSE HOLDER SHALL FILE AN APPLICATION**
4 **WITH THE ADMINISTRATOR OF THE BOARD BETWEEN FEBRUARY 1 AND MARCH 3,**
5 **INCLUSIVE.**

6 (B) **NEW LICENSE REQUIRED AFTER EXPIRATION.**

7 **A HOLDER OF AN EXPIRED LICENSE MAY APPLY TO THE BOARD FOR A NEW**
8 **LICENSE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10-301(r)(3) and (4).

11 In subsection (a) of this section, the former redundant reference to license
12 renewal "for an additional term" is deleted as unnecessary.

13 Former Art. 2B, § 10-301(r)(1), which stated that former Art. 2B, § 10-301(r)
14 applied only in St. Mary's County, is deleted as unnecessary in light of the
15 organization of this revised article.

16 Defined terms: "Board" § 28-101

17 "License" § 1-101

18 "License holder" § 1-101

19 **28-1803. ISSUANCE OF RENEWED LICENSES.**

20 (A) **ISSUANCE.**

21 **THE BOARD MAY ISSUE RENEWED LICENSES BETWEEN APRIL 1 AND MAY 1,**
22 **INCLUSIVE.**

23 (B) **EXPIRATION DATE.**

24 **A LICENSE EXPIRES ON THE FIRST APRIL 30 AFTER ITS EFFECTIVE DATE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 10-301(d)(2) and (r)(2).

27 In subsection (a) of this section, the reference to "renewed" licenses is
28 substituted for the former reference to "new" licenses for clarity and accuracy.

1 Also in subsection (a) of this section, the former reference to the issuance of
2 renewed licenses “at any time” between April 1 and May 1 is deleted as
3 unnecessary.

4 In subsection (b) of this section, the former phrase “[u]nless an alcoholic
5 beverages license is renewed for a 1–year term as provided in this subsection”
6 is deleted as surplusage.

7 Defined terms: “Board” § 28–101
8 “License” § 1–101

9 **28–1804. DENIAL OF RENEWAL APPLICATION.**

10 **(A) AUTHORIZED FOR FELONY CONVICTION.**

11 **THE BOARD MAY DENY A LICENSE RENEWAL IF THE LICENSE HOLDER OR A**
12 **STOCKHOLDER OF THE CORPORATION THAT USES THE LICENSE HAS BEEN**
13 **CONVICTED OF A FELONY.**

14 **(B) HEARING.**

15 **THE BOARD:**

16 **(1) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A LICENSE**
17 **UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION; AND**

18 **(2) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES**
19 **CONCERNING THE FELONY OFFENSE AT THE HEARING.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 10–301(c–1), as it related to the effect of a felony
22 conviction on license renewals in St. Mary’s County.

23 In subsection (a) of this section, the reference authorizing the Board to “deny”
24 a license renewal is substituted for the former reference stating that a license
25 renewal “may not be granted, at the discretion of the Board” for clarity and
26 brevity.

27 In subsection (b)(1) of this section, the reference to license renewal “under the
28 circumstances described in subsection (a) of this section” is added for clarity.

29 In subsection (b)(2) of this section, the reference to a “felony” offense is added
30 for clarity.

31 Defined terms: “Board” § 28–101

1 "License" § 1-101
 2 "License holder" § 1-101

3 **28-1805. HOLDERS OF OUT-OF-STATE LICENSES.**

4 **NOTWITHSTANDING § 28-1502 OF THIS TITLE, THE BOARD MAY RENEW A**
 5 **CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND**
 6 **LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
 7 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 9-102(b-3)(5), as it related to St. Mary's County
 10 and to the renewal of a license by a person who holds an out-of-state license.

11 The phrase "[n]otwithstanding § 28-1502 of this title," is added to clarify that
 12 this section is an exception to § 28-1502.

13 The reference to an "out-of-state" license is substituted for the former
 14 reference to a license "in any other state or in Washington, D.C." for brevity.

15 The reference to the authority of "the Board" to "renew" a license "originally
 16 issued to a holder of an out-of-state" license is substituted for the former
 17 reference to the "except[ion] by way of renewal, to a person, corporation, or
 18 limited liability company holding" an out-of-state license for clarity and to
 19 avoid the implication that a licensee can obtain an out-of-state license after
 20 obtaining the original license and continue to renew the original license.

21 Defined terms: "Alcoholic beverage" § 1-101
 22 "Beer" § 1-101
 23 "Board" § 28-101
 24 "State" § 1-101
 25 "Wine" § 1-101

26 **28-1806. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE**
 27 **RENEWALS.**

28 **THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER §**
 29 **4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

30 REVISOR'S NOTE: This section is new language derived without substantive
 31 change from former Art. 2B, § 10-103(d)(5).

32 Former Art. 2B, § 10-103(d)(2), which stated that former Art. 2B, § 10-103(d)
 33 applied only in St. Mary's County, is deleted as unnecessary in light of the
 34 organization of this revised article.

1 Defined term: "License" § 1-101

2 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

3 **28-1901. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
6 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
7 **WITHOUT EXCEPTION OR VARIATION:**

8 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

9 **(2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
10 **PREMISES");**

11 **(3) § 4-505 ("ALCOHOL AWARENESS PROGRAM");**

12 **(4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");**

13 **(5) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND**

14 **(6) § 4-508 ("DISPLAY OF LICENSE").**

15 **(B) VARIATION.**

16 **SECTION 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS") OF DIVISION I**
17 **OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1902 OF THIS**
18 **SUBTITLE.**

19 REVISOR'S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to the conduct of local license holders.

21 Defined terms: "Alcoholic beverage" § 1-101

22 "County" § 28-101

23 "License" § 1-101

24 "License holder" § 1-101

25 **28-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

26 **(A) INDIVIDUALS AT LEAST 18 YEARS OLD.**

1 **AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES**
 2 **IN A RESTAURANT IN CONNECTION WITH SERVING A MEAL.**

3 **(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

4 **AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER**
 5 **OR IN A SOLELY BAR-RELATED CAPACITY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 12-219(a).

8 Throughout this section, references to an "individual" are substituted for the
 9 former references to a "person[s]" because this section applies only to human
 10 beings.

11 In subsection (b) of this section, the former reference to a "barmaid" is deleted
 12 as included in the reference to a "bartender".

13 The Alcoholic Beverages Article Review Committee notes, for consideration by
 14 the General Assembly, that in subsection (b) of this section, the phrase
 15 "bar-related capacity" is unclear.

16 Defined terms: "Alcoholic beverage" § 1-101
 17 "Restaurant" § 1-101

18 **28-1903. CONSUMERS ON PREMISES AFTER HOURS OF SALE ENDS — PROHIBITED.**

19 **(A) IN GENERAL.**

20 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CONSUMER MAY**
 21 **NOT REMAIN ON THE PREMISES OF AN ESTABLISHMENT THAT SELLS ALCOHOLIC**
 22 **BEVERAGES AFTER THE HOURS OF SALE END.**

23 **(B) SUNDAY MORNING EXCEPTION.**

24 **ON SUNDAY MORNING, A CONSUMER MAY REMAIN ON THE PREMISES OF AN**
 25 **ESTABLISHMENT THAT SELLS ALCOHOLIC BEVERAGES FOR ONE-HALF HOUR AFTER**
 26 **THE HOURS OF SALE END.**

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from the second sentence of former Art. 2B, § 11-519.

29 Defined terms: "Alcoholic beverage" § 1-101
 30 "Consumer" § 1-101

1 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

2 **28-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

3 **(A) IN GENERAL.**

4 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
5 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
6 **PREMISES LICENSED UNDER THIS TITLE.**

7 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
8 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
9 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

10 **(B) PENALTY.**

11 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
12 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 11-304(a)(1) and, as it related to St. Mary's
15 County, (2).

16 In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided
17 under this title" is added for clarity.

18 Also in subsection (a)(1) of this section, the reference to an "individual" is
19 substituted for the former reference to a "person" because the prohibition
20 against consumption applies only to human beings.

21 In subsection (b) of this section, the reference to a person who "violates this
22 section" is substituted for the former reference to a person who is "found
23 consuming any alcoholic beverage on any premises open to the general public,
24 and any owner, operator or manager of those premises or places who
25 knowingly permits consumption between the hours provided by this section"
26 for brevity.

27 Also in subsection (b) of this section, the phrase "[e]xcept as provided in this
28 section" is deleted as unnecessary in light of subsection (a)(1) of this section.

29 Also in subsection (b) of this section, the former reference to a fine "not less
30 than \$5" is deleted to conform to the statement of legislative policy in §
31 14-102 of the Criminal Law Article, which sets forth the general rule that,
32 notwithstanding a statutory minimum penalty, a court may impose a lesser
33 penalty of the same character.

1 Defined terms: "Alcoholic beverage" § 1-101
2 "Person" § 1-101

3 **28-2002. BEER LICENSES.**

4 (A) **CLASS A BEER LICENSE.**

5 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY**
6 **THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

7 (B) **CLASS B BEER LICENSE.**

8 **RESERVED.**

9 (C) **CLASS C BEER LICENSE.**

10 **RESERVED.**

11 (D) **CLASS D BEER LICENSE.**

12 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY**
13 **THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from the first sentence of former Art. 2B, § 11-519.

16 In subsections (a) and (d) of this section, the former phrase "notwithstanding
17 any other provision of this article" is deleted as unnecessary in light of the
18 organization of this revised article.

19 Also in subsections (a) and (d) of this section, the former phrase "[t]he hours
20 during which" is deleted as surplusage.

21 Defined term: "Beer" § 1-101

22 **28-2003. BEER AND WINE LICENSES.**

23 (A) **CLASS A BEER AND WINE LICENSE.**

24 **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE**
25 **ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

26 (B) **CLASS B BEER AND WINE LICENSE.**

1 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 2 **HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON**
 3 **MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

4 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
 5 **COUNTER ON SUNDAY.**

6 **(C) CLASS C BEER AND WINE LICENSE.**

7 **RESERVED.**

8 **(D) CLASS D BEER AND WINE LICENSE.**

9 **RESERVED.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 11-403(a)(1)(ii), as it related to the Class B
 12 license, and the first sentence of § 11-519.

13 In this section, references to a "beer and wine license" are substituted for the
 14 former references to a "beer and light wine license" to avoid confusion. In
 15 former Art. 2B, § 4-101(s), "light wine" was defined in the County as a
 16 fermented beverage containing up to 22% of alcohol by volume – a maximum
 17 amount sufficient to include fortified wines, thus rendering meaningless the
 18 traditional division of wine into light wines and fortified wines.

19 In subsections (a) and (b) of this section, references to "beer and wine" are
 20 substituted for the former references to "those alcoholic beverages for which
 21 [the license holder] is licensed" for clarity.

22 Also in subsections (a) and (b) of this section, the former phrase "[t]he hours
 23 during which" is deleted as surplusage.

24 Defined terms: "Beer" § 1-101

25 "License holder" § 1-101

26 "Wine" § 1-101

27 **28-2004. BEER, WINE, AND LIQUOR LICENSES.**

28 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

29 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
 30 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE**
 31 **FOLLOWING DAY.**

1 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

2 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 3 **HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,**
 4 **AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE**
 5 **FOLLOWING DAY.**

6 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
 7 **A BAR OR COUNTER ON SUNDAY.**

8 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

9 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 10 **HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,**
 11 **AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE**
 12 **FOLLOWING DAY.**

13 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
 14 **A BAR OR COUNTER ON SUNDAY.**

15 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

16 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
 17 **WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE**
 18 **FOLLOWING DAY.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, §§ 11-303(a)(2)(vii), (b)(1), (c)(1), and (d)(1),
 21 11-403(a)(1)(ii), and the first sentence of 11-519.

22 In this section, the former phrase "[t]he hours during which" is deleted as
 23 unnecessary.

24 In subsection (a) of this section, the former phrase "[t]he provisions of
 25 paragraph (1) of this subsection are superseded as follows" and "holders of a
 26 Class A-1 license may sell on Sunday" is deleted as redundant in light of
 27 former Art. 2B, § 11-519, which authorizes all license holders to sell on
 28 Sunday.

29 In subsections (b) and (c) of this section, the references to "license holder" is
 30 substituted for the former references to "retail dealer" for clarity.

31 Defined terms: "Beer" § 1-101

32 "Wine" § 1-101

1 **28-2005. JANUARY 1.**

2 **AFTER A LICENSE HOLDER HAS FILED AN APPLICATION IN A FORM AND AT A**
3 **TIME THAT THE BOARD REQUIRES, THE BOARD MAY ISSUE A PERMIT AUTHORIZING**
4 **THE LICENSE HOLDER TO KEEP THE LICENSED PREMISES OPEN ON JANUARY 1.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 11-402(t)(2).

7 The former reference to a "special" permit is deleted as surplusage.

8 The former reference to January 1 "of any year" is deleted as surplusage.

9 Former Art. 2B, § 11-402(t)(1), which stated that former Art. 2B, § 11-402(t)
10 applied only in St. Mary's County, is deleted as unnecessary in light of the
11 organization of this revised article.

12 Defined terms: "Board" § 28-101
13 "License holder" § 1-101

14 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

15 **28-2101. APPLICATION OF GENERAL PROVISIONS.**

16 **TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES")**
17 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
18 **VARIATION.**

19 REVISOR'S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to the revocation and suspension of local licenses.

21 Former Art. 2B, § 10-405(a)(15), which stated that former Art. 2B, § 10-405,
22 which related to nudity and sexual displays, applied in St. Mary's County, is
23 deleted as unnecessary in light of the organization of this revised article.

24 Defined terms: "County" § 28-101
25 "License" § 1-101

26 **SUBTITLE 22. EXPIRATION OF LICENSES.**

27 **28-2201. APPLICATION OF GENERAL PROVISIONS.**

28 **TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF**
29 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 the general provisions relating to the expiration of local licenses.

3 Defined terms: "County" § 28-101
4 "License" § 1-101

5 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

6 **28-2301. APPLICATION OF GENERAL PROVISIONS.**

7 **TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS**
8 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

9 REVISOR'S NOTE: This section is new language added to incorporate by reference
10 general provisions relating to the death of a local license holder.

11 Defined terms: "County" § 28-101
12 "License holder" § 1-101

13 **SUBTITLE 24. JUDICIAL REVIEW.**

14 **28-2401. APPLICATION OF GENERAL PROVISIONS.**

15 **TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE**
16 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

17 REVISOR'S NOTE: This section is new language added to incorporate by reference
18 general provisions relating to the appeal of the decisions of the Board.

19 Defined term: "County" § 28-101

20 **28-2402. COURT MAY REMAND.**

21 **IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE**
22 **COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY**
23 **REMAND THE PROCEEDINGS TO THE BOARD.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 16-101(e)(4)(ii)11.

26 The reference to the "circuit court for the County" is substituted for the former
27 reference to the "court" for clarity.

28 Defined terms: "Board" § 28-101

1 “County” § 28–101

2 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

3 **28–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
4 **BEVERAGES.**

5 **(A) IN GENERAL.**

6 **AN ESTABLISHMENT NOT LICENSED BY THE BOARD, AT A LOCATION UNDER**
7 **THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:**

8 **(1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**

9 **(2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**

10 **(3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED ALCOHOLIC**
11 **BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS PREVIOUSLY**
12 **PURCHASED OR RESERVED; OR**

13 **(4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR**
14 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

15 **(B) PROHIBITION AGAINST OPERATOR.**

16 **A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT**
17 **LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
18 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

19 **(C) PENALTY.**

20 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
21 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

22 **REVISOR’S NOTE:** This section is new language derived without substantive
23 change from former Art. 2B, § 20–109.

24 Subsection (a) of this section is revised as an enumeration of prohibited
25 activities for an unlicensed establishment, rather than as the definition of
26 “bottle club”, for clarity and brevity. In the former law, a “bottle club” was
27 defined as an unlicensed establishment that conducts certain activities. The
28 former law then prohibited a bottle club from conducting those activities.

1 In the introductory language of subsection (a) of this section, the phrase “not
2 licensed by the Board” is added for clarity.

3 In subsection (a) of this section, the term “establishment” is substituted for
4 the former defined term “bottle club.” Actions that were formerly included
5 within the former defined term “bottle club” are prohibited under the
6 substantive provisions of this subsection.

7 Also in subsection (a) of this section, the former references to “giv[ing]” and
8 “dispens[ing]” alcoholic beverages are deleted as included in the references to
9 “serv[ing]” alcoholic beverages.

10 Also in subsection (a) of this section, the former reference to a bottle club used
11 “to evade the alcoholic beverage license laws or hours of operation” is deleted
12 in light of the revised structure of this section.

13 In subsection (b) of this section, the reference to the “establishment” is
14 substituted for the former reference to an “unlicensed building” for clarity.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “Person” § 1–101

17 **28–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
18 **BEVERAGES IS PROHIBITED.**

19 **(A) PROHIBITION AGAINST INDIVIDUAL.**

20 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
21 **ALCOHOLIC BEVERAGES IN:**

22 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

23 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

24 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
25 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
26 **BUSINESS REGULATION ARTICLE.**

27 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

28 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
29 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
30 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
31 **THIS SECTION.**

1 **(C) PENALTY.**

2 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
3 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

4 REVISOR'S NOTE: This section is new language derived without substantive change
5 from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

6 In subsections (a)(1) and (b) of this section, the references to an
7 “establishment” are substituted for the former references to “premises” to
8 avoid the implication that the establishment is licensed.

9 In subsection (a) of this section, the former reference to the “general” public is
10 deleted as surplusage.

11 In subsection (b) of this section, the former reference to an “operator” is deleted
12 as included in the reference to a “manager”.

13 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
14 to conform to the statement of legislative policy in § 14-102 of the Criminal
15 Law Article, which sets forth the general rule that, notwithstanding a
16 statutory minimum penalty, a court may impose a lesser penalty of the same
17 character.

18 Defined terms: “Alcoholic beverage” § 1-101
19 “Person” § 1-101

20 **SUBTITLE 26. ENFORCEMENT.**

21 **28-2601. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
24 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
25 **VARIATION:**

26 **(1) § 6-202 (“INSPECTIONS”);**

27 **(2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND**
28 **QUALITY OF ALCOHOLIC BEVERAGES”);**

29 **(3) § 6-204 (“POWER TO SUMMON WITNESSES”);**

30 **(4) § 6-205 (“PEACE OFFICERS”);**

1 **(5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
2 **ALCOHOLIC BEVERAGE”);**

3 **(6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
4 **EVIDENCE OF SALE”);**

5 **(7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF**
6 **ALCOHOL IN PUBLIC PLACES”);**

7 **(8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
8 **CONSUMPTION”); AND**

9 **(9) § 6–211 (“FINES AND FORFEITURES”).**

10 **(B) EXCEPTION.**

11 **SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION**
12 **LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS**
13 **SUPERSEDED BY § 28–2602 OF THIS SUBTITLE.**

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to enforcement.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “County” § 28–101

18 “State” § 1–101

19 **28–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

20 **THE COUNTY MAY:**

21 **(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE**
22 **PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6–319 OF THIS**
23 **ARTICLE; AND**

24 **(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC**
25 **BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR ON A**
26 **HIGHWAY.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 19–103(a)(11).

1 In item (1) of this section, the reference to “the prohibition against disorderly
2 intoxication under § 6–319 of this article” is substituted for the former obsolete
3 reference to “this subheading”.

4 In item (2) of this section, the former reference to the public “in general” is
5 deleted as surplusage.

6 Defined terms: “Alcoholic beverage” § 1–101
7 “County” § 28–101

8 SUBTITLE 27. PROHIBITED ACTS.

9 28–2701. APPLICATION OF GENERAL PROVISIONS.

10 (A) WITHOUT EXCEPTION OR VARIATION.

11 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
12 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
13 VARIATION:

14 (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

15 (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
16 INDIVIDUAL”);

17 (3) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR
18 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
19 YEARS”);

20 (4) § 6–310 (“PROVIDING FREE FOOD”);

21 (5) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
22 DEALER”);

23 (6) § 6–312 (“BEVERAGE MISREPRESENTATION”);

24 (7) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
25 CONTAINER”);

26 (8) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
27 DETACHABLE METAL TAB”);

28 (9) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
29 REGULAR LABEL PRESUMED ILLICIT”);

- 1 (10) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 2 (11) § 6-320 (“DISORDERLY INTOXICATION”);
- 3 (12) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
4 PUBLIC”);
- 5 (13) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- 6 (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
7 MACHINE”);
- 8 (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
9 BEVERAGES”);
- 10 (16) § 6-327 (“TAX EVASION”);
- 11 (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- 12 (18) § 6-329 (“PERJURY”).

13 **(B) VARIATIONS.**

14 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
15 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

16 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
17 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 28-2702 OF THIS**
18 **SUBTITLE;**

19 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
20 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 28-2703 OF THIS SUBTITLE; AND**

21 **(3) §§ 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
22 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) AND 6-319**
23 **(“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM**
24 **LICENSE HOLDER”), SUBJECT TO § 28-2704 OF THIS SUBTITLE.**

25 REVISOR’S NOTE: This section is new language added to incorporate by reference
26 general provisions relating to prohibited acts.

27 Defined terms: “Alcoholic beverage” § 1-101
28 “County” § 28-101

1 "License holder" § 1-101

2 "Retail dealer" § 1-101

3 **28-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
4 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

5 **(A) SUMMONS; BAIL.**

6 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
7 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

8 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
9 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
10 **EMPLOYEE; AND**

11 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
12 **COURT IN THE STATE.**

13 **(B) DUE CAUTION STANDARD FOR LICENSE HOLDERS.**

14 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
15 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

16 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
17 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
18 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
19 **OF 21 YEARS; AND**

20 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

21 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

22 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
23 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
24 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
25 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

28 In subsection (a)(2) of this section, the former reference to bail "bond" is
29 deleted as surplusage.

1 In subsection (b)(1) of this section, the reference to the “finder of fact” is
 2 substituted for the former reference to the “jury or the court sitting as a jury”
 3 for brevity.

4 Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted
 5 as surplusage.

6 Former Art. 2B, § 12–108(f)(1)(ix), which stated that the provisions of former
 7 Art. 2B, § 12–108(f) applied in St. Mary’s County, is deleted as unnecessary in
 8 light of the organization of this revised article.

9 Defined terms: “Board” § 28–101
 10 “License holder” § 1–101
 11 “State” § 1–101

12 **28–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
 13 **INDIVIDUAL — CRIMINAL PROCEDURE.**

14 **(A) SUMMONS; BAIL.**

15 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
 16 **CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

17 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
 18 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR AN**
 19 **EMPLOYEE; AND**

20 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
 21 **COURT IN THE STATE.**

22 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

23 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
 24 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS**
 25 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
 26 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

27 REVISOR’S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 12–108(a)(2) and (f)(2).

29 In subsection (a)(2) of this section, the former reference to bail “bond” is
 30 deleted as surplusage.

31 Defined terms: “Board” § 28–101
 32 “License holder” § 1–101

1 “State” § 1–101

2 **28–2704. ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT**
3 **PURCHASED FROM LICENSE HOLDER — EXCEPTION.**

4 **SECTIONS 6–308 AND 6–319 OF THIS ARTICLE DO NOT APPLY TO:**

5 **(1) A CLASS C BEER LICENSE, BEER AND WINE LICENSE, OR BEER,**
6 **WINE, AND LIQUOR LICENSE ISSUED TO A BONA FIDE RELIGIOUS, FRATERNAL, CIVIC,**
7 **VETERANS’, HOSPITAL, OR CHARITABLE ORGANIZATION; OR**

8 **(2) A LICENSE ISSUED TO AN OUTDOOR MOTOR SPORTS FACILITY**
9 **THAT IS LOCATED IN MECHANICSVILLE OR BUDDS CREEK.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 12–107(b)(7).

12 The reference to a “Class C beer license, beer and wine license, or beer, wine,
13 and liquor license” is substituted for the former reference to “[s]pecial licenses
14 issued ... under § 7–101(r) of this article” for clarity.

15 Defined terms: “Beer” § 1–101

16 “License” § 1–101

17 “Wine” § 1–101

18 **28–2705. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.**

19 **(A) IN GENERAL.**

20 **A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC**
21 **BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, OR A LICENSE HOLDER MAY**
22 **NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

23 **(1) A MEMBER OF THE BOARD;**

24 **(2) AN EMPLOYEE OF THE BOARD; OR**

25 **(3) A PERSON ACTING ON BEHALF OF A MEMBER OR AN EMPLOYEE OF**
26 **THE BOARD.**

27 **(B) PENALTY.**

28 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
29 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–102(h)(1)(ii) and (2).

3 In the introductory language of subsection (a) of this section, the former
4 references to a “corporation” are deleted as included in the defined term
5 “person”.

6 Also in the introductory language of subsection (a) of this section, the reference
7 to “offer or make a payment or gift” is substituted for the former reference to
8 “offer to pay any commission, profit or remuneration or make any gift” for
9 brevity.

10 Also in the introductory language of subsection (a) of this section, the defined
11 term “license holder” is substituted for the former reference to a “licensee
12 licensed under the provisions of this article” for brevity and consistency
13 throughout this article.

14 Also in the introductory language of subsection (a) of this section, the former
15 reference to “beer or other” alcoholic beverages is deleted as included in the
16 defined term “alcoholic beverage”.

17 Defined terms: “Alcoholic beverage” § 1–101

18 “Board” § 28–101

19 “License holder” § 1–101

20 “Person” § 1–101

21 SUBTITLE 28. PENALTIES.

22 28–2801. APPLICATION OF GENERAL PROVISION.

23 SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE 24 APPLIES IN THE COUNTY.

25 REVISOR'S NOTE: This section is new language added to incorporate by reference
26 general provisions relating to imposing a penalty for a violation for which no
27 specific penalty is provided.

28 Defined term: “County” § 28–101

29 28–2802. LOCAL PENALTIES.

30 (A) IN GENERAL.

31 A PERSON WHO VIOLATES A LAW RELATING TO:

1 **(1) LICENSING THE SALE OF ALCOHOLIC BEVERAGES IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000;**
3 **AND**

4 **(2) HOURS OR DAYS FOR THE SALE OF ALCOHOLIC BEVERAGES IS**
5 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OR**
6 **A FINE NOT EXCEEDING \$250 OR BOTH.**

7 **(B) LICENSE VIOLATION.**

8 **FOR A LICENSE VIOLATION, THE BOARD MAY REVOKE OR SUSPEND A LICENSE**
9 **OR IMPOSE A FINE ON THE LICENSE HOLDER OR BOTH.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 16–507(t).

12 In subsection (a)(1) of this section, the reference to being “guilty of a
13 misdemeanor” is added to state expressly that which was only implied in the
14 former law. In this State, any crime that was not a felony at common law and
15 has not been declared a felony by statute is considered to be a misdemeanor.
16 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
17 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
18 123 Md. 373, 378 (1914).

19 In subsection (a)(2) of this section, the reference to “imprisonment” is
20 substituted for the former reference to “confined in the county jail or the House
21 of Correction” for brevity and consistency with other similar provisions of the
22 Code.

23 Also in subsection (a)(2) of this section, the former reference to “trial and”
24 conviction is deleted as surplusage.

25 Also in subsection (a)(2) of this section, the former references to imprisonment
26 “not less than 60 days” and a fine “not less than \$50” are deleted as
27 unenforceable in light of § 14–102 of the Criminal Law Article, which provides
28 that if a law sets a minimum penalty, the court in lieu of the minimum penalty
29 may impose a lesser penalty of the same character.

30 Defined terms: “Alcoholic beverage” § 1–101

31 “Board” § 28–101

32 “License” § 1–101

33 “License holder” § 1–101

34 “Person” § 1–101

35 **TITLE 29. SOMERSET COUNTY.**

1 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

2 **29-101. DEFINITIONS.**

3 **(A) IN GENERAL.**

4 **IN THIS TITLE:**

5 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
6 **EXCEPTION OR VARIATION; AND**

7 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

8 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
9 by reference terms defined for the entire article.

10 Item (2) of this subsection is new language added as the standard introductory
11 language to a definition section.

12 **(B) BOARD.**

13 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR SOMERSET**
14 **COUNTY.**

15 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
16 full reference to the “Board of License Commissioners for Somerset County”.

17 **(C) COUNTY.**

18 **“COUNTY” MEANS SOMERSET COUNTY.**

19 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
20 full reference to “Somerset County”.

21 **29-102. SCOPE OF TITLE.**

22 **THIS TITLE APPLIES ONLY IN SOMERSET COUNTY.**

23 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
24 organization of this revised article.

25 **29-103. COPY OF LEGISLATION.**

1 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
2 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
3 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
4 **MARYLAND 21401.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 18–103.

7 The reference to the “County Commissioners” is substituted for the former
8 reference to the “local governing body” for clarity.

9 The reference to this “title” is substituted for the former reference to this
10 “subtitle” to conform to the organization of this revised article. Under the
11 former law, each local governing body derived its authority to enact alcoholic
12 beverages legislation from a common subtitle. Under this revised article, each
13 local governing body derives its authority from the title dedicated to the
14 jurisdiction of the local governing body.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “County” § 29–101

17 **GENERAL REVISOR'S NOTE TO SUBTITLE**

18 Throughout this title, the references to “wine” are substituted for the former
19 references to “light wine” to reflect that license holders in the County may sell wine
20 with a maximum alcohol content of 22%, which is above the traditional maximum
21 level of 15.5% for light wine.

22 Correspondingly, former Art. 2B, § 4–101(u), which defined “light wine” in the
23 County as a fermented beverage that contains not in excess of 22% of alcohol by
24 volume, is deleted because the definition is not used in this title.

25 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

26 **29–201. ESTABLISHED.**

27 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR SOMERSET COUNTY.**

28 REVISOR'S NOTE: This section is new language added to state expressly what was
29 only implied in the former law, that an entity known as the Board of License
30 Commissioners for Somerset County exists.

31 **29–202. MEMBERSHIP.**

32 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

1 **THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT**
2 **TO THE ADVICE AND CONSENT OF THE SENATE.**

3 **(B) QUALIFICATIONS.**

4 **(1) EACH MEMBER OF THE BOARD SHALL BE:**

5 **(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

6 **(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND**
7 **OF RECOGNIZED BUSINESS CAPACITY.**

8 **(2) NOT MORE THAN TWO MEMBERS MAY BELONG TO THE SAME**
9 **POLITICAL PARTY.**

10 **(C) TENURE.**

11 **THE TERM OF A MEMBER IS 2 YEARS.**

12 **(D) VACANCIES.**

13 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
14 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
15 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
16 **THIS SECTION.**

17 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
18 **ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED**
19 **AND QUALIFIES.**

20 **(E) REMOVAL.**

21 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
22 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

23 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
24 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
25 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

26 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
27 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
28 **MEMBER AND THE GOVERNOR'S FINDINGS MADE ON THE CHARGES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 15–101(a)(3) and (4) and (u)(2), (3), and the
3 second clause of (4) and 15–110(a).

4 In subsection (a) of this section, the reference to “members” is substituted for
5 the former reference to “persons” to conform to the terminology used
6 throughout this subtitle.

7 Also in subsection (a) of this section, the reference to “the advice and consent
8 of” the Senate is substituted for the former reference to “confirmation by” the
9 Senate for clarity.

10 Also in subsection (a) of this section, the former reference to members
11 “constitut[ing]” the Board is deleted as surplusage.

12 In subsection (b)(1)(i) of this section, the defined term “County” is substituted
13 for the former reference to “Baltimore City or the respective counties, as the
14 case may be” because this title applies only to Somerset County.

15 In subsection (b)(1)(ii) of this section, the reference to an “individual” is
16 substituted for the former reference to “persons” because only a human being
17 and not the other entities included in the definition of “person” may serve as
18 a member of a board of license commissioners.

19 In subsection (c) of this section, the former phrase “who hold office” is deleted
20 as surplusage.

21 Subsection (d) of this section is standard language substituted for the former
22 reference to the duty of the Governor, if a vacancy occurs on the Board when
23 the General Assembly is not in session, to appoint an eligible individual to fill
24 the vacancy for the remainder of the term. The standard language is intended
25 to correct a gap in the former law, which was silent as to the procedure to be
26 followed if a vacancy occurs when the General Assembly is in session.

27 In subsection (e)(1) of this section, the former reference to a member “of any
28 board of license commissioners appointed by him under the provisions of this
29 article” is deleted as surplusage.

30 In subsection (e)(2) of this section, the former phrase “in his own defense” is
31 deleted as surplusage.

32 Former Art. 2B, § 15–101(u)(1), which provided that former subsection (u)
33 applied only in Somerset County, is deleted as unnecessary in light of the
34 organization of this revised article.

35 Defined terms: “Board” § 29–101

1 “County” § 29–101

2 **29–203. CHAIR.**

3 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
4 **FROM AMONG THE MEMBERS OF THE BOARD.**

5 REVISOR’S NOTE: This section is new language derived without substantive
6 change from the first clause of former Art. 2B, § 15–101(u)(4).

7 The reference to “[i]n making the appointments, the Governor” is added to
8 make explicit what was only implied in the former law, that the Governor is
9 required to designate a chair.

10 The reference to a “chair” is substituted for the former reference to a
11 “chairman” because SG § 2–1238 requires the use of words that are neutral as
12 to gender to the extent practicable.

13 Defined term: “Board” § 29–101

14 **29–204. SALARIES; EXPENSES; STAFF.**

15 **(A) SALARIES; EXPENSES.**

16 **(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$3,500**
17 **ANNUALLY.**

18 **(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY**
19 **OF \$3,000 ANNUALLY.**

20 **(3) THE COUNTY COMMISSIONERS SHALL PAY THE SALARIES OF THE**
21 **MEMBERS OF THE BOARD.**

22 **(4) THE COUNTY COMMISSIONERS MAY PAY FOR EXPENSES OF THE**
23 **BOARD, INCLUDING:**

24 **(I) SALARIES OF PERSONNEL OTHER THAN MEMBERS OF THE**
25 **BOARD; AND**

26 **(II) COSTS OF PRINTING, SUPPLIES, AND OTHER EXPENSES**
27 **RELATED TO THE OPERATION OF THE BOARD.**

28 **(B) STAFF.**

1 **THE BOARD MAY:**

2 **(1) EMPLOY:**

3 **(I) A SECRETARY;**

4 **(II) INSPECTORS; AND**

5 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

6 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SET THE**
7 **COMPENSATION OF THE EMPLOYEES.**

8 **(C) CLERK AND ATTORNEY.**

9 **THE BOARD:**

10 **(1) SHALL APPOINT A CLERK TO THE BOARD AT A SALARY OF \$3,500**
11 **ANNUALLY; AND**

12 **(2) MAY DESIGNATE AN ATTORNEY FOR THE BOARD AT A SALARY OF**
13 **\$4,000 ANNUALLY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, §§ 15–109(u) and 15–112(a)(2) and (u)(2).

16 In subsection (a)(1) of this section, the reference to a “chair” is substituted for
17 the former reference to a “chairman” because SG § 2–1238 requires the use of
18 words that are neutral as to gender to the extent practicable.

19 In subsection (a)(2) of this section, the reference to each “other” member of the
20 Board is added for clarity.

21 In subsection (a)(3) of this section, the requirement that the County
22 Commissioners “pay” Board salaries is substituted for the former requirement
23 that the County Commissioners “provide a sum sufficient to pay” Board
24 salaries for clarity and brevity. Similarly, in subsection (a)(4) of this section,
25 the authorization for the County Commissioners to “pay” Board expenses is
26 substituted for the former authorization for the County Commissioners to
27 “provide a sum sufficient to pay” Board expenses.

28 In subsection (b)(1)(iii) of this section, the reference to “assistants” is
29 substituted for the former reference to “assistance” for clarity.

1 Former Art. 2B, § 15–112(u)(1), which provided that former Art. 2B, §
2 15–112(u) applied only in Somerset County is deleted as surplusage.

3 Defined terms: “Board” § 29–101
4 “County” § 29–101

5 **29–205. REGULATIONS.**

6 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

7 REVISOR’S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 16–301(a), as it related to the authority of the
9 Board to adopt regulations.

10 The defined term “Board” is substituted for the former reference to “the board
11 of license commissioners from any county or Baltimore City, respectively”
12 because this section applies only to the Board of License Commissioners for
13 Somerset County.

14 The reference to the Board “adopt[ing] regulations to carry out” this article is
15 substituted for the former reference to the Board “hav[ing] full power and
16 authority to adopt such reasonable rules and regulations as they may deem
17 necessary to enable them effectively to discharge the duties imposed upon
18 them by” this article for brevity.

19 The former phrase “[i]n addition to the powers otherwise provided by this
20 article,” is deleted as surplusage.

21 Defined term: “Board” § 29–101

22 **SUBTITLE 3. LIQUOR CONTROL BOARD.**

23 **29–301. DEFINITIONS.**

24 **(A) IN GENERAL.**

25 **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

26 REVISOR’S NOTE: This subsection is new language added as the standard
27 introductory language to a definition section.

28 **(B) DISPENSARY.**

29 **“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE**
30 **LIQUOR CONTROL BOARD FOR THE SALE OF ALCOHOLIC BEVERAGES.**

1 REVISOR'S NOTE: This subsection is new language added to provide a convenient
2 reference to a store established and maintained by the Liquor Control Board.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "Liquor Control Board" § 29-301

5 **(C) LIQUOR CONTROL BOARD.**

6 **"LIQUOR CONTROL BOARD" MEANS THE LIQUOR CONTROL BOARD FOR THE**
7 **COUNTY.**

8 REVISOR'S NOTE: This subsection is new language added to provide a convenient
9 reference to the Liquor Control Board for the County.

10 Defined term: "County" § 29-101

11 **29-302. ESTABLISHED.**

12 **THERE IS A LIQUOR CONTROL BOARD FOR SOMERSET COUNTY.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 15-201(a)(1) and, as it related to Somerset
15 County, § 15-210.

16 **29-303. MEMBERSHIP.**

17 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

18 **THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE LIQUOR CONTROL**
19 **BOARD.**

20 **(B) QUALIFICATIONS.**

21 **EACH MEMBER OF THE LIQUOR CONTROL BOARD SHALL BE:**

22 **(1) A RESIDENT AND VOTER IN THE COUNTY; AND**

23 **(2) AN INDIVIDUAL OF HIGH CHARACTER, INTEGRITY, AND**
24 **RECOGNIZED BUSINESS CAPACITY.**

25 **(C) RESTRICTIONS.**

26 **(1) A MEMBER OF THE LIQUOR CONTROL BOARD MAY NOT:**

1 **(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE**
 2 **MANUFACTURE, PURCHASE, OR SALE OF ALCOHOLIC BEVERAGES; OR**

3 **(II) DERIVE PROFIT OR REMUNERATION FROM THE PURCHASE**
 4 **OR SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY PAYABLE FOR THE**
 5 **DISCHARGE OF THE DUTIES OF THE OFFICE.**

6 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
 7 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
 8 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

9 **(D) TENURE.**

10 **THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JUNE 1.**

11 **(E) VACANCIES.**

12 **IF A VACANCY OCCURS, IT SHALL BE FILLED FOR THE UNEXPIRED TERM IN**
 13 **THE SAME MANNER AS THE ORIGINAL APPOINTMENT.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 15–201(b)(1)(i) and (ii), (c)(1) and (2), (d)(3),
 16 (e)(2)(iii), (j)(1), and the first sentence of (f) and, as it related to membership
 17 in a liquor control board, § 15–208(a).

18 In subsection (c)(1)(ii) of this section, the former reference to “wages” is deleted
 19 as included in the reference to a “salary”.

20 In subsection (e) of this section, the former phrase “[e]xcept as provided in
 21 paragraph (2) of this subsection” is deleted as unnecessary because former
 22 paragraph (2) did not apply to the County.

23 Also in subsection (e) of this section, the former phrase “for any reason
 24 whatsoever” is deleted as surplusage.

25 Defined terms: “Alcoholic beverage” § 1–101
 26 “County” § 29–101
 27 “Liquor Control Board” § 29–301
 28 “Person” § 1–101

29 **29–304. CHAIR.**

30 **THE LIQUOR CONTROL BOARD SHALL ELECT A CHAIR FROM AMONG ITS**
 31 **MEMBERS.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–201(g).

3 The reference to electing a chair “from among its members” is added for clarity
4 and consistency within the Code. *See, e.g.*, CP § 16–301(e).

5 The former reference requiring a liquor control board to “organize by” electing
6 a chair is deleted for clarity and brevity.

7 Defined term: “Liquor Control Board” § 29–301

8 **29–305. MEETINGS; SALARIES; STAFF.**

9 **(A) MEETINGS.**

10 **THE LIQUOR CONTROL BOARD SHALL MEET AT LEAST TWICE EACH MONTH.**

11 **(B) SALARIES.**

12 **(1) THE CHAIR OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN**
13 **ANNUAL SALARY OF \$2,500.**

14 **(2) THE OTHER MEMBERS OF THE LIQUOR CONTROL BOARD SHALL**
15 **RECEIVE AN ANNUAL SALARY OF \$2,000.**

16 **(C) STAFF.**

17 **(1) THE LIQUOR CONTROL BOARD SHALL APPOINT EMPLOYEES**
18 **NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE**
19 **COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF**
20 **EMPLOYEE DUTIES.**

21 **(2) (I) AN EMPLOYEE OF THE LIQUOR CONTROL BOARD MAY NOT:**

22 **1. HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN**
23 **THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

24 **2. DERIVE PROFIT OR REMUNERATION FROM THE SALE**
25 **OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE**
26 **DISCHARGE OF THE DUTIES OF THE OFFICE.**

1 **(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A**
 2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
 3 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, §§ 15–205(a)(1)(i), 15–201(h)(5) and (i)(2), and, as
 6 it related to employees of the Liquor Control Board, § 15–208(a).

7 In subsection (b) of this section, the references to the “salary” of Liquor Control
 8 Board members are substituted for the former reference to “compensation” for
 9 the members for clarity and consistency within this revised article.

10 In subsection (c)(1) of this section, the former reference to the duties “of the ...
 11 position, as herein prescribed or authorized” is deleted as surplusage.

12 In subsection (c)(2)(ii) of this section, the reference to the defined term
 13 “person” who performs specific prohibited acts is substituted for the former
 14 reference to “any employee of said board” who performs specific prohibited acts
 15 for clarity and brevity.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “Dispensary” § 29–301

18 “Liquor Control Board” § 29–301

19 “Person” § 1–101

20 **29–306. MONOPOLY CONTROL.**

21 **SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD HAS A**
 22 **MONOPOLY ON THE SALE AND DISTRIBUTION OF LIQUOR IN THE COUNTY.**

23 REVISOR'S NOTE: This section is new language derived without substantive
 24 change from former Art. 2B, §§ 15–203(a)(3)(i) and 15–204(a) and (c).

25 The reference to “liquor” is substituted for the former reference to “particular
 26 alcoholic beverages which elsewhere in this subtitle it is empowered to sell”
 27 and to the former references excluding the sale of beer and the sale and
 28 distribution of light wine from monopoly control for brevity and clarity.

29 Defined terms: “County” § 29–101

30 “Liquor Control Board” § 29–301

31 **29–307. BORROWING POWER.**

32 **(A) LOANS FROM COUNTY COMMISSIONERS TO LIQUOR CONTROL BOARD.**

1 **(1) THE COUNTY COMMISSIONERS MAY LOAN MONEY TO THE LIQUOR**
2 **CONTROL BOARD TO PROVIDE THE LIQUOR CONTROL BOARD WITH ADEQUATE**
3 **WORKING CAPITAL TO ACQUIRE, ESTABLISH, AND OPERATE THE DISPENSARY**
4 **SYSTEM AND WAREHOUSE FACILITIES.**

5 **(2) THE COUNTY COMMISSIONERS MAY FINANCE A LOAN UNDER THIS**
6 **SUBSECTION BY ISSUING NOTES, CERTIFICATES OF INDEBTEDNESS, OR BONDS AS**
7 **THE COUNTY COMMISSIONERS FIND NECESSARY.**

8 **(B) LOANS FROM BANKING INSTITUTIONS.**

9 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LIQUOR**
10 **CONTROL BOARD MAY BORROW MONEY FROM A BANKING INSTITUTION ON THE**
11 **LIQUOR CONTROL BOARD'S OWN CREDIT.**

12 **(2) THE AGGREGATE SUM LOANED TO OR BORROWED BY THE LIQUOR**
13 **CONTROL BOARD MAY NOT EXCEED \$150,000.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 15-202(a) and (b)(1) and (2)(i).

16 In subsections (a)(1) and (b)(1) of this section, the former phrase "from time to
17 time" is deleted as surplusage. Similarly, in subsection (a)(1) and (2) of this
18 section, the references stating that the County Board of Commissioners "may"
19 loan or finance a loan are substituted for the former references stating that a
20 county "is hereby authorized and empowered" to loan or finance a loan for
21 brevity.

22 In subsection (a)(1) of this section, the reference authorizing a county to "loan"
23 money to a county dispensary is substituted for the former reference
24 authorizing a county to "advance" money to a county dispensary for clarity.

25 Also in subsection (a)(1) of this section, the former reference to "branch
26 dispensaries" is deleted as included in the reference to the "dispensary
27 system".

28 Also in subsection (a)(1) of this section, the former reference to dispensary
29 system and warehouse facilities "as found necessary under this subtitle" is
30 deleted as surplusage.

31 Also in subsection (a)(1) of this section, the former reference to dispensaries
32 and warehouses "as found necessary under this subtitle" is deleted as implicit
33 in the authority of a county to establish a county dispensary system.

1 Also in subsection (a)(1) of this section, the former reference to “a sum of”
2 money is deleted as unnecessary.

3 In subsection (a)(2) of this section, the reference authorizing a county to
4 “finance a loan under this subsection” is substituted for the former reference
5 authorizing a county to “borrow upon the credit of the county” to advance
6 money to a liquor control board expressly states what was only implicit in the
7 former law, that the County may finance a loan.

8 Former Art. 2B, § 15–202(c)(1), which stated that the interest rate provided
9 in former Art. 2B, § 15–202(c)(2) does not apply in Somerset County, is deleted
10 in light of the organization of this revised article.

11 Defined terms: “County” § 29–101
12 “Dispensary” § 29–301
13 “Liquor Control Board” § 29–301

14 **29–308. OTHER POWERS.**

15 **SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD MAY:**

16 **(1) PURCHASE FROM A HOLDER OF A WHOLESALER’S LICENSE OR**
17 **MANUFACTURER’S LICENSE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL**
18 **BOARD IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY §**
19 **5–102 OF THE TAX – GENERAL ARTICLE IS PAID;**

20 **(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR**
21 **NONRESIDENT DEALER’S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES**
22 **THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL; AND**

23 **(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX**
24 **IS PAID;**

25 **(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES**
26 **THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**

27 **(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN**
28 **THE JUDGMENT OF THE LIQUOR CONTROL BOARD, IS NOT SUITABLE TO PURCHASE**
29 **OR CONSUME THE ALCOHOLIC BEVERAGES;**

30 **(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC**
31 **BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER**
32 **AT OR DURING ANY TIME;**

1 **(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY**
2 **OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

3 **(7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR**
4 **PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT**
5 **PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**

6 **(8) SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS,**
7 **RENT, LEASE, OR PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE**
8 **DISPENSARIES; AND**

9 **(9) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF**
10 **WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 15–205(b), (c), (d), (f), (g), (h), and (e)(1).

13 In the introductory language of this section, the reference stating that the
14 Liquor Control Board “may” perform certain functions is substituted for the
15 former reference stating that the liquor control board “shall have full power
16 and authority” to perform these functions for clarity and brevity.

17 Also in the introductory language of this section, the former reference to the
18 liquor control board “of each county” is deleted as unnecessary, since this
19 section applies only to the Liquor Control Board for Somerset County.

20 In item (1) of this section, the former reference authorizing the purchase of
21 “any sparkling or fortified wine” is deleted as included in the reference
22 authorizing the purchase of “alcoholic beverages”.

23 In item (2)(i) of this section, the reference to the resale of alcoholic beverages
24 “that the Liquor Control Board is authorized to sell” is added to state expressly
25 what was only implied in the former law.

26 Also in item (2)(i) of this section, the former reference to the sale of alcoholic
27 beverages “as hereinafter provided” is deleted as surplusage. Similarly, in
28 item (3) of this section, the former reference to the sale of alcoholic beverages
29 “as above provided” is deleted.

30 In item (3) of this section, the reference to the defined term “dispensaries” is
31 substituted for the former reference to “stores” in the county for consistency
32 within this subtitle.

33 Also in item (3) of this section, the former phrase “in the said county” is deleted
34 as included in the defined term “dispensaries”.

1 In item (5) of this section, the reference to restricting the sale of alcoholic
2 beverages “during” any time is substituted for the former reference to any
3 “given ... period” for brevity.

4 Also in item (5) of this section, the former reference to the authority of the
5 Liquor Control Board to “limit” the sale of alcoholic beverages is deleted as
6 included in the reference to the authority of the Liquor Control Board to
7 “restrict” the sale of alcoholic beverages.

8 Also in item (5) of this section, the former reference to a “system” of restricting
9 the sale of alcoholic beverages is deleted as included in the reference to a
10 “method” of restricting the sale of alcoholic beverages.

11 Also in item (5) of this section, the former reference to a method of restricting
12 the sale of alcoholic beverages “as may be prescribed by the liquor control
13 board” is deleted as implicit in the authority of the Liquor Control Board to
14 restrict alcoholic beverages sales.

15 In item (6) of this section, the references to the authority of the Liquor Control
16 Board to “enter” a contract or “adopt” a regulation are substituted for the
17 former reference to the authority of the Liquor Control Board to “make” a
18 contract or regulation for clarity and to conform to the terminology used
19 elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS
20 § 4–606.

21 Also in item (6) of this section, the former reference to “rules” is deleted as
22 included in the reference to “regulations”.

23 Also in item (6) of this section, the former reference to “the powers conferred
24 upon [the Liquor Control Board] by” this article is deleted as unnecessary.

25 In item (7) of this section, the former reference to a prohibited act “applicable”
26 by law in a specified place is deleted as unnecessary.

27 In item (9) of this section, the reference authorizing a liquor control board to
28 “establish” hours of sale for county dispensaries is substituted for the former
29 reference authorizing a liquor control board to “fix” hours of sale for county
30 dispensaries for clarity.

31 Also in item (9) of this section, the reference to hours “of sale” is substituted
32 for the former reference to hours “for opening and closing” for clarity.

33 Also in item (9) of this section, the former reference prohibiting the sale of
34 alcoholic beverages at specific times is deleted as implicit in the establishment
35 of hours of sale.

36 Defined terms: “Alcoholic beverage” § 1–101

1 “Consumer” § 1–101
2 “County” § 29–101
3 “Dispensary” § 29–301
4 “License holder” § 1–101
5 “Liquor Control Board” § 29–301
6 “Manufacturer’s license” § 1–101
7 “Person” § 1–101
8 “Wholesaler’s license” § 1–101

9 **29–309. DISPENSARIES.**

10 **(A) ESTABLISHED.**

11 **THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN STORES**
12 **KNOWN AS “DISPENSARIES”.**

13 **(B) AUTHORIZED SALE ITEMS.**

14 **A DISPENSARY:**

15 **(1) MAY SELL ANY ALCOHOLIC BEVERAGE EXCEPT BEER; AND**

16 **(2) SHALL SELL ALCOHOLIC BEVERAGES IN SEALED PACKAGES OR**
17 **CONTAINERS.**

18 **(C) AUTHORIZED LOCATIONS.**

19 **THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN A DISPENSARY**
20 **ONLY IN:**

21 **(1) CRISFIELD;**

22 **(2) THE WEST PRINCESS ANNE ELECTION DISTRICT; AND**

23 **(3) THE DUBLIN ELECTION DISTRICT.**

24 **(D) PROHIBITED ACTS.**

25 **A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED**
26 **PACKAGE OR CONTAINER CONTAINING ALCOHOLIC BEVERAGES ON THE PREMISES**
27 **OF THE DISPENSARY WHERE SOLD.**

28 **(E) ISSUANCE OR DENIAL OF LICENSE PROVISIONS NOT APPLICABLE.**

TITLE 4, SUBTITLE 2 OF THIS ARTICLE DOES NOT APPLY TO THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(e) and 15–203(a)(1) and (3)(i) and (e).

In subsection (d) of this section, the reference to a package or container “containing alcoholic beverages” is added for clarity.

Also in subsection (d) of this section, the phrase “of the dispensary” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

“Person” § 1–101

29–310. DISTRIBUTION OF PROCEEDS.

(A) DEBT REPAYMENT.

THE LIQUOR CONTROL BOARD SHALL APPLY PROCEEDS DERIVED FROM THE OPERATION OF DISPENSARIES FIRST TOWARD THE REPAYMENT OF MONEY ADVANCED TO OR BORROWED BY THE LIQUOR CONTROL BOARD.

(B) RESERVE FUND.

(1) AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE LIQUOR CONTROL BOARD MAY MAINTAIN A RESERVE FUND NOT EXCEEDING \$150,000 TO:

(I) PROVIDE ADEQUATE WORKING CAPITAL; AND

(II) COVER ANY LOSSES SUSTAINED BY THE LIQUOR CONTROL BOARD IN OPERATING THE DISPENSARIES.

(2) THE LIQUOR CONTROL BOARD MAY DISTRIBUTE UP TO \$50,000 FROM THE RESERVE FUND TO EACH DISPENSARY.

(C) PAYMENTS TO COUNTY AND MUNICIPALITIES.

OF THE PROCEEDS GENERATED BY THE DISPENSARIES IN EXCESS OF THE AMOUNT REQUIRED TO MAINTAIN THE RESERVE FUND, THE LIQUOR CONTROL BOARD ANNUALLY SHALL DISTRIBUTE:

1 **(1) BY MAY 1, TO THE COUNTY:**

2 **(I) 75% OF THE REMAINING PROCEEDS GENERATED BY THE**
3 **DISPENSARIES IN CRISFIELD AND THE WEST PRINCESS ANNE ELECTION DISTRICT;**
4 **AND**

5 **(II) ALL OF THE REMAINING PROCEEDS GENERATED BY THE**
6 **DISPENSARY IN THE DUBLIN ELECTION DISTRICT; AND**

7 **(2) BY JUNE 1, TO THE CITY OF CRISFIELD AND THE TOWN OF**
8 **PRINCESS ANNE, IN EQUAL AMOUNTS, 25% OF THE REMAINING PROCEEDS**
9 **GENERATED BY THE DISPENSARIES IN CRISFIELD AND THE WEST PRINCESS ANNE**
10 **ELECTION DISTRICTS.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 15-207(f).

13 In subsection (a) of this section, the requirement to apply profits "first" to
14 repayment of debt is added for clarity and to state expressly what was only
15 implied under the former law.

16 Also in subsection (a) of this section, the reference to "proceeds" is substituted
17 for the former reference to "net profits" for consistency within this revised
18 article.

19 In the introductory language of subsection (b)(1) of this section, the former
20 reference to repayment "of the money" is deleted as unnecessary.

21 In subsection (b)(1)(ii) of this section, the reference to the authority to "cover"
22 losses is substituted for the former reference to the authority to "meet" losses
23 for clarity.

24 In subsection (b)(2) of this section, the reference that the Liquor Control Board
25 "may distribute up to" \$50,000 to each dispensary is substituted for the former
26 reference that each dispensary "shall receive ... up to" \$50,000 for clarity and
27 because the ceiling referenced under the source law makes that provision
28 discretionary.

29 In the introductory language of subsection (c) of this section, the reference
30 requiring the Liquor Control Board to "distribute" remaining proceeds is
31 substituted for the former references requiring remaining proceeds to be
32 "remitted" for clarity.

33 Defined terms: "County" § 29-101

34 "Dispensary" § 29-301

35 "Liquor Control Board" § 29-301

1 **29-311. RECORDS AND REPORTS.**

2 (A) **RECORDS REQUIREMENT.**

3 (1) **THE LIQUOR CONTROL BOARD SHALL KEEP ACCURATE RECORDS**
 4 **OF ALL PURCHASES OF ALCOHOLIC BEVERAGES.**

5 (2) **THE RECORDS SHALL BE OPEN TO INSPECTION BY THE**
 6 **COMPTROLLER DURING REGULAR BUSINESS HOURS.**

7 (B) **ANNUAL REPORT.**

8 (1) **THE LIQUOR CONTROL BOARD SHALL PREPARE AND FORWARD**
 9 **TO THE COUNTY COMMISSIONERS AN ANNUAL REPORT FOR THE PERIOD ENDING ON**
 10 **APRIL 30.**

11 (2) **THE REPORT SHALL CONTAIN A COMPLETE STATEMENT OF THE**
 12 **BUSINESS CONDUCTED BY THE LIQUOR CONTROL BOARD AND THE OPERATIONAL**
 13 **ACHIEVEMENTS OF THE DISPENSARY SYSTEM.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 15-206(a).

16 In subsection (a)(2) of this section, the former reference to the Comptroller "or
 17 any of his deputies" is deleted for brevity.

18 In subsection (b)(2) of this section, the reference to a statement of "operational
 19 achievements" is substituted for the former reference to a statement of
 20 "results of the operation" for clarity.

21 Also in subsection (b)(2) of this section, the former reference to a "full"
 22 statement of business transacted is deleted as included in the reference to a
 23 "complete" statement of business transacted.

24 Also in subsection (b)(2) of this section, the former reference to a county
 25 dispensary system "established under the authority of this subtitle" is deleted
 26 as unnecessary.

27 Defined terms: "Alcoholic beverage" § 1-101

28 "Comptroller" § 1-101

29 "Dispensary" § 29-301

30 "Liquor Control Board" § 29-301

31 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

1 **29-401. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
4 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
5 **EXCEPTION OR VARIATION:**

6 (1) § 2-201 (“ISSUANCE BY COMPTROLLER”);

7 (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);

8 (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);

9 (4) § 2-205 (“CLASS 3 WINERY LICENSE”);

10 (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);

11 (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);

12 (7) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);

13 (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);

14 (9) § 2-211 (“RESIDENCY REQUIREMENT”);

15 (10) § 2-212 (“ADDITIONAL LICENSES”);

16 (11) § 2-213 (“ADDITIONAL FEES”);

17 (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

18 (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
19 PROHIBITED”);

20 (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
21 AND RETAILERS”);

22 (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
23 PROHIBITED PRACTICES”); AND

1 **(16) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
 2 **RETAILERS — PROHIBITED”).**

3 **(B) EXCEPTIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 5 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

6 **(1) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND**

7 **(2) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”).**

8 REVISOR’S NOTE: Subsection (a) of this section is new language added to
 9 incorporate by reference general provisions relating to the issuance of
 10 manufacturer’s licenses.

11 Subsection (b)(1) of this section is new language derived without substantive
 12 change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only
 13 implicit in the former law, that a limited distillery license may not be issued
 14 in the County.

15 Subsection (b)(2) of this section is new language derived without substantive
 16 change from former Art. 2B, § 2–207(a)(4)(iv).

17 Former Art. 2B, § 2–208(b)(2)(xx), which provided that a Class 7
 18 micro–brewery license shall be issued in the County, is deleted as unnecessary
 19 in light of the organization of this revised article.

20 Defined terms: “County” § 29–101
 21 “Manufacturer’s license” § 1–101

22 **29–402. HOURS AND DAYS OF SALE OR DELIVERY.**

23 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
 24 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 25 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 11–101(b)(14).

28 Defined terms: “Alcoholic beverage” § 1–101
 29 “Manufacturer’s license” § 1–101

30 **SUBTITLE 5. WHOLESALER’S LICENSES.**

1 **29-501. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALE
4 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
5 EXCEPTION OR VARIATION:

6 (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);

7 (2) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALE
8 LICENSE”);

8 (3) § 2-305 (“CLASS 4 BEER WHOLESALE
9 LICENSE”);

9 (4) § 2-306 (“CLASS 5 WINE WHOLESALE
10 LICENSE”);

10 (5) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALE
11 LICENSE”);

11 (6) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALE
12 LICENSE”);

12 (7) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM
13 WHOLESALE
14 LICENSE”);

14 (8) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);

15 (9) § 2-311 (“ADDITIONAL WHOLESALE
16 LICENSES”);

16 (10) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);

17 (11) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF
18 LICENSE OR PERMIT”);

19 (12) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER
20 PROHIBITED”);

21 (13) § 2-315 (“INTERACTION BETWEEN WHOLESALE
22 ENTITIES AND
23 RETAILERS”);

23 (14) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
24 PROHIBITED PRACTICES”); AND

25 (15) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALE
26 AND RETAILERS — PROHIBITED”).

1 **(B) VARIATIONS.**

2 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
3 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO §**
4 **29–504 OF THIS SUBTITLE:**

5 **(1) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S**
6 **LICENSE”); AND**

7 **(2) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”).**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 general provisions relating to the issuance of wholesaler’s licenses.

10 Defined terms: “County” § 29–101

11 “Wholesaler’s license” § 1–101

12 **29–502. HOURS AND DAYS OF SALE OR DELIVERY.**

13 **EXCEPT AS PROVIDED IN § 29–503 OF THIS SUBTITLE, A HOLDER OF A**
14 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
15 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
16 **SUNDAY.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 11–102(a).

19 Defined terms: “Alcoholic beverage” § 1–101

20 “Wholesaler’s license” § 1–101

21 **29–503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

22 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

23 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
24 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
25 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
26 **RETURNS ON THE SAME DAY.**

27 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

1 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
2 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
3 **REQUIRED TO DISPENSE DRAFT BEER.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 11–102(b).

6 In subsection (a) of this section, the reference to a “per diem” license is
7 substituted for the former reference to a “special 1–day” license to conform to
8 the terminology used throughout this article.

9 Also in subsection (a) of this section, the reference to a per diem license issued
10 “under Subtitle 13 of this title” is substituted for the former reference to a
11 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
12 of material relating to per diem licenses in titles for each applicable
13 jurisdiction in this revision.

14 Also in subsection (a) of this section, the reference to delivery of beer on the
15 “effective date of the per diem license” is substituted for the former reference
16 to delivery on the “effective day of the license” for clarity.

17 Also in subsection (a) of this section, the former reference to accepting returns
18 on the same day “of delivery” is deleted as surplusage.

19 In subsection (b) of this section, the language that the “agreement entered into
20 under subsection (a) of this section shall include [the type of equipment to
21 dispense draft beer]” is substituted for the former language that the “parties
22 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

23 Defined terms: “Beer” § 1–101

24 “Wholesaler’s license” § 1–101

25 **29–504. RESTRICTION ON SALES.**

26 **A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR OR CLASS 2 WINE AND**
27 **LIQUOR WHOLESALER’S LICENSE MAY NOT SELL OR DELIVER LIQUOR IN THE**
28 **COUNTY FOR RESALE EXCEPT TO A COUNTY DISPENSARY.**

29 REVISOR'S NOTE: This section is new language added to incorporate the
30 restrictions in Subtitle 3 of this title regarding the sale of alcoholic beverages
31 by wholesalers in Somerset County.

32 Defined terms: “County” § 29–101

33 “Wholesaler’s license” § 1–101

34 **SUBTITLE 6. BEER LICENSES.**

1 **29-601. CLASS A BEER LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS A BEER LICENSE.

4 (B) SCOPE OF AUTHORIZATION.

5 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
6 AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

7 (2) A LICENSE MAY NOT BE ISSUED FOR A PREMISES HAVING A
8 DIRECT OR INDIRECT CONNECTION WITH A DRUG OR PHARMACEUTICAL
9 DISPENSING BUSINESS OR OTHER BUSINESS ESTABLISHMENT OF A TYPE COMMONLY
10 KNOWN AS A DRUGSTORE.

11 (3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED
12 PACKAGE OR CONTAINER.

13 (4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
14 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

15 (C) FEES.

16 THE ANNUAL LICENSE FEES ARE:

17 (1) \$126 FOR A 6-DAY LICENSE; AND

18 (2) \$158 FOR A 7-DAY LICENSE.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 3-101(a)(1) and (u)(2) through (4).

21 In subsection (a) of this section, the former reference to a license being "issued
22 by the license issuing authority of the county in which the place of business is
23 located" is deleted as surplusage.

24 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
25 as implicit in the word "sell".

26 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
27 deleted as surplusage.

1 In subsection (b)(2) of this section, the phrase “[a] license may not be issued”
2 is substituted for the former phrase “[a] person may not hold a license” to
3 conform to other similar provisions of this article.

4 Also in subsection (b)(2) of this section, the former phrase “referred to as” is
5 deleted as surplusage.

6 In subsection (b)(3) of this section, the reference to “sell[ing]” is substituted for
7 the former reference to “deliver[ing]” for clarity and accuracy.

8 Former Art. 2B, § 3–101(u)(1), which stated that former Art. 2B, § 3–101(u)
9 applied in Somerset County, is deleted as unnecessary in light of the
10 organization of this revised article.

11 Defined terms: “Beer” § 1–101
12 “Consumer” § 1–101
13 “7–day license” § 1–101
14 “6–day license” § 1–101

15 **29–602. CLASS B BEER LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS B BEER LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
20 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
21 **ON– AND OFF–PREMISES CONSUMPTION.**

22 **(C) FEE.**

23 **THE ANNUAL LICENSE FEE IS \$253.**

24 **REVISOR’S NOTE:** This section is new language derived without substantive
25 change from former Art. 2B, § 3–201(u) and (a)(1).

26 In subsection (a) of this section, the former reference to a license being “issued
27 by the license issuing authority of the county in which the place of business is
28 located” is deleted as surplusage.

29 In subsection (b) of this section, the reference to “on– and off–premises
30 consumption” is substituted for the former reference to “consumption on the
31 premises or elsewhere” for clarity.

1 Also in subsection (b) of this section, the former phrase “keep for sale” is
2 deleted as implicit in the word “sell”.

3 Defined terms: “Beer” § 1–101

4 “Hotel” § 1–101

5 “Restaurant” § 1–101

6 **29–603. CLASS C BEER LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS C BEER LICENSE.**

9 **(B) SCOPE OF AUTHORIZATION.**

10 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
11 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
12 **LICENSE FOR ON–PREMISES CONSUMPTION.**

13 **(C) FEE.**

14 **THE ANNUAL LICENSE FEE IS \$32.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 3–301(u) and (a)(1).

17 In subsection (a) of this section, the former reference to a license being “issued
18 by the local licensing authority of the county in which the place of business is
19 located” is deleted as surplusage.

20 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
21 implicit in the word “sell”.

22 Also in subsection (b) of this section, the former reference to “bona fide”
23 members is deleted as surplusage.

24 Defined terms: “Beer” § 1–101

25 “Club” § 1–101

26 **29–604. CLASS D BEER LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS D BEER LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
3 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
4 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

5 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

6 **(C) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$253.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 3-401(u) and (a)(1).

10 In subsection (a) of this section, the former reference to a license being "issued
11 by the license issuing authority of the county in which the place of business is
12 located" is deleted as surplusage.

13 In subsection (b)(1) of this section, the reference to "on- and off-premises"
14 consumption is substituted for the former reference to consumption "on the
15 premises or elsewhere" for clarity.

16 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
17 deleted as implicit in the word "sell".

18 Defined term: "Beer" § 1-101

19 **SUBTITLE 7. WINE LICENSES.**

20 **29-701. CLASS A WINE LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

23 **(B) AUTHORIZED HOLDER.**

24 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR**
25 **A CLASS 4 LIMITED WINERY LICENSE.**

26 **(C) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
 2 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE**
 3 **WINERY.**

4 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
 5 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

6 **(D) FEE.**

7 **THE ANNUAL LICENSE FEE IS \$63.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 4-201(a)(17), (b)(6), (c)(1), (d)(1), and (e)(1)(vii)
 10 and (2).

11 Throughout this section, the references to "wine" are substituted for the
 12 former references to "light wine" to reflect that license holders in the County
 13 may sell wine with an alcohol content of 22%, which is above the traditional
 14 maximum level of 15.5% for light wine.

15 In subsection (b) of this section, the reference to a "Class 3 winery license" is
 16 substituted for the former reference to a "Class 3 manufacturer's license, who
 17 makes wine from agricultural products grown in Maryland" for brevity and to
 18 conform to the terminology used throughout this article. Similarly, the
 19 reference to a "Class 4 limited winery license" is substituted for the former
 20 reference to a "Class 4 manufacturer's license".

21 Also in subsection (b) of this section, the former reference to a license being
 22 issued "by the license issuing authority of the county in which the place of
 23 business is located" is deleted as surplusage.

24 In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted
 25 as implicit in the word "sell".

26 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
 27 any consumer" is deleted as surplusage.

28 In subsection (c)(2) of this section, the reference to "sold" is substituted for the
 29 former reference to "delivered" to conform to the terminology used throughout
 30 this article.

31 Defined terms: "County" § 29-101

32 "Wine" § 1-101

33 **SUBTITLE 8. BEER AND WINE LICENSES.**

1 **29-801. CLASS A BEER AND WINE LICENSE.**

2 (A) **ESTABLISHED.**

3 **THERE IS:**

4 (1) **A CLASS A BEER AND WINE 6-DAY LICENSE; AND**

5 (2) **A CLASS A BEER AND WINE 7-DAY LICENSE.**

6 (B) **SCOPE OF AUTHORIZATION.**

7 (1) **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
8 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

9 (2) **THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
10 **SEALED PACKAGE OR CONTAINER.**

11 (3) **THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
12 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
13 **SOLD.**

14 (C) **DRUGSTORE PROHIBITION.**

15 **A PERSON MAY NOT HOLD THE LICENSE FOR USE BY AN ESTABLISHMENT WITH**
16 **A DIRECT OR INDIRECT CONNECTION TO A DRUGSTORE.**

17 (D) **FEEES.**

18 **THE ANNUAL LICENSE FEES ARE:**

19 (1) **\$190 FOR A 6-DAY LICENSE; AND**

20 (2) **\$221 FOR A 7-DAY LICENSE.**

21 **REVISOR'S NOTE:** This section is new language derived without substantive
22 change from former Art. 2B, § 5-101(a)(1) and (u)(2) through (4).

23 In this section and throughout this subtitle, the references to "wine" are
24 substituted for the former references to "light wine" to reflect that license
25 holders in the County may sell wine with an alcohol content of 22%, which is
26 above the traditional maximum level of 15.5% for light wine.

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In subsection (a) of this section and throughout this subtitle, the former
4 references to the license being “issued by the license issuing authority of the
5 county in which the place of business is located” are deleted as surplusage.

6 In subsection (b)(1) of this section and throughout this subtitle, the former
7 references to “keep[ing] for sale” are deleted as implicit in the references to
8 “sell[ing]”.

9 In subsection (b)(1) of this section, the former reference to selling beer and
10 wine “in any quantity to any consumers” is deleted as surplusage.

11 In subsection (b)(2) of this section, the word “sell” is substituted for the former
12 word “deliver” to conform to the terminology used throughout this article.

13 In subsection (c) of this section, the reference to “a drugstore” is substituted
14 for the former reference to “any drug or pharmaceutical, or other business
15 establishments of a type commonly known as or referred to as drugstore” for
16 brevity.

17 Former Art. 2B, § 5–101(u)(1), which stated that former Art. 2B, § 5–101(u)
18 applied only in Somerset County, is deleted as unnecessary in light of the
19 organization of this revised article.

20 Defined terms: “Beer” § 1–101
21 “Person” § 1–101
22 “7–day license” § 1–101
23 “6–day license” § 1–101
24 “Wine” § 1–101

25 **29–802. CLASS B BEER AND WINE LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A CLASS B BEER AND WINE LICENSE.**

28 **(B) SCOPE OF AUTHORIZATION.**

29 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
30 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
31 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

32 **(C) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$253.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 5-201(u) and (a)(1).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 In subsection (b) of this section, the reference to "on- and off-premises
7 consumption" is substituted for the former reference to "consumption on the
8 premises or elsewhere" for clarity.

9 Defined terms: "Beer" § 1-101

10 "Hotel" § 1-101

11 "Restaurant" § 1-101

12 "Wine" § 1-101

13 **29-803. CLASS C BEER AND WINE LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS C BEER AND WINE LICENSE.**

16 **(B) SCOPE OF AUTHORIZATION.**

17 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
18 **A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE**
19 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

20 **(C) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$45.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 5-301(u) and (a)(1).

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

26 In subsection (b) of this section, the former reference to consumption "only" on
27 the premises is deleted as surplusage.

28 Also in subsection (b) of this section, the former reference to a "bona fide"
29 member is deleted as surplusage.

30 Defined terms: "Beer" § 1-101

1 "Club" § 1-101
 2 "Wine" § 1-101

3 **29-804. CLASS D BEER AND WINE LICENSE.**

4 (A) ESTABLISHED.

5 THERE IS A CLASS D BEER AND WINE LICENSE.

6 (B) SCOPE OF AUTHORIZATION.

7 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,
 8 AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND
 9 OFF-PREMISES CONSUMPTION.

10 (C) DRUGSTORE PROHIBITION.

11 THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

12 (D) FEE.

13 THE ANNUAL LICENSE FEE IS \$253.

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 5-401(u) and (a)(1).

16 Subsection (a) of this section is revised in standard language used throughout
 17 this article to establish a license.

18 In subsection (b) of this section, the reference to "on- and off-premises
 19 consumption" is substituted for the former reference to "consumption on the
 20 premises or elsewhere" for clarity.

21 Defined terms: "Beer" § 1-101
 22 "Wine" § 1-101

23 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

24 **29-901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

25 A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE
 26 COUNTY.

27 REVISOR'S NOTE: This section is new language derived without substantive
 28 change from former Art. 2B, § 6-101(u).

1 Defined terms: "Beer" § 1-101

2 "County" § 29-101

3 "License" § 1-101

4 "Wine" § 1-101

5 **29-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

8 **(B) AUTHORIZED HOLDER — FOR HOTELS.**

9 **THE BOARD MAY ISSUE THE LICENSE FOR USE AT A HOTEL OR MOTEL THAT:**

10 **(1) ACCOMMODATES THE PUBLIC, PROVIDING SERVICES ORDINARILY**
11 **FOUND IN A HOTEL OR MOTEL;**

12 **(2) HAS A LOBBY WITH REGISTRATION, MAIL DESK, AND SEATING**
13 **FACILITIES; AND**

14 **(3) MAINTAINS AT LEAST:**

15 **(I) 10 ROOMS FOR OCCUPANCY BY GUESTS IF THE HOTEL WAS**
16 **IN OPERATION ON JUNE 1, 1967; OR**

17 **(II) 20 ROOMS FOR OCCUPANCY BY GUESTS IF THE HOTEL**
18 **STARTED OPERATIONS AFTER JUNE 1, 1967, WITH THE HOTEL FACILITIES**
19 **ASSESSED FOR STATE AND COUNTY TAXATION AT AN AMOUNT THAT IS AT LEAST**
20 **\$45,000.**

21 **(C) AUTHORIZED HOLDER — FOR RESTAURANTS.**

22 **THE BOARD MAY ISSUE THE LICENSE FOR USE AT A RESTAURANT THAT:**

23 **(1) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY;**

24 **(2) EXCLUSIVE OF BAR SEATING OR COUNTER SEATING, HAS TABLE**
25 **SEATING FOR AT LEAST 50 INDIVIDUALS; AND**

26 **(3) FOR THE 12 MONTHS IMMEDIATELY BEFORE THE APPLICATION**
27 **FOR THE LICENSE, HAS DAILY AVERAGE RECEIPTS FROM THE SALE OF FOOD THAT**

1 EXCEED THE DAILY AVERAGE RECEIPTS FROM THE SALE OF ALCOHOLIC
2 BEVERAGES.

3 (D) SCOPE OF AUTHORIZATION.

4 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE
5 PLACE DESCRIBED IN THE LICENSE:

6 (1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND

7 (2) BEER FOR OFF-PREMISES CONSUMPTION.

8 (E) PURCHASING AND PRICING OF WINE AND LIQUOR.

9 THE LICENSE HOLDER:

10 (1) SHALL PURCHASE ALL WINE AND LIQUOR FROM THE LIQUOR
11 CONTROL BOARD; AND

12 (2) SHALL BE CHARGED:

13 (I) THE INVOICE PRICE TO THE LIQUOR CONTROL BOARD;

14 (II) FREIGHT CHARGES; AND

15 (III) AN AMOUNT NOT MORE THAN 20% OF THE AGGREGATE
16 INVOICE PRICE AND FREIGHT CHARGES.

17 (F) FEE.

18 THE ANNUAL LICENSE FEE IS \$1,265.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 6-201(u)(2) through (6).

21 Subsection (a) of this section is revised in standard language used throughout
22 this article to establish a license.

23 In the introductory language of subsection (b) of this section, the former
24 reference to a "bona fide" hotel or motel is deleted as vague.

25 In subsection (b)(3)(i) of this section, the reference to a hotel being in operation
26 "on" June 1, 1967, is substituted for the former reference to a hotel "in
27 existence and operated as such" on June 1, 1967. Similarly, in subsection

1 (b)(3)(ii) of this section, the reference to “after June 1, 1967” is substituted for
2 the former phrase “[i]n the case of a hotel or motel not in existence and
3 operated as such on June 1, 1967”.

4 In subsection (c)(2) of this section, the reference to “individuals” is substituted
5 for the former reference to “persons” because this subsection applies only to
6 human beings.

7 Also in subsection (c)(2) of this section, the former reference to seating
8 “capacity” is deleted as surplusage.

9 Subsection (d) of this section states expressly what was only implicit in the
10 former law, that a license holder may sell beer for on-premises and
11 off-premises consumption.

12 In the introductory language of subsection (d) of this section, the phrase “at
13 retail at the place described in the license” is added to conform to the
14 terminology used throughout this title.

15 In the introductory language of subsection (e) of this section, the reference to
16 “[t]he license holder” is substituted for the former reference to “[e]very hotel
17 or restaurant” for brevity and clarity.

18 In subsection (e)(1) of this section, the former phrase “sold by them” is deleted
19 as surplusage.

20 Former Art. 2B, § 6–201(u)(1), which stated that former Art. 2B, § 6–201(u)
21 applied only in Somerset County, is deleted as unnecessary in light of the
22 organization of this revised article.

23 Defined terms: “Alcoholic beverage” § 1–101

24 “Beer” § 1–101

25 “Board” § 29–101

26 “County” § 29–101

27 “Hotel” § 1–101

28 “Restaurant” § 1–101

29 “State” § 1–101

30 “Wine” § 1–101

31 **29–903. CLASS C LICENSE — RESERVED.**

32 REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see*
33 Subtitle 10 of this title.

34 **29–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE**
5 **PLACE DESCRIBED IN THE LICENSE:**

6 **(1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**

7 **(2) BEER AND WINE FOR OFF-PREMISES CONSUMPTION.**

8 **(C) DRUGSTORE PROHIBITION.**

9 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

10 **(D) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$1,265.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 6-401(u) and (a)(1).

14 Subsection (a) of this section is revised in standard language used throughout
15 this article to establish a license.

16 In subsection (b)(1) of this section, the reference to "liquor" is substituted for
17 the former reference to "spirituous liquors" to conform to the terminology used
18 throughout this article.

19 Defined terms: "Beer" § 1-101

20 "Wine" § 1-101

21 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

22 **29-1001. FRATERNAL OR SORORAL ORGANIZATION LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS C (FRATERNAL OR SORORAL ORGANIZATION) BEER, WINE,**
25 **AND LIQUOR LICENSE.**

26 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LODGE OR CHAPTER OF A**
2 **NONPROFIT AND NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION THAT:**

3 **(1) IS COMPOSED OF INDUCTED MEMBERS;**

4 **(2) WAS OPERATING IN THE COUNTY FOR AT LEAST 1 YEAR BEFORE**
5 **THE LICENSE APPLICATION WAS MADE;**

6 **(3) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$15 PER**
7 **YEAR PER MEMBER; AND**

8 **(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS**
9 **PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY**
10 **MEMBERS.**

11 **(C) SCOPE OF AUTHORIZATION.**

12 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
13 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
14 **CONSUMPTION.**

15 **(D) PURCHASE OF WINE AND LIQUOR.**

16 **(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR**
17 **CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

18 **(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE**
19 **HOLDER THE TOTAL OF:**

20 **(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL**
21 **BOARD;**

22 **(II) FREIGHT CHARGES; AND**

23 **(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF**
24 **THE INVOICE PRICE AND FREIGHT CHARGES.**

25 **(E) HOURS AND DAYS OF SALE.**

26 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
27 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
28 **UNDER § 29-2004 OF THIS TITLE.**

1 **(F) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$316.**

3 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
4 language derived without substantive change from former Art. 2B, §
5 6-301(u)(2), (4), and (6) and, as it related to Somerset County, (a)(1).

6 Subsection (e) of this section is new language added to provide a
7 cross-reference to the hours and days of sale provision that applies to a Class
8 C beer, wine, and liquor license in Somerset County.

9 In subsection (a) of this section, the reference to a fraternal or sororal
10 "organization" is added for clarity.

11 In the introductory language of subsection (b) of this section, the former
12 reference to a "bona fide" organization is deleted as surplusage. Similarly, in
13 subsection (b)(3)(iii) of this section, the former reference to "bona fide"
14 members is deleted.

15 In subsection (b)(1) of this section, the reference to "inducted" members is
16 substituted for the former reference to members "duly elected and initiated in
17 accordance with the rites and customs of such fraternal or sororal
18 organization" for brevity.

19 In subsection (b)(2) of this section, the former reference to a club "in existence"
20 for 1 year is deleted as included in the reference to a club "operating" for 1
21 year.

22 In subsection (b)(4) of this section, the former requirement that an
23 organization "not [be] directly or indirectly owned or operated as a public
24 business" is deleted as unnecessary because the organization must be
25 nonprofit.

26 In subsection (c) of this section, the reference to "beer, wine, and liquor" is
27 substituted for the former, broader reference to "all alcoholic beverages" for
28 clarity.

29 Also in subsection (c) of this section, the former reference to "keep[ing] for sale"
30 is deleted as implicit in the reference to "sell[ing]".

31 Also in subsection (c) of this section, the former phrase "at any club" is deleted
32 as surplusage.

33 Defined terms: "Beer" § 1-101

34 "Board" § 29-101

35 "County" § 29-101

1 “Wine” § 1-101

2 **29-1002. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A CLASS C (VETERANS’ ORGANIZATION OR CLUB) BEER, WINE, AND**
5 **LIQUOR LICENSE.**

6 **(B) AUTHORIZED HOLDER.**

7 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A**
8 **NATIONWIDE NONPROFIT VETERANS’ ORGANIZATION OR CLUB THAT:**

9 **(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED**
10 **FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN**
11 **ENGAGED;**

12 **(2) HAS HELD A CHARTER FROM THE NATIONAL VETERANS’**
13 **ORGANIZATION OR CLUB FOR AT LEAST 1 YEAR BEFORE THE LICENSE APPLICATION**
14 **WAS MADE;**

15 **(3) HAS AT LEAST 35 MEMBERS PAYING DUES OF AT LEAST \$4 PER**
16 **YEAR PER MEMBER; AND**

17 **(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS ONLY FOR**
18 **THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
21 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
22 **CONSUMPTION.**

23 **(D) PURCHASE OF WINE AND LIQUOR.**

24 **(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR**
25 **CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

26 **(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE**
27 **HOLDER THE TOTAL OF:**

28 **(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL**
29 **BOARD;**

1 **(II) FREIGHT CHARGES; AND**

2 **(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF**
 3 **THE INVOICE PRICE AND FREIGHT CHARGES.**

4 **(E) HOURS AND DAYS OF SALE.**

5 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 6 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
 7 **UNDER § 29-2004 OF THIS TITLE.**

8 **(F) FEE.**

9 **THE ANNUAL LICENSE FEE IS \$316.**

10 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
 11 language derived without substantive change from former Art. 2B, §
 12 6-301(u)(2), (5), and (6) and, as it related to Somerset County, (a)(1).

13 Subsection (e) of this section is new language added to provide a
 14 cross-reference to the hours and days of sale provision that applies to a Class
 15 C beer, wine, and liquor license in Somerset County.

16 In subsection (a) of this section, the reference to a veterans' "organization or
 17 club" is added for clarity.

18 In the introductory language of subsection (b) of this section, the reference to
 19 a "veterans" club is added for clarity.

20 Also in the introductory language of subsection (b) of this section, the former
 21 reference to a "bona fide" organization is deleted as surplusage. Similarly, in
 22 subsection (b)(3) of this section, the former reference to "bona fide"
 23 membership is deleted.

24 In subsection (b)(4) of this section, the former requirement that an
 25 organization "not [be] directly or indirectly owned or operated as a public
 26 business" is deleted as unnecessary because the organization must be
 27 nonprofit.

28 In subsection (c) of this section, the reference to "beer, wine, and liquor" is
 29 substituted for the former, broader reference to "all alcoholic beverages" for
 30 clarity.

31 Also in subsection (c) of this section, the former reference to "keep[ing] for sale"
 32 is deleted as implicit in the reference to "sell[ing]".

1 Also in subsection (c) of this section, the former phrase “at the place described
2 in the license” is deleted as surplusage.

3 Also in subsection (c) of this section, the former reference to consumption
4 “only” on the licensed premises is deleted as surplusage.

5 Defined terms: “Beer” § 1–101
6 “Board” § 29–101
7 “County” § 29–101
8 “Wine” § 1–101

9 **29–1003. YACHT OR COUNTRY AND GOLF CLUB LICENSE.**

10 **(A) ESTABLISHED.**

11 **THERE IS A CLASS C (YACHT OR COUNTRY AND GOLF CLUB) BEER, WINE, AND**
12 **LIQUOR LICENSE.**

13 **(B) AUTHORIZED HOLDER.**

14 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

15 **(1) HAS AT LEAST 30 MEMBERS PAYING DUES OF AT LEAST \$20 PER**
16 **YEAR PER ADULT MEMBER; AND**

17 **(2) OWNS AND OPERATES A CLUBHOUSE ON PREMISES THAT ARE**
18 **PRINCIPALLY USED FOR ITS MEMBERS.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
21 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES**
22 **CONSUMPTION.**

23 **(D) PURCHASE OF WINE AND LIQUOR.**

24 **(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR**
25 **CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

26 **(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE**
27 **HOLDER THE TOTAL OF:**

1 **(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL**
2 **BOARD;**

3 **(II) FREIGHT CHARGES; AND**

4 **(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF**
5 **THE INVOICE PRICE AND FREIGHT CHARGES.**

6 **(E) HOURS AND DAYS OF SALE.**

7 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
8 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
9 **UNDER § 29-2004 OF THIS TITLE.**

10 **(F) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$316.**

12 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
13 language derived without substantive change from former Art. 2B, §
14 6-301(u)(2), (3), and (6) and, as it related to Somerset County, (a)(1).

15 Subsection (e) of this section is new language added to provide a
16 cross-reference to the hours and days of sale provision that applies to a Class
17 C beer, wine, and liquor license in Somerset County.

18 In subsection (b)(1) of this section, the former reference to "bona fide" members
19 is deleted as surplusage.

20 In subsection (b)(2) of this section, the reference to a clubhouse used for "its
21 members" is substituted for the former reference to "no other purpose" for
22 clarity.

23 In subsection (c) of this section, the reference to "beer, wine, and liquor" is
24 substituted for the former, broader reference to "all alcoholic beverages" for
25 clarity.

26 Also in subsection (c) of this section, the former reference to "keep[ing] for sale"
27 is deleted as implicit in the reference to "sell[ing]".

28 Also in subsection (c) of this section, the former phrase "at any club" is deleted
29 as surplusage.

1 Former Art. 2B, § 6–301(u)(1), which stated that former Art. 2B, § 6–301(u)
2 applied only in Somerset County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Beer” § 1–101

5 “Board” § 29–101

6 “Club” § 1–101

7 “County” § 29–101

8 “Wine” § 1–101

9 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

10 **29–1101. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
13 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
14 **EXCEPTION OR VARIATION:**

15 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
16 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

17 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
18 **FROM LICENSED PREMISES”).**

19 **(B) EXCEPTIONS.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
21 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

22 **(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**
23 **AND**

24 **(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

25 REVISOR’S NOTE: This section is new language added to incorporate by reference
26 general provisions relating to additional privileges of license holders.

27 Defined terms: “Beer” § 1–101

28 “County” § 29–101

29 “License” § 1–101

30 “License holder” § 1–101

31 “Wine” § 1–101

1 **SUBTITLE 12. CATERER'S LICENSES.**

2 **29-1201. LOCAL CATERER'S LICENSE.**

3 **(A) ESTABLISHED.**

4 **THERE IS A LOCAL CATERER'S LICENSE.**

5 **(B) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

7 **(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE**
8 **LICENSE; OR**

9 **(2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND**
10 **LIQUOR LICENSE.**

11 **(C) SCOPE OF AUTHORIZATION.**

12 **(1) THE LICENSE AUTHORIZES:**

13 **(I) THE HOLDER OF A CLASS B BEER AND WINE LICENSE TO**
14 **PROVIDE BEER AND WINE AT EVENTS THAT ARE HELD OFF THE PREMISES OF THE**
15 **RESTAURANT OR HOTEL; AND**

16 **(II) THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR**
17 **LICENSE TO PROVIDE BEER, WINE, AND LIQUOR AT EVENTS THAT ARE HELD OFF THE**
18 **PREMISES OF THE RESTAURANT OR HOTEL.**

19 **(2) THE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE**
20 **LICENSE ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED FOR THE**
21 **HOLDER'S CLASS B LICENSE.**

22 **(D) FOOD REQUIREMENT.**

23 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
24 **CATERED EVENT.**

25 **(E) FEE.**

26 **THE ANNUAL LICENSE FEE IS \$550.**

1 **(F) EFFECT OF SECTION.**

2 **THIS SECTION DOES NOT REQUIRE A HOLDER OF AN EXISTING CLASS B**
3 **RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR A CLASS B**
4 **RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A**
5 **CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B**
6 **LICENSE IS ISSUED.**

7 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
8 expressly what was only implied in the former law, that a local caterer's
9 license exists in Somerset County.

10 Subsections (b) through (f) of this section are new language derived without
11 substantive change from former Art. 2B, § 6-714(b) through (g).

12 In subsection (c)(1)(ii) of this section, the reference to "beer, wine, and liquor"
13 is substituted for the former reference to "alcoholic beverages" for clarity.

14 In subsection (d) of this section, the former phrase "as well as alcoholic
15 beverages" is deleted as surplusage.

16 Former Art. 2B, § 6-714(a)(1), which stated that former Art. 2B, § 6-714
17 applied only in Somerset County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Former Art. 2B, § 6-714(a)(2), which defined "Board", is deleted as redundant
20 of the definition of "Board" in § 29-101 of this title.

21 Defined terms: "Beer" § 1-101

22 "Board" § 29-101

23 "Hotel" § 1-101

24 "On-sale" § 1-101

25 "Restaurant" § 1-101

26 "Wine" § 1-101

27 **SUBTITLE 13. TEMPORARY LICENSES.**

28 **PART I. IN GENERAL.**

29 **29-1301. APPLICATION OF GENERAL PROVISIONS.**

30 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
2 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT
3 EXCEPTION OR VARIATION:

- 4 (1) § 4-1202 (“PER DIEM LICENSES”);
5 (2) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);
6 (3) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
7 (4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND
8 (5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

9 (B) EXCEPTIONS.

10 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY
11 LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- 12 (1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
13 AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 29-1308 OF THIS SUBTITLE;
14 (2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR
15 LICENSE”), WHICH IS SUPERSEDED BY § 29-1308 OF THIS SUBTITLE; AND
16 (3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 29-1309
17 OF THIS SUBTITLE.

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 the general provisions relating to local temporary licenses.

20 Defined term: “County” § 29-101

21 **29-1302. RESERVED.**

22 **29-1303. RESERVED.**

23 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

24 **29-1304. MARYLAND WINE FESTIVAL LICENSE.**

25 (A) ESTABLISHED.

1 **THERE IS A SOMERSET COUNTY MARYLAND WINE FESTIVAL (SCMWF)**
2 **LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A TEMPORARY**
5 **ALCOHOLIC BEVERAGES LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED**
6 **WINERY LICENSE.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS**
9 **PRODUCED AND PROCESSED IN THE STATE.**

10 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

11 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

12 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

13 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE SOMERSET**
14 **COUNTY MARYLAND WINE FESTIVAL.**

15 **(E) TIME AND LOCATION OF FESTIVAL.**

16 **THE BOARD:**

17 **(1) EACH YEAR MAY CHOOSE 1 WEEKEND DURING THE MONTHS OF**
18 **MAY OR JUNE FOR THE SOMERSET COUNTY MARYLAND WINE FESTIVAL; AND**

19 **(2) SHALL CHOOSE A LOCATION FOR THE FESTIVAL.**

20 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

21 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
22 **OR NATURE.**

23 **(G) FEE.**

24 **THE LICENSE FEE IS \$19.**

25 **(H) REGULATIONS.**

1 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 8–312(b) through (i).

4 Throughout this section, the former references to a “special” license are
5 deleted as surplusage.

6 Subsection (a) of this section is revised in standard language used throughout
7 this article to establish a license.

8 In subsection (a) of this section, the reference to the “Somerset County
9 Maryland Wine Festival (SCMWF)” license is substituted for the former
10 reference to the “Maryland Wine Festival (MWF)” license to distinguish this
11 license from the license for the Maryland Wine Festival in Carroll County.
12 Similarly, in subsections (d) and (e)(1), the references to the “Somerset County
13 Maryland Wine Festival” are substituted for the former references to the
14 “Maryland Wine Festival”.

15 In subsection (c) of this section, the reference to the license “authoriz[ing] the
16 holder” to display and sell is substituted for the former reference to the
17 requirement that the “licensee shall” display and sell for clarity and
18 consistency with terminology used throughout this article.

19 In the introductory language of subsection (d) of this section, the reference to
20 the requirement that a “license holder shall” display and sell is substituted for
21 the former reference to a “license entitl[ing] the holder to” display and sell for
22 clarity and consistency with terminology used throughout this article.

23 In subsection (f) of this section, the provision stating that the license holder
24 “may hold” another license is substituted for the former statement that “[t]he
25 provisions of this section do not prohibit the licensee from holding” another
26 license for clarity.

27 Former Art. 2B, § 8–312(a), which stated that former Art. 2B, § 8–312 applied
28 only in Somerset County, is deleted as unnecessary in light of the organization
29 of this revised article.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
31 the General Assembly, that subsection (c) of this section, which authorizes the
32 holder of the license “to display and sell wine that is produced and processed
33 in the State”, may violate the Commerce Clause of the U.S. Constitution, as it
34 apparently excludes wine that is produced and processed outside the State.

35 Defined terms: “Alcoholic beverage” § 1–101

36 “Board” § 29–101

37 “Wine” § 1–101

1 **29-1305. BEER AND WINE TASTING LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A BEER AND WINE TASTING (BWT) LICENSE.

4 (B) AUTHORIZED HOLDER.

5 THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND
6 LIQUOR LICENSE OR A BEER AND WINE LICENSE.

7 (C) SCOPE OF AUTHORIZATION.

8 THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF
9 BEER OR WINE THAT MAY BE SOLD UNDER THE BEER, WINE, AND LIQUOR LICENSE
10 OR THE BEER AND WINE LICENSE FOR TASTING IF THE CONSUMER IS NOT CHARGED
11 FOR THE BEER OR WINE.

12 (D) LIMIT ON SERVINGS.

13 THE BOARD SHALL REGULATE:

14 (1) THE QUANTITY OF BEER OR WINE TO BE SERVED TO EACH
15 INDIVIDUAL; AND

16 (2) THE NUMBER OF BOTTLES OF BEER OR WINE FROM WHICH THIS
17 QUANTITY IS BEING SERVED.

18 (E) FEE.

19 (1) IN ADDITION TO THE COST OF THE BEER, WINE, AND LIQUOR
20 LICENSE OR THE BEER AND WINE LICENSE, THE ANNUAL BWT LICENSE FEE IS \$150.

21 (2) IN ADDITION TO THE ANNUAL BWT LICENSE FEE, THE ISSUING
22 FEE IS \$100.

23 (F) PROHIBITION DURING FESTIVAL EVENT.

24 THE PRIVILEGES GRANTED BY THE LICENSE MAY NOT BE EXERCISED DURING
25 A FESTIVAL EVENT.

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 8-410.3(b) through (d).

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In subsection (b) of this section, the former phrase “[n]otwithstanding any
4 other provision of law,” is deleted as unnecessary in light of the organization
5 of this revised article.

6 In subsection (c) of this section, the reference to the license authorizing “the
7 holder to allow” the consumption of beer or wine is added for clarity and
8 consistency with terminology used throughout this article.

9 In subsection (d)(1) of this section, the reference to each “individual” is
10 substituted for the former, overbroad reference to each “person” for clarity.

11 Former Art. 2B, § 8–410.3(a), which stated that former Art. 2B, § 8–410.3
12 applied only in Somerset County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Former Art. 2B, § 8–410.3(e), which authorized the Board to adopt regulations
15 to carry out this section, is deleted as unnecessary because the Board has
16 power to adopt regulations under § 29–205 of this title.

17 Defined terms: “Beer” § 1–101
18 “Board” § 29–101
19 “Consumer” § 1–101

20 **29–1306. RESERVED.**

21 **29–1307. RESERVED.**

22 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

23 **29–1308. PER DIEM LICENSES.**

24 **(A) ESTABLISHED.**

25 **THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY CLASS.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE AT ANY**
28 **ENTERTAINMENT EVENT HELD BY A CLUB.**

29 **(C) PUBLICATION OF APPLICATION NOT REQUIRED.**

1 **THE BOARD MAY NOT REQUIRE THAT AN APPLICATION FOR A PER DIEM**
2 **LICENSE BE PUBLISHED BEFORE ISSUING THE LICENSE.**

3 **(D) LICENSE PERIOD.**

4 **THE PERIOD FOR WHICH A LICENSE MAY BE ISSUED IS:**

5 **(1) FOR A PER DIEM BEER LICENSE OR A PER DIEM BEER AND WINE**
6 **LICENSE, NOT LONGER THAN 7 CONSECUTIVE DAYS; AND**

7 **(2) FOR A PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT LONGER**
8 **THAN 14 CONSECUTIVE DAYS.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 7–101(s)(2) through (4) and (7).

11 In subsection (a) of this section, the former phrase “except manufacturer’s and
12 wholesaler’s licenses” is deleted as unnecessary because manufacturer’s and
13 wholesaler’s licenses are statewide licenses issued by the Comptroller.

14 In subsection (b) of this section, the reference to an entertainment “event” is
15 added to conform to the terminology used throughout this article.

16 Also in subsection (b) of this section, the former reference to “bona fide”
17 entertainment is deleted as surplusage.

18 Also in subsection (b) of this section, the former reference to entertainment
19 “conducted” is deleted as unnecessary in light of the reference to
20 entertainment “held”.

21 Also in subsection (b) of this section, the former reference to “society,
22 association, civic, or charitable organization” is deleted as included in the
23 defined term “club”.

24 Former Art. 2B, § 7–101(s)(1), which stated that former Art. 2B, § 7–101(s)
25 applied only in Somerset County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Board” § 29–101

28 “Club” § 1–101

29 “License” § 1–101

30 “License holder” § 1–101

31 **29–1309. FEES.**

1 **(A) IN GENERAL.**

2 **THE FEE FOR A PER DIEM BEER LICENSE, A PER DIEM BEER AND WINE**
 3 **LICENSE, AND A PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:**

4 **(1) \$63 EACH DAY FOR THE FIRST AND SECOND DAY OF THE LICENSE**
 5 **PERIOD; AND**

6 **(2) \$32 EACH DAY AFTER THE SECOND DAY OF THE LICENSE PERIOD.**

7 **(B) PAYMENT TO BOARD FOR DEPOSIT IN TREASURY.**

8 **THE FEE SHALL BE PAID TO THE BOARD FOR DEPOSIT IN THE COUNTY**
 9 **TREASURY.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 7–101(s)(5) and (6).

12 In subsection (b) of this section, the phrase “for deposit in the County
 13 treasury” is substituted for the former phrase “for use of the county” for
 14 clarity.

15 Also in subsection (b) of this section, the former reference to the fee being paid
 16 “before the license is issued” is deleted as an unnecessary statement of normal
 17 practice.

18 Defined terms: “Board” § 29–101

19 “County” § 29–101

20 “License” § 1–101

21 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

22 **29–1401. APPLICATION OF GENERAL PROVISIONS.**

23 **(A) WITHOUT EXCEPTION OR VARIATION.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
 25 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
 26 **WITHOUT EXCEPTION OR VARIATION:**

27 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
 28 **BOARD”);**

29 **(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

1 (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);

2 (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY
3 COMPANY”);

4 (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);

5 (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

6 (7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
7 PETITION OF SUPPORT”);

8 (8) § 4-111 (“PAYMENT OF LICENSE FEES”);

9 (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);

10 (10) § 4-113 (“REFUND OF LICENSE FEES”); AND

11 (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

12 (B) VARIATIONS.

13 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
14 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

15 (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§
16 29-1402 THROUGH 29-1404 OF THIS SUBTITLE; AND

17 (2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN
18 GENERAL”), IN ADDITION TO §§ 29-1405 AND 29-1406 OF THIS SUBTITLE.

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to applications for local licenses.

21 Former Art. 2B, § 10-204(u), which stated that former § 10-204(a) applied in
22 Somerset County, is deleted as unnecessary in light of the organization of this
23 revised article.

24 Defined term: “County” § 29-101

25 **29-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

1 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
2 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–103(b)(9)(v)3C.

5 The reference to “criminal history record information” is substituted for the
6 former reference to “criminal history records check” to conform to the
7 terminology used in CP § 10–201.

8 Defined terms: “Board” § 29–101
9 “Central Repository” § 1–101
10 “License” § 1–101

11 **29–1403. CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD**
12 **MEMBERS AND DESIGNEES.**

13 **THE BOARD MAY MAKE CRIMINAL HISTORY RECORD INFORMATION**
14 **AVAILABLE ONLY TO BOARD MEMBERS AND THEIR DESIGNEES.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10–103(b)(9)(v)4.

17 Defined term: “Board” § 29–101

18 **29–1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
19 **CHECK RESULTS.**

20 **THE BOARD SHALL CHARGE A FEE TO COVER THE COST OF OBTAINING THE**
21 **APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
22 **CRIMINAL HISTORY RECORDS CHECK.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 10–103(b)(9)(v)5.

25 The reference to the “applicant's” fingerprints is added for clarity.

26 Former Art. 2B, § 10–103(b)(9)(v)2, which stated that former Art. 2B, §
27 10–103(b)(9)(v) applied only to Somerset County, is deleted as unnecessary in
28 light of the organization of this revised article.

29 Defined terms: “Board” § 29–101
30 “State” § 1–101

31 **29–1405. CONSENT TO RECORDS CHECK.**

1 AN APPLICANT SHALL INCLUDE IN THE APPLICATION A STATEMENT OF
2 CONSENT TO AN INVESTIGATION BY THE BOARD OF THE APPLICANT'S CRIMINAL
3 HISTORY RECORD INFORMATION.

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10-103(b)(9)(iii), as it related to Somerset
6 County.

7 The reference to "information" is added to conform with the terminology used
8 in CP § 10-201.

9 Defined term: "Board" § 29-101

10 **29-1406. OTHER INFORMATION MAY BE REQUIRED.**

11 IN ADDITION TO THE INFORMATION REQUIRED UNDER TITLE 4, SUBTITLE 1
12 OF THIS ARTICLE, THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE TO
13 INCLUDE ANY OTHER INFORMATION THAT THE BOARD CONSIDERS NECESSARY.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10-104(u).

16 The former phrase "from time to time" is deleted as surplusage.

17 Defined terms: "Board" § 29-101
18 "License" § 1-101

19 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

20 **29-1501. APPLICATION OF GENERAL PROVISIONS.**

21 (A) **WITHOUT EXCEPTION OR VARIATION.**

22 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL
23 OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
24 WITHOUT EXCEPTION OR VARIATION:

25 (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");

26 (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");

27 (3) § 4-207 ("LICENSES ISSUED TO MINORS");

28 (4) § 4-209 ("HEARING");

- 1 (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- 2 (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- 3 (7) § 4-212 (“LICENSE NOT PROPERTY”);
- 4 (8) § 4-213 (“REPLACEMENT LICENSES”); AND
- 5 (9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE
- 6 APPLICATIONS”).

7 **(B) VARIATIONS.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**

9 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- 10 (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT
- 11 TO § 29-1502 OF THIS SUBTITLE;
- 12 (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
- 13 TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 29-1503 OF THIS SUBTITLE
- 14 AND SUBTITLE 13, PART III OF THIS TITLE;
- 15 (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES
- 16 FOR SAME PREMISES”), SUBJECT TO § 29-1503 OF THIS SUBTITLE AND SUBTITLE
- 17 13, PART III OF THIS TITLE; AND
- 18 (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),
- 19 SUBJECT TO § 29-1504 OF THIS SUBTITLE.

20 REVISOR’S NOTE: This section is new language added to incorporate by reference

21 general provisions relating to the issuance of local licenses.

22 Defined terms: “County” § 29-101

23 “License” § 1-101

24 “Local licensing board” § 1-101

25 **29-1502. ISSUANCE OF LICENSE.**

26 **(A) DUTY OF COUNTY TREASURER.**

1 AFTER THE BOARD APPROVES A LICENSE APPLICATION, THE COUNTY
2 SUPERVISOR OF TAX COLLECTION SHALL ISSUE THE LICENSE ON PAYMENT OF THE
3 LICENSE FEE AND THE FEE REQUIRED BY SUBSECTION (B) OF THIS SECTION.

4 (B) PAYMENT OF ADVERTISING AND PROCESSING FEE.

5 A LICENSE APPLICANT SHALL PAY TO THE BOARD A FEE OF \$350 TO COVER
6 THE COSTS OF:

7 (1) THE NOTICE REQUIRED UNDER § 29-1504 OF THIS SUBTITLE; AND

8 (2) PROCESSING THE APPLICATION.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10-202(p)(2) and (3).

11 In subsection (b)(1) of this section, the reference to the "notice" is substituted
12 for the former reference to the "advertising" for clarity.

13 Defined terms: "Board" § 29-101

14 "County" § 29-101

15 "License" § 1-101

16 **29-1503. BOWLING ESTABLISHMENTS.**

17 MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN
18 INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,
19 AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:

20 (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE
21 LICENSES; AND

22 (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT
23 LEAST 30 LANES WITH AUTOMATIC PINSETTERS.

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 9-102(b-1)(1)(i).

26 In item (1) of this section, the reference to "Class D beer or Class D beer and
27 wine licenses" is substituted for the former reference to licenses issued
28 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

29 In item (2) of this section, the former reference to the premises "operated as"
30 a bowling establishment is deleted as surplusage.

1 Defined terms: "Beer" § 1-101

2 "License" § 1-101

3 "Wine" § 1-101

4 **29-1504. NOTICE OF LICENSE APPLICATION.**

5 **NOTICE OF A LICENSE APPLICATION SHALL BE PUBLISHED ONCE A WEEK FOR**
6 **2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER PUBLISHED IN THE**
7 **MUNICIPALITY OR UNINCORPORATED AREA IN WHICH OR NEAREST TO WHICH THE**
8 **LOCATION DESCRIBED IN THE APPLICATION IS SITUATED.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10-202(p)(1).

11 The reference to the "location described in the application" is substituted for
12 the former reference to the applicant's proposed "place of business" for
13 consistency with the terminology used throughout this article.

14 Defined term: "License" § 1-101

15 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

16 **PART I. LICENSING CONDITIONS.**

17 **29-1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, LIBRARY,**
18 **OR YOUTH CENTER.**

19 **(A) IN GENERAL.**

20 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
21 **BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300**
22 **FEET OF A PLACE OF WORSHIP, SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER.**

23 **(2) THE DISTANCE IS TO BE MEASURED FROM THE NEAREST POINT OF**
24 **THE ESTABLISHMENT TO THE NEAREST POINT OF THE PROPERTY LINE OF THE**
25 **PLACE OF WORSHIP, PUBLIC LIBRARY, SCHOOL, OR YOUTH CENTER.**

26 **(B) EXCEPTIONS.**

27 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
28 **SECTION DOES NOT APPLY TO:**

1 **(1) A LICENSED ESTABLISHMENT THAT EXISTED BEFORE THE**
2 **PLACE OF WORSHIP, SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER WAS BUILT**
3 **WITHIN 300 FEET OF THE LICENSED ESTABLISHMENT;**

4 **(2) AN ESTABLISHMENT HAVING ANY PREVIOUS OWNER WHO WAS**
5 **THE HOLDER OF A LICENSE TO SELL ALCOHOLIC BEVERAGES; AND**

6 **(3) A TEMPORARY LICENSE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 9–220.

9 Throughout this section, the former references to a “church” are deleted as
10 included in the references to a “place of worship”.

11 In subsection (a)(1) of this section, the prohibition against the Board
12 “issu[ing]” a license is substituted for the former prohibition against the Board
13 “approv[ing]” a license for clarity.

14 Also in subsection (a)(1) of this section, the former reference to a license “to
15 sell alcoholic beverages” is deleted as included in the defined term “license”.

16 In subsection (a)(2) of this section, the former reference to the nearest point of
17 the “building that is the proposed” establishment “for which the license is
18 requested” is deleted as surplusage.

19 In subsection (b)(3) of this section, the former reference to a “special” license
20 is deleted as unnecessary in light of the reference to a “temporary” license.

21 Defined terms: “Alcoholic beverage” § 1–101

22 “Board” § 29–101

23 “License” § 1–101

24 **29–1602. RESERVED.**

25 **29–1603. RESERVED.**

26 **PART II. MULTIPLE LICENSING PLANS.**

27 **29–1604. RESERVED.**

28 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

29 **29–1701. APPLICATION OF GENERAL PROVISIONS.**

1 (A) WITHOUT EXCEPTION OR VARIATION.

2 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL
3 LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE
4 APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

5 (1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);
6 AND

7 (2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT
8 REQUIRED”).

9 (B) EXCEPTION.

10 SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF
11 DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED
12 BY § 29–1705 OF THIS SUBTITLE.

13 (C) VARIATIONS.

14 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL
15 LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE
16 APPLY IN THE COUNTY:

17 (1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF
18 LICENSE AND INVENTORY”), SUBJECT TO § 29–1703 OF THIS SUBTITLE; AND

19 (2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO §
20 29–1704 OF THIS SUBTITLE.

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to the transfer of licenses and the substitution of
23 the names of officers on licenses.

24 Defined terms: “County” § 29–101
25 “License” § 1–101

26 **29–1702. CRIMINAL HISTORY RECORDS CHECK.**

27 AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND
28 NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–103(b)(9)(v)3C and, as it related to an
3 applicant for a transfer of a license, 1B.

4 The requirements for a State and national criminal history records check for
5 an applicant for a transfer of a license are identical to the requirements for an
6 applicant for the issuance of a license. The cross–reference to “§ 4–107 of this
7 article”, where those requirements appear in the applications for local licenses
8 subtitle, is substituted for a listing of those requirements, to avoid
9 unnecessary repetition.

10 Defined terms: “License” § 1–101
11 “State” § 1–101

12 **29–1703. WAIVER OF PUBLICATION NOTICE AUTHORIZED.**

13 **THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED UNDER §**
14 **4–302 OF THIS ARTICLE FOR THE TRANSFER OF A CLASS C CLUB LICENSE IF:**

15 **(1) THE PERSON WHOSE NAME APPEARS ON THE LICENSE BECOMES**
16 **INELIGIBLE; AND**

17 **(2) A NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS**
18 **PROPERLY FILED WITH THE BOARD WITHIN 10 DAYS AFTER THE PERSON BECOMES**
19 **INELIGIBLE.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 10–503(u)(2).

22 In the introductory language of this section, the former reference to an
23 “assignment” is deleted as included in the reference to a “transfer”.

24 Former Art. 2B, § 10–503(u)(1), which stated that former Art. 2B, § 10–503(u)
25 applied only in Somerset County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: “Board” § 29–101
28 “Club” § 1–101
29 “License” § 1–101
30 “Person” § 1–101

31 **29–1704. FEE.**

32 **THE FEE FOR A TRANSFER OF A LICENSE IS \$50, IN ADDITION TO THE COSTS**
33 **OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-503(u)(3).

3 The former reference to an "assignment" is deleted as included in the reference
4 to a "transfer".

5 Defined term: "License" § 1-101

6 **29-1705. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

7 **(A) CONDITIONS FOR SUBSTITUTION.**

8 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A**
9 **LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER**
10 **MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE**
11 **NAME OF ANY OFFICER WHO:**

12 **(I) HAS DIED;**

13 **(II) HAS RETIRED; OR**

14 **(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR**
15 **CLUB.**

16 **(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY**
17 **THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL**
18 **OFFICER.**

19 **(B) AFFIDAVIT REQUIRED.**

20 **THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT**
21 **CONTAINS:**

22 **(1) THE SUBSTITUTION OF THE OFFICER; AND**

23 **(2) AN EXPLANATION FOR THE SUBSTITUTION.**

24 **(C) CORRECTED LICENSE TO BE ISSUED.**

25 **ON RECEIPT OF THE AFFIDAVIT BY THE BOARD AND PAYMENT OF A \$50 FEE**
26 **TO THE COUNTY TREASURER, THE BOARD SHALL:**

27 **(1) AMEND ITS RECORDS; AND**

1 **(2) ISSUE A CORRECTED LICENSE.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from the first, second, third, and fifth sentences of former Art. 2B, §
4 10-301(h)(1), as they related to Somerset County.

5 In subsection (a) of this section, the former reference to an officer who has
6 “been removed from office” is deleted as included in the reference to an officer
7 who “no longer holds an office in the corporation or club”.

8 In the introductory language of subsection (a)(1) of this section, the reference
9 to “any officer who” is substituted for the former reference to “the deleted
10 officer” for clarity.

11 Also in the introductory language of subsection (a)(1) of this section, the
12 former reference to any “class of alcoholic beverage” license is deleted as
13 surplusage.

14 Also in the introductory language of subsection (a)(1) of this section, the
15 former phrase “during any license year” is deleted as surplusage.

16 Also in the introductory language of subsection (a)(1) of this section, the
17 former phrase “notwithstanding any other provision of this article” is deleted
18 as surplusage.

19 In subsection (a)(2) of this section, the reference to requirements “applicable
20 to the original officer” is substituted for the former reference to requirements
21 “the substitute would have to meet if the substitute were named in the original
22 application” for brevity.

23 Also in subsection (a)(2) of this section, the former reference to a “fit”
24 individual is deleted as implicit in the requirement that the individual be
25 approved by the Board and meet the requirements applicable to the original
26 officer.

27 In subsection (b)(1) of this section, the former reference to “officers” is deleted
28 in light of the reference to “officer” and GP § 1-202, which provides that the
29 singular generally includes the plural.

30 In subsection (c)(2) of this section, the reference to a “corrected license” is
31 substituted for the former reference to a “new license with the corrected names
32 on it” for brevity.

33 Defined terms: “Board” § 29-101

34 “Club” § 1-101

35 “License” § 1-101

1 “License holder” § 1–101

2 **SUBTITLE 18. RENEWAL OF LICENSES.**

3 **29–1801. APPLICATION OF GENERAL PROVISIONS.**

4 **(A) WITHOUT EXCEPTION OR VARIATION.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
6 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
7 **EXCEPTION OR VARIATION:**

8 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

9 **(2) § 4–403 (“RENEWAL APPLICATION”);**

10 **(3) § 4–406 (“PROTESTS”);**

11 **(4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**

12 **(5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**

13 **(6) § 4–409 (“MULTIPLE LICENSES”); AND**

14 **(7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

15 **(B) EXCEPTION.**

16 **SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION**
17 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY §**
18 **29–1802 OF THIS SUBTITLE.**

19 **(C) VARIATION.**

20 **SECTION 4–405 (“CONTENTS OF RENEWAL APPLICATION”) OF DIVISION I OF**
21 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29–1803 OF THIS SUBTITLE.**

22 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
23 general provisions relating to the renewal of local licenses.

24 Defined terms: “County” § 29–101

25 “License” § 1–101

26 **29–1802. RENEWAL APPLICATION.**

1 **(A) RENEWAL APPLICATION FEE.**

2 **AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION**
3 **FEE OF \$50 TO THE COUNTY TREASURER IN ADDITION TO THE LICENSE FEE.**

4 **(B) LATE FILING.**

5 **IF AN APPLICANT FAILS TO RENEW A LICENSE IN A TIMELY MANNER AS**
6 **DETERMINED BY THE BOARD, THE APPLICANT SHALL PAY A LATE RENEWAL FEE OF**
7 **\$100 IN ADDITION TO THE RENEWAL APPLICATION FEE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10-301(s)(3) and (5).

10 In subsection (a) of this section, the phrase "in addition to the license fee" is
11 added to state expressly that which only was implied in the former law.

12 Also in subsection (a) of this section, the reference to the "County treasurer"
13 is substituted for the former reference to the "local collecting agent" in light of
14 former Art. 2B, § 1-102(a)(18)(i)3, which defined "[l]ocal collecting agent" in
15 Somerset County to be the "treasurer of the county".

16 Also in subsection (a) of this section, the former reference to a license "issued
17 by the Board" is deleted as unnecessary.

18 In subsection (b) of this section, the former reference to the renewal
19 application fee "of \$50 required by paragraph (3) of this subsection" is deleted
20 as unnecessary.

21 Former Art. 2B, § 10-301(s)(1), which stated that former Art. 2B, § 10-301(s)
22 applied only in Somerset County, is deleted as unnecessary in light of the
23 organization of this revised article.

24 Former Art. 2B, § 10-301(s)(2), which defined "Board" to mean the Board of
25 License Commissioners of Somerset County, is deleted as redundant of the
26 defined term "Board" in § 29-101 of this title.

27 Defined terms: "Board" § 29-101

28 "County" § 29-101

29 "License" § 1-101

30 **29-1803. PAYMENT OF TAXES.**

31 **THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER HAS**
32 **PRESENTED THE BOARD WITH A CERTIFICATE OF RECEIPT ISSUED BY THE COUNTY**

1 **FINANCE OFFICE SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY**
 2 **AND PERSONAL PROPERTY OF THE RENEWAL APPLICANT DUE TO THE COUNTY OR**
 3 **STATE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 10-301(s)(4).

6 The reference to a "renewal" applicant is added for clarity.

7 The reference to a certificate of receipt "issued by" the County Finance Office
 8 is substituted for the former reference to a certificate of receipt "from" that
 9 Office for clarity.

10 Defined terms: "Board" § 29-101
 11 "County" § 29-101
 12 "License" § 1-101
 13 "License holder" § 1-101
 14 "State" § 1-101

15 **29-1804. BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWALS FROM**
 16 **CRIMINAL HISTORY RECORDS CHECK REQUIREMENT.**

17 **THE BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWAL FROM THE**
 18 **REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS**
 19 **ARTICLE.**

20 REVISOR'S NOTE: This section is new language derived without substantive
 21 change from former Art. 2B, § 10-103(b)(9)(v)6.

22 The reference to "applicants for license renewal" is substituted for the former
 23 reference to "a license holder who seeks to renew an alcoholic beverages
 24 license" for brevity and consistency.

25 Defined terms: "Board" § 29-101
 26 "License" § 1-101

27 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

28 **29-1901. APPLICATION OF GENERAL PROVISIONS.**

29 **TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF**
 30 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
 31 **VARIATION.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to the conduct of local license holders.

3 Defined terms: "County" § 29-101
4 "License holder" § 1-101

5 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

6 **29-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

7 **(A) IN GENERAL.**

8 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
9 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
10 **PREMISES LICENSED UNDER THIS TITLE.**

11 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
12 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
13 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

14 **(B) PENALTY.**

15 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
16 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 11-304(a)(1) and, as it related to Somerset
19 County, (2).

20 In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided in
21 this title" is added for clarity.

22 Also in subsection (a)(1) of this section, the reference to an "individual" is
23 substituted for the former reference to a "person" because the prohibition
24 against consumption applies only to human beings.

25 Also in subsection (a)(1) of this section, the reference to "a premises licensed
26 under this title" is substituted for the former reference to "any premises open
27 to the general public, any place of public entertainment, or any place at which
28 setups or other component parts of mixed alcoholic drinks are sold under any
29 license issued under the provisions of the Business Regulation Article" for
30 brevity.

1 In subsection (a)(2) of this section, the reference to “a premises licensed under
2 this title” is substituted for the former reference to “the premises” for
3 consistency with the terminology used in subsection (a)(1) of this section.

4 In subsection (b) of this section, the reference to a person who “violates this
5 section” is substituted for the former reference to a person who is “found
6 consuming any alcoholic beverage on any premises open to the general public,
7 and any owner, operator or manager of those premises or places who
8 knowingly permits consumption between the hours provided by this section”
9 for brevity.

10 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
11 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
12 section.

13 Also in subsection (b) of this section, the former reference to a fine “not less
14 than \$5” is deleted to conform to the statement of legislative policy in §
15 14–102 of the Criminal Law Article, which sets forth the general rule that,
16 notwithstanding a statutory minimum penalty, a court may impose a lesser
17 penalty of the same character.

18 Defined terms: “Alcoholic beverage” § 1–101
19 “Person” § 1–101

20 **29–2002. BEER LICENSES.**

21 **(A) CLASS A BEER LICENSE.**

22 **(1) A HOLDER OF A 6–DAY CLASS A BEER LICENSE MAY SELL BEER**
23 **ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

24 **(2) A HOLDER OF A 7–DAY CLASS A BEER LICENSE MAY SELL BEER:**

25 **(i) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
26 **THE FOLLOWING DAY; AND**

27 **(ii) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

28 **(B) CLASS B BEER LICENSE.**

29 **A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

30 **(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

1 **(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
2 **FOLLOWING DAY.**

3 **(C) CLASS C BEER LICENSE.**

4 **A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:**

5 **(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

6 **(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
7 **FOLLOWING DAY.**

8 **(D) CLASS D BEER LICENSE.**

9 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

10 **(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

11 **(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
12 **FOLLOWING DAY.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, §§ 11-301(b)(1), (c)(1), and (d)(1), 11-403(a)(1)(ii)
15 and, as they related to the sale of beer, 11-520(2) and the introductory
16 language of 11-520.

17 Throughout this section, former references to the prohibition against sales of
18 alcoholic beverages on Sunday from 2 a.m. to 8 a.m. the following day are
19 deleted as unnecessary in light of the stated hours of sale in this section.

20 In this section, the former phrase "[t]he hours during which" is deleted as
21 unnecessary.

22 Former Art. 2B, § 11-403(b)(2)(x), which stated that the provisions of former
23 Art. 2B, § 11-403 were subordinate to the provisions of former Art. 2B, §
24 11-520, is deleted as unnecessary in light of the organization of this revised
25 article.

26 Defined term: "Beer" § 1-101

27 **29-2003. BEER AND WINE LICENSES.**

28 **(A) CLASS A BEER AND WINE LICENSE.**

1 **(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER**
2 **AND WINE:**

3 **(I) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY;**
4 **AND**

5 **(II) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
6 **THE FOLLOWING DAY.**

7 **(2) A HOLDER OF A 7-DAY CLASS A BEER AND WINE LICENSE MAY**
8 **SELL BEER AND WINE ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

9 **(B) CLASS B BEER AND WINE LICENSE.**

10 **A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

11 **(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

12 **(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
13 **FOLLOWING DAY.**

14 **(C) CLASS C BEER AND WINE LICENSE.**

15 **A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

16 **(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

17 **(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
18 **FOLLOWING DAY.**

19 **(D) CLASS D BEER AND WINE LICENSE.**

20 **A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

21 **(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

22 **(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
23 **FOLLOWING DAY.**

24 **REVISOR'S NOTE:** This section is new language derived without substantive
25 change from the introductory language of former Art. 2B, § 11-520, as it
26 related to the sale of beer, and § 11-520(2), as it related to 7-day Class A
27 (off-sale) beer and wine licenses.

1 In this section, the references to a “beer and wine license” are substituted for
2 the former reference to a “beer and light wine license” to avoid confusion. In
3 former Art. 2B, § 4–101(s), “light wine” was defined in the County as a
4 fermented beverage containing up to 22% of alcohol by volume – a maximum
5 amount sufficient to include fortified wines, thus rendering meaningless the
6 traditional division of wines into light wines and fortified wines.

7 Throughout this section, former references to the prohibition against sales of
8 alcoholic beverages on Sunday from 2 a.m. to 8 a.m. the following day are
9 deleted as unnecessary in light of the stated hours of sale in this section.

10 Defined terms: “Beer” § 1–101

11 “Wine” § 1–101

12 **29–2004. BEER, WINE, AND LIQUOR LICENSES.**

13 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

14 **RESERVED.**

15 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

16 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
17 **HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY SELL**
18 **BEER, WINE, AND LIQUOR:**

19 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
20 **THE FOLLOWING DAY; AND**

21 **(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT IF FOOD IS**
22 **AVAILABLE FOR PURCHASE ON THE PREMISES.**

23 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
24 **A BAR OR COUNTER ON SUNDAY.**

25 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

26 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
27 **HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY SELL**
28 **BEER, WINE, AND LIQUOR:**

29 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
30 **THE FOLLOWING DAY; AND**

1 **(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT IF FOOD IS**
 2 **AVAILABLE FOR PURCHASE ON THE PREMISES.**

3 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
 4 **A BAR OR COUNTER ON SUNDAY.**

5 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

6 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
 7 **WINE, AND LIQUOR:**

8 **(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

9 **(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
 10 **FOLLOWING DAY.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, §§ 11-520(1), 11-303(b)(1) and (c)(1),
 13 11-403(a)(1)(ii), and, as it related to the sale of beer, wine, and liquor, the
 14 introductory language of 11-520.

15 In subsections (b) and (c) of this section, the references to "license holder" are
 16 substituted for the former references to "retail dealer" for clarity.

17 Also in subsections (b) and (c) of this section, the former phrase "[t]he hours
 18 during which" is deleted as unnecessary.

19 Also in subsections (b) and (c) of this section, the former references to license
 20 holders "who may sell alcoholic beverages ... as authorized by their licenses ...
 21 provided that under those Sunday licenses the sale and disposal of alcoholic
 22 beverages will be permitted" are deleted as redundant in light of the
 23 organization of this revised article.

24 Defined terms: "Beer" § 1-101

25 "Wine" § 1-101

26 **29-2005. HOURS ON DECEMBER 31 AND JANUARY 1.**

27 **THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL**
 28 **STOP SELLING ALCOHOLIC BEVERAGES ON DECEMBER 31 AND JANUARY 1,**
 29 **REGARDLESS OF THE DAY OF THE WEEK ON WHICH THESE DATES FALL.**

30 REVISOR'S NOTE: This section is new language derived without substantive
 31 change from former Art. 2B, § 11-402(u)(2).

1 Former Art. 2B, § 11-402(u)(1), which stated that former Art. 2B, § 11-402(u)
2 applied only in Somerset County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: "Alcoholic beverage" § 1-101
5 "Board" § 29-101

6 **29-2006. TIME AND PLACE RESTRICTIONS.**

7 **ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED ON A LICENSED PREMISES**
8 **FROM 2 A.M. ON SUNDAY TO 8 A.M. ON THE FOLLOWING DAY EXCEPT FOR ALCOHOLIC**
9 **BEVERAGES SOLD:**

10 **(1) FOR ON-PREMISES CONSUMPTION, BY A HOLDER OF A CLASS B**
11 **BEER, WINE, AND LIQUOR LICENSE OR CLASS C BEER, WINE, AND LIQUOR LICENSE,**
12 **WHO MAY SELL BEER, WINE, AND LIQUOR FROM 12:30 P.M. TO MIDNIGHT ON**
13 **SUNDAY, IF FOOD IS AVAILABLE FOR PURCHASE ON THE PREMISES; OR**

14 **(2) FOR OFF-PREMISES CONSUMPTION, BY A HOLDER OF A 7-DAY**
15 **CLASS A BEER LICENSE OR A 7-DAY CLASS A BEER AND WINE LICENSE, WHO MAY**
16 **SELL ALCOHOLIC BEVERAGES AS AUTHORIZED BY THE LICENSE FROM 8 A.M. ON**
17 **SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 11-520, as it related to the consumption of
20 alcoholic beverages.

21 In item (1) of this section, the former phrase "provided that under those
22 Sunday licenses the sale or disposal of alcoholic beverages will be permitted
23 only" if food is available is deleted as surplusage.

24 Defined terms: "Alcoholic beverage" § 1-101
25 "Beer" § 1-101
26 "Wine" § 1-101

27 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

28 **29-2101. APPLICATION OF GENERAL PROVISIONS.**

29 **(A) WITHOUT EXCEPTION OR VARIATION.**

30 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND**
31 **SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE**
32 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

- 1 **(1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
 2 **(2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
 3 **(3) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
 4 **(4) § 4-606 (“EFFECTS OF REVOCATION”).**
- 5 **(B) EXCEPTION.**

6 **SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS**
 7 **ARTICLE DOES NOT APPLY IN THE COUNTY.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
 9 general provisions relating to the revocation and suspension of local licenses.

10 Defined terms: “County” § 29-101
 11 “License” § 1-101
 12 “Local licensing board” § 1-101

13 **SUBTITLE 22. EXPIRATION OF LICENSES.**

14 **29-2201. APPLICATION OF GENERAL PROVISIONS.**

15 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
 16 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

17 REVISOR’S NOTE: This section is new language added to incorporate by reference
 18 the general provisions relating to the expiration of local licenses.

19 Defined terms: “County” § 29-101
 20 “License” § 1-101

21 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

22 **29-2301. APPLICATION OF GENERAL PROVISIONS.**

23 **(A) WITHOUT EXCEPTION OR VARIATION.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE**
 25 **HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 26 **EXCEPTION OR VARIATION:**

1 (1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE
2 HOLDER”);

3 (2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

4 (3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND
5 RESTRICTION”); AND

6 (4) § 4-806 (“REFUND”).

7 (B) VARIATION.

8 SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR
9 CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE
10 COUNTY, SUBJECT TO § 29-2302 OF THIS SUBTITLE.

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
12 general provisions relating to the death of a local license holder.

13 Defined terms: “County” § 29-101

14 “License” § 1-101

15 “License holder” § 1-101

16 **29-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR
17 PARTNERSHIP OR CORPORATION.**

18 (A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR
19 SURVIVING OFFICER.

20 (1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE
21 HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR
22 CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED
23 TO:

24 (I) THE SURVIVING SPOUSE;

25 (II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE
26 PARTNERSHIP; OR

27 (III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION
28 FOR THE BENEFIT OF THE CORPORATION.

29 (2) THE NEW LICENSE SHALL BE ISSUED:

1 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

2 **(II) WITHOUT FURTHER PROCEEDINGS.**

3 **(B) RENEWAL LICENSE.**

4 **A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE**
5 **QUALIFIED TO HOLD THE LICENSE:**

6 **(1) THE SURVIVING SPOUSE;**

7 **(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

8 **(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE**
9 **BENEFIT OF THE CORPORATION.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10–506(b)(8).

12 In the introductory language of subsection (a)(1) of this section, the former
13 phrase “[n]otwithstanding any provisions to the contrary in this article” is
14 deleted as surplusage.

15 Also in the introductory language of subsection (a)(1) of this section, the
16 former reference to an application to “the Comptroller ..., as the case may be,
17 that granted the license” is deleted as surplusage.

18 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
19 officer “of the corporation” is added for clarity.

20 In subsection (a)(2)(i) of this section, the former reference to the “current”
21 license year is deleted as implicit.

22 In subsection (a)(2)(ii) of this section, the former reference to “the necessity of”
23 further proceedings is deleted as surplusage.

24 In the introductory language of subsection (b) of this section, the former
25 reference to being qualified to hold the license “under this article” is deleted
26 as surplusage.

27 In subsection (b)(2) of this section, the reference to the surviving “partners” of
28 a partnership is substituted for the former reference to the surviving
29 “members” of a partnership for accuracy.

30 In subsection (b)(3) of this section, the reference to the “senior surviving officer
31 of a corporation for the benefit of the corporation” is substituted for the former

1 reference to the “surviving members of a ... corporation” for accuracy and for
2 consistency with subsection (a) of this section.

3 Defined terms: “Board” § 29–101

4 “License” § 1–101

5 “License holder” § 1–101

6 **SUBTITLE 24. JUDICIAL REVIEW.**

7 **29–2401. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF**
10 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
11 **VARIATION:**

12 **(1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING**
13 **BOARD”);**

14 **(2) § 4–904 (“STAY OF LOCAL BOARD’S PETITION”);**

15 **(3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);**

16 **(4) § 4–906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);**

17 **(5) § 4–907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);**

18 **AND**

19 **(6) § 4–908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT**
20 **OF APPEALS”).**

21 **(B) VARIATION.**

22 **SECTION 4–903 (“PETITIONERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN**
23 **THE COUNTY, SUBJECT TO § 29–2402 OF THIS SUBTITLE.**

24 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
25 general provisions relating to the appeal of the decisions of the Board.

26 Defined terms: “County” § 29–101

27 “Local licensing board” § 1–101

28 **29–2402. REVIEW FEE.**

1 **IN ADDITION TO THE REQUIREMENTS OF § 4-903 OF THIS ARTICLE WITH**
2 **RESPECT TO THE PAYMENT OF ALL COSTS INCIDENT TO A HEARING BEFORE THE**
3 **BOARD, A PERSON THAT PETITIONS FOR JUDICIAL REVIEW OF A DECISION OF THE**
4 **BOARD TO THE CIRCUIT COURT SHALL PAY TO THE BOARD A FEE OF \$100.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 16-101(b)(2).

7 The reference to a person that "petitions for judicial review" is substituted for
8 the former reference to a person that "appeals" to reflect that this section
9 concerns the judicial review of an administrative agency – a board of license
10 commissioners – and not a court.

11 Defined terms: "Board" § 29-101

12 "Person" § 1-101

13 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

14 **29-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

15 **(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
16 **BEVERAGES.**

17 **A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND**
18 **ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR**
19 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT**
20 **ENTERTAINMENT THAT:**

21 **(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

22 **(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR**
23 **ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

24 **(B) PROHIBITION AGAINST OPERATOR.**

25 **A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS**
26 **NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
27 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

28 **(C) PENALTY.**

1 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
2 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
3 **NOT EXCEEDING \$10,000 OR BOTH.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 20–110(a), (c), and (d).

6 In subsection (a) of this section, the reference to “adult” entertainment is
7 substituted for the former references to “public” entertainment for clarity.

8 Also in subsection (a) of this section, the former references to “dispense” are
9 deleted as included in the references to “serve”.

10 In subsection (a)(2) of this section, the reference to a “location” is substituted
11 for the former reference to “premises” to avoid the implication that the
12 establishment is licensed.

13 Former Art. 2B, § 20–110(b), which provided that former Art. 2B, § 20–110
14 applied only in Somerset County, is deleted as unnecessary in light of the
15 organization of this revised article.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “License” § 1–101

18 “Person” § 1–101

19 **29–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
20 **BEVERAGES IS PROHIBITED.**

21 **(A) PROHIBITION AGAINST INDIVIDUAL.**

22 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
23 **ALCOHOLIC BEVERAGES IN:**

24 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

25 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

26 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
27 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
28 **BUSINESS REGULATION ARTICLE.**

29 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

30 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
31 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**

1 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
 2 **THIS SECTION.**

3 **(C) PENALTY.**

4 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 5 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
 8 (2).

9 In subsections (a)(1) and (b) of this section, the references to an
 10 "establishment" are substituted for the former references to "premises" to
 11 avoid the implication that the establishment is licensed.

12 In subsection (a) of this section, the former reference to the "general" public is
 13 deleted as surplusage.

14 In subsection (b) of this section, the former reference to an "operator" is deleted
 15 as included in the reference to a "manager".

16 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
 17 to conform to the statement of legislative policy in § 14-102 of the Criminal
 18 Law Article, which sets forth the general rule that, notwithstanding a
 19 statutory minimum penalty, a court may impose a lesser penalty of the same
 20 character.

21 The Alcoholic Beverages Article Review Committee notes, for consideration by
 22 the General Assembly, that under § 29-2501 of this subtitle, a person who
 23 operates an unlicensed business establishment who knowingly allows a
 24 customer to bring alcoholic beverages for consumption into the establishment
 25 is subject to imprisonment not exceeding 2 years or a fine not exceeding
 26 \$10,000 or both, while under this section, an owner or a manager of an
 27 unlicensed establishment who allows the consumption of alcoholic beverages
 28 in the establishment is subject only to a fine not exceeding \$50.

29 Defined terms: "Alcoholic beverage" § 1-101
 30 "Person" § 1-101

31 **SUBTITLE 26. ENFORCEMENT.**

32 **PART I. IN GENERAL.**

33 **29-2601. APPLICATION OF GENERAL PROVISIONS.**

1 (A) WITHOUT EXCEPTION OR VARIATION.

2 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF
3 DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
4 VARIATION:

5 (1) § 6–202 (“INSPECTIONS”);

6 (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND
7 QUALITY OF ALCOHOLIC BEVERAGES”);

8 (3) § 6–204 (“POWER TO SUMMON WITNESSES”);

9 (4) § 6–205 (“PEACE OFFICERS”);

10 (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF
11 ALCOHOLIC BEVERAGE”);

12 (6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE
13 EVIDENCE OF SALE”);

14 (7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF
15 ALCOHOL IN PUBLIC PLACES”);

16 (8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF
17 CONSUMPTION”); AND

18 (9) § 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY
19 INTOXICATION LAWS”).

20 (B) EXCEPTION.

21 SECTION 6–211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE
22 APPLIES IN THE COUNTY, SUBJECT TO § 29–2602 OF THIS SUBTITLE.

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to enforcement.

25 Defined terms: “Alcoholic beverage” § 1–101

26 “County” § 29–101

27 “State” § 1–101

28 29–2602. DISTRIBUTION OF FINES.

1 **ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISPOSED OF**
2 **AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 16-502(c), as it related to Somerset County.

5 Defined term: "County" § 29-101

6 **29-2603. RESERVED.**

7 **29-2604. RESERVED.**

8 **PART II. TOWN OF CRISFIELD.**

9 **29-2605. SCOPE OF PART.**

10 **THIS PART APPLIES TO THE TOWN OF CRISFIELD.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 16-414(q), as it related to the Town of Crisfield.

13 **29-2606. SEARCH WARRANTS.**

14 **(A) ISSUANCE OF WARRANT.**

15 **A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE**
16 **OFFICER OR ANY OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

17 **(1) IS SWORN TO BY THE APPLICANT;**

18 **(2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE**
19 **SEARCHED;**

20 **(3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED**
21 **FOR; AND**

22 **(4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT**
23 **ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED**
24 **OF IN VIOLATION OF LAW.**

25 **(B) CONTENTS; REQUIREMENTS.**

26 **A WARRANT ISSUED UNDER THIS SECTION SHALL:**

1 (1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER
2 POLICE OFFICER;

3 (2) INCLUDE A COPY OF THE AFFIDAVIT;

4 (3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO
5 SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT AND SEIZE ANY:

6 (I) ALCOHOLIC BEVERAGES AND THEIR VESSELS FOUND IN
7 QUANTITIES THAT SUGGEST THAT THEY ARE BEING KEPT FOR SALE;

8 (II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING
9 FURNITURE, IMPLEMENTS, AND EQUIPMENT;

10 (III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS
11 ALCOHOLIC BEVERAGES; AND

12 (IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR
13 THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED
14 OFFENSE; AND

15 (4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH
16 AND MAKE AN IMMEDIATE RETURN ON THE WARRANT.

17 (C) FORM OF AFFIDAVIT, WARRANT, AND REPORT AND RETURN.

18 AN AFFIDAVIT, A WARRANT FOR SEARCH, AND A REPORT AND RETURN SHALL
19 BE SUBSTANTIALLY IN THE FOLLOWING FORM:

20 STATE OF MARYLAND, SOMERSET COUNTY, TO WIT:

21 TO:, OF SOMERSET COUNTY:

22 GREETINGS: WHEREAS, THERE HAS BEEN FILED WITH THE UNDERSIGNED AN
23 AFFIDAVIT, OF WHICH THE FOLLOWING IS A COPY, TO WIT: WHEREAS ON THIS DAY
24 OF, 20.., BEFORE THE SUBSCRIBER, IN AND FOR SAID COUNTY, PERSONALLY
25 APPEARED, AND MADE COMPLAINT AND OATH THAT THE APPLICANT HAS JUST
26 AND REASONABLE CAUSE TO SUSPECT AND BELIEVE AND DOES SUSPECT AND
27 BELIEVE THAT INTOXICATING LIQUOR IS SOLD, OR EXCEPT FOR THE PURPOSE OF
28 BEING SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF THE LAW IN THE OF
29 AT, IN OF SAID COUNTY, AND THAT IN AND UPON SAID PREMISES AND AT SAID
30 PLACE AND HOUSE WILL BE FOUND UPON SEARCH THEREOF, THE FOLLOWING:

31 INTOXICATING LIQUORS, AND THE VESSELS AND BOTTLES IN WHICH THE
32 SAME ARE CONTAINED, AND BARROOM, AND DRINKING SALOON PARAPHERNALIA,
33 AND THE UNITED STATES INTERNAL REVENUE TAX RECEIPT FOR SALE OF

1 INTOXICATING LIQUOR AT THIS TIME EFFECTIVE (AND ANY OTHER FACTS
2 MATERIAL):

3 THESE ARE THEREFORE, IN THE NAME OF THE STATE OF MARYLAND, TO
4 COMMAND YOU, TOGETHER WITH THE NECESSARY AND PROPER ASSISTANCE, TO
5 ENTER INTO THE SAID OF THE SAID AT, IN IN THE COUNTY AFORESAID, AND
6 THERE DILIGENTLY SEARCH FOR THE SAID INTOXICATING LIQUOR AND MEANS USED
7 FOR THE SALE OF SAME, OR ANY PART THEREOF AS DESCRIBED IN THE AFOREGOING
8 AFFIDAVIT OF COMPLAINT, AND THAT YOU BRING THE SAME, OR ANY PART
9 THEREOF, FOUND IN SUCH SEARCH, AND THE PERSON OR PERSONS IN WHOSE
10 CUSTODY THEY ARE FOUND FORTHWITH BEFORE ME TO BE DISPOSED OF AND DEALT
11 WITH ACCORDING TO LAW; AND HAVE YOU THERE THIS WARRANT.

12 GIVEN UNDER MY HAND THIS ... DAY OF ..., 20...

13
14 JUDGE OF THE DISTRICT COURT

15 REPORT AND RETURN

16 TO HON., JUDGE OF THE DISTRICT COURT IN SOMERSET COUNTY

17 THIS RETURN AND REPORT, MADE THIS ... DAY OF ..., 20.., IS TO CERTIFY,
18 THAT PURSUANT AND IN OBEDIENCE TO THE COMMANDS OF THE ANNEXED
19 WARRANT TO ME DIRECTED, I DID ON THE ... DAY OF ..., 20.., ENTER AND SEARCH
20 THE PLACE, HOUSE AND PREMISES DESCRIBED IN SAID WARRANT AND FOUND AND
21 SEIZED THE FOLLOWING, TO WIT: (HERE SET FORTH WHAT WAS FOUND AND SEIZED),
22 AND DO FORTHWITH BRING THE SAME, AND ONE ... THE PERSON IN WHOSE CUSTODY
23 THE SAME WERE FOUND BEFORE YOU.

24
25 (PERSON SERVING WARRANT)

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 16–414(b).

28 In subsection (a) of this section, the former reference to a judge in the District
29 Court “in the county” is deleted as surplusage.

30 Also in subsection (a) of this section, the former reference to a “house, store,
31 boat, motor vehicle, [or] aeroplane” is deleted as included in the reference to a
32 “place”.

33 Also in subsection (a) of this section, the former phrase “does believe” is
34 deleted in light of the reference to “has reason to believe”.

35 Also in subsection (a) of this section, the former reference to disposition
36 “contrary to law” is deleted in light of the phrase “in violation of law”.

37 Also in subsection (a) of this section, the former reference to a judge issuing a
38 warrant “to serve criminal process” is deleted as surplusage.

1 In subsection (b)(2) of this section, the former reference to the affidavit
2 “inserted therein, or annexed and referred to” is deleted as surplusage.

3 Also in subsection (b)(2) of this section, the former requirement that the
4 warrant “particularly describe the thing to be searched for and the place,
5 house or thing to be searched” is deleted as duplicative of the contents of the
6 affidavit under subsection (a) of this section.

7 In the introductory language of subsection (b)(3) of this section, the former
8 references to the “premises”, “house”, and “appurtenances thereof” are deleted
9 as included in the reference to the “place or thing”.

10 In subsection (b)(3)(iii) of this section, the former reference to “part of the
11 paraphernalia” is deleted in light of the reference to the “paraphernalia”.

12 The Alcoholic Beverages Article Review Committee notes, for consideration by
13 the General Assembly, that in subsection (c) of this section, the meaning of
14 the phrase “except for the purpose of being sold or otherwise disposed of in
15 violation of the law” is unclear.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “County” § 29–101

18 “Person” § 1–101

19 **29–2607. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

20 **AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE**
21 **APPLICANT MAY:**

22 **(1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**

23 **(2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**

24 **AND**

25 **(3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

26 **REVISOR’S NOTE:** This section is new language derived without substantive
27 change from former Art. 2B, § 16–414(g).

28 In the introductory language of this section, the reference to an “applicant” for
29 a warrant is substituted for the former reference to the “person making
30 affidavit” for a warrant for brevity.

31 Also in the introductory language of this section, the former reference to a
32 warrant to search “any place or thing where intoxicating liquor is believed to
33 be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished

1 contrary to this section” is deleted as included in the reference to a warrant
2 “under this subtitle”.

3 In item (3) of this section, the reference to “assist” is substituted for the former
4 reference to “give information and assistance” for brevity.

5 The Alcoholic Beverages Article Review Committee notes, for consideration by
6 the General Assembly, that item (3) of this section, which authorizes a private
7 citizen to assist an officer in a search of a place or thing alleged to be involved
8 in the illegal sale of alcoholic beverages, could result in a constitutional
9 violation if the person’s actions are not limited to assisting the officer in the
10 execution of the warrant.

11 **29–2608. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

12 **(A) IN GENERAL.**

13 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY**
14 **NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

15 **(1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE,**
16 **HOTEL, RESTAURANT, OR BOARDING HOUSE;**

17 **(2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**

18 **(3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC**
19 **BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

20 **(B) ISSUANCE BY JUDICIAL DISCRETION.**

21 **A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER**
22 **DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION**
23 **OF:**

24 **(1) THE APPLICANT FOR THE WARRANT; OR**

25 **(2) OTHER EVIDENCE.**

26 **REVISOR’S NOTE:** This section is new language derived without substantive
27 change from former Art. 2B, § 16–414(f).

28 In the introductory language of subsection (a) of this section, the former
29 reference to a residence “accepted as such” is deleted as surplusage.

1 In subsection (a)(2) of this section, the former reference to a “place of” public
2 resort is deleted as surplusage.

3 In subsection (a)(3) of this section, the former references to “stor[e]”,
4 “secret[e]”, “furnis[h]”, and “handl[e]” are deleted as included in the reference
5 to “keep, hide, or provide”.

6 Also in subsection (a)(3) of this section, the reference to “violates the law” is
7 substituted for the former reference to “contrary to this subtitle or contrary to
8 law” for brevity.

9 In the introductory language of subsection (b) of this section, the reference to
10 a judge of the District Court “determining” that the issuance of the warrant
11 would be proper is substituted for the former reference to the judge “deem[ing]
12 it” proper to issue the warrant, for brevity.

13 Also in the introductory language of subsection (b) of this section, the former
14 phrase “in his discretion” is deleted in light of the reference to “may”.

15 Also in the introductory language of subsection (b) of this section, the former
16 reference to a warrant “as hereinabove provided, for the searching of such a
17 residence” is deleted as surplusage.

18 In subsection (b)(1) of this section, the reference to the “applicant for the
19 warrant” is substituted for the former reference to “the party making the oath”
20 to conform to the terminology of this subtitle.

21 In subsection (b)(2) of this section, the reference to “other evidence” is
22 substituted for the former reference to “such other proof as may be produced”
23 for brevity.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Hotel” § 1–101

26 “Restaurant” § 1–101

27 **29–2609. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

28 **IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH**
29 **ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER**
30 **THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

31 **(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT**
32 **THE PLACE SEARCHED OR AT OR NEAR THE THING SEARCHED; AND**

33 **(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND**
34 **MAKE RETURN OF THAT ACTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from the first sentence of former Art. 2B, § 16–414(e).

3 In the introductory language of this section, the phrase “from which alcoholic
4 beverages or other items are seized” is substituted for the former phrase
5 “where intoxicating liquor may be found” for clarity.

6 Also in the introductory language of this section, the phrase “[i]f an owner or
7 operator of the establishment or thing from which alcoholic beverages or other
8 items are seized cannot be served” is substituted for the former phrase “[i]f no
9 one is found in possession of the premises, place, or thing where intoxicating
10 liquor may be found” for clarity.

11 Also in the introductory language of this section, the reference to the officer
12 “seizing the items” is substituted for the former reference to the officer “taking
13 the same” for clarity.

14 In item (2) of this section, the reference to “that action” is substituted for the
15 former reference to “his doing thereto” for clarity.

16 Also in item (2) of this section, the former phrase “take possession of such
17 liquor and means used for the sale of the same” is deleted as surplusage.

18 Defined term: “Alcoholic beverage” § 1–101

19 **29–2610. NOTICE OF HEARING.**

20 **(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

21 **(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE**
22 **FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A**
23 **HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

24 **(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE**
25 **NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES**
26 **WERE FOUND.**

27 **(B) FAILURE TO APPEAR AT HEARING.**

28 **IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED**
29 **ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR**
30 **WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE**
31 **ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from the second and third sentences of former Art. 2B, § 16-414(e).

3 In subsection (a)(2) of this section, the former term "premises" is deleted as
4 included in the term "place".

5 In subsection (b) of this section, the former reference to items being
6 "destroyed" is deleted as included in the reference to items being "disposed of".

7 Defined term: "Alcoholic beverage" § 1-101

8 **29-2611. DISPOSITION OF SEIZED ITEMS.**

9 **(A) PROSECUTION RESULTING IN CONVICTION.**

10 **IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN**
11 **APPEAL IS NOT TAKEN:**

12 **(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE**
13 **PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

14 **(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE**
15 **PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT**
16 **OR THE OWNER.**

17 **(B) PROSECUTION NOT RESULTING IN CONVICTION.**

18 **IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION,**
19 **PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED**
20 **TO THE PERSON FROM WHOM IT WAS TAKEN.**

21 **(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

22 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S**
23 **CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES**
24 **SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN**
25 **THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF**
26 **THE ALCOHOLIC BEVERAGES TO THE PERSON.**

27 **(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER**
28 **PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM**
29 **WHEN THE CASE IS TRIED.**

30 **(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

1 **(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE**
2 **OF ALCOHOLIC BEVERAGES; OR**

3 **(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING**
4 **ALCOHOLIC BEVERAGES.**

5 **(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS**
6 **SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF**
7 **REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS**
8 **PENDING.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 16–414(d) and (h).

11 In the introductory language of subsection (a) of this section, the reference to
12 a “prosecution under this article results in a conviction” is substituted for the
13 former reference to “upon final judgment ..., the accused shall be found guilty”
14 for brevity.

15 Also in the introductory language of subsection (a) of this section, the reference
16 to an appeal that is “not taken” is substituted for the former phrase “after the
17 time for appeal has expired and if no appeal is taken” for brevity.

18 In subsection (a)(2) of this section, the reference to the “defendant” is
19 substituted for the former reference to the “accused” for consistency with the
20 language used throughout the Code.

21 In subsection (c)(1) of this section, the reference to “alcoholic beverages seized
22 under this subtitle” is substituted for the former reference to liquor “seized by
23 virtue of such warrant” for clarity and consistency with the language used in
24 this subtitle.

25 In subsection (c)(2) of this section, the phrase “on the claim” is added for
26 clarity.

27 In the introductory language of subsection (c)(3) of this section, the former
28 reference to “final judgment of” conviction is deleted as surplusage.

29 Also in the introductory language of subsection (c)(3) of this section, the phrase
30 “under this subtitle” is substituted for the former phrase “in such proceedings”
31 for clarity.

32 Also in the introductory language of subsection (c)(3) of this section, the former
33 phrase “in all cases” is deleted as surplusage.

1 In subsection (c)(3)(ii) of this section, the former reference to the “detention”
2 of alcoholic beverages is deleted as included in the reference to the “seizing” of
3 alcoholic beverages.

4 In subsection (c)(4) of this section, the phrase “under this subtitle” is
5 substituted for the former phrase “herein provided” for clarity.

6 Defined terms: “Alcoholic beverage” § 1–101
7 “Person” § 1–101

8 **29–2612. PUBLIC NUISANCE.**

9 **(A) PLACE DECLARED PUBLIC NUISANCE.**

10 **A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS**
11 **ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

12 **(B) BOND REQUIREMENT.**

13 **(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE,**
14 **THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A**
15 **\$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

16 **(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR**
17 **OPERATOR:**

18 **(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF**
19 **THIS ARTICLE; AND**

20 **(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED**
21 **AGAINST THE OWNER.**

22 **(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY**
23 **BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND**
24 **DAMAGES.**

25 **(C) JURY TRIAL; APPEAL.**

26 **IF A JURY TRIAL IS REQUESTED OR AN APPEAL IS TAKEN IN A CASE IN WHICH**
27 **A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED**
28 **UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS**
29 **THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

30 **(D) PENALTIES.**

1 **A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN**
2 **SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**
3 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR IMPRISONMENT NOT**
4 **EXCEEDING 2 YEARS OR BOTH.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 16–414(a) and the fifth sentence of (p).

7 In subsection (a) of this section, the reference to “Title 5 of the Tax – General
8 Article” is added for accuracy. Former Article 2B of the Code at one time
9 included provisions that are now codified in Title 5 of the Tax – General
10 Article.

11 In subsection (b) of this section, the references to “owner or operator” are
12 substituted for the former references to “keeper” for clarity and consistency
13 with language used in reference to abatement of nuisance actions in RP §
14 14–120.

15 In subsections (b)(1) and (c) of this section, the references to a place being
16 “closed” are substituted for the former references to a place being “shut up and
17 abated” for clarity and consistency with language used throughout this article.

18 In subsection (b)(1) of this section, the phrase “the public nuisance may be
19 abated” is added for clarity.

20 Also in subsection (b)(1) of this section, the former phrase “with sufficient
21 security to be approved by the court, in the penal sum” of \$2,000 is deleted as
22 surplusage.

23 In subsection (b)(2)(i) of this section, the reference to selling alcoholic
24 beverages “in violation of this article” is substituted for the former reference
25 to selling intoxicating liquor “contrary to law” for clarity and consistency with
26 language used throughout this article.

27 In subsection (d) of this section, the reference to a person who “owns or
28 operates a public nuisance as described in subsection (a) of this section” is
29 added for clarity.

30 Also in subsection (d) of this section, the former references to the minimum
31 penalties of “not less than fifty dollars” and “not less than six months” are
32 deleted in light of CR § 14–102, which allows the court to impose, instead of a
33 minimum penalty, a lesser penalty of the same character.

1 Also in subsection (d) of this section, the former reference to the penalties
2 applying “[i]n Crisfield” is deleted as unnecessary in light of the scope of Part
3 II this subtitle.

4 Also in subsection (d) of this section, the former reference to imprisonment “in
5 the House of Correction” is deleted as surplusage.

6 Also in subsection (d) of this section, the reference to being “guilty of a
7 misdemeanor” is added to state expressly that which only was implied by the
8 reference in the former law to a “conviction”. In this State, any crime that was
9 not a felony at common law and has not been declared a felony by statute is
10 considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976)
11 and *Williams v. State*, 4 Md. App. 342, 347 (1968).

12 Defined terms: “Alcoholic beverage” § 1–101

13 “County” § 29–101

14 “Person” § 1–101

15 “State” § 1–101

16 SUBTITLE 27. PROHIBITED ACTS.

17 29–2701. APPLICATION OF GENERAL PROVISIONS.

18 (A) WITHOUT EXCEPTION OR VARIATION.

19 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
20 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
21 VARIATION:

22 (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

23 (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
24 INDIVIDUAL”);

25 (3) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF
26 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

27 (4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR
28 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
29 YEARS”);

30 (5) § 6–310 (“PROVIDING FREE FOOD”);

31 (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
32 DEALER”);

- 1 (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- 2 (8) § 6-313 (TAMPERING WITH THE ALCOHOLIC BEVERAGE
3 CONTAINER”);
- 4 (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
5 DETACHABLE METAL TAB”);
- 6 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
7 REGULAR LABEL PRESUMED ILLICIT”);
- 8 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- 9 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
10 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- 11 (13) § 6-320 (“DISORDERLY INTOXICATION”);
- 12 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
13 PUBLIC”);
- 14 (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- 15 (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
16 MACHINE”);
- 17 (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
18 BEVERAGES”);
- 19 (18) § 6-327 (“TAX EVASION”);
- 20 (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- 21 (20) § 6-329 (“PERJURY”).

22 **(B) VARIATIONS.**

23 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
24 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

1 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
2 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”)**, SUBJECT TO § 29-2702 OF THIS
3 **SUBTITLE; AND**

4 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
5 **INTOXICATED INDIVIDUAL”)**, SUBJECT TO § 29-2703 OF THIS SUBTITLE.

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
7 general provisions relating to prohibited acts.

8 Defined terms: “Alcoholic beverage” § 1-101

9 “County” § 29-101

10 “License holder” § 1-101

11 “Retail dealer” § 1-101

12 **29-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
13 **THE AGE OF 21 YEARS — NO BAR TO ADMINISTRATIVE ACTION.**

14 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
15 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
16 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
17 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 12-108(f)(2).

20 Former Art. 2B, § 12-108(f)(1)(x), which stated that the provisions of former
21 Art. 2B, § 12-108(f) applied in Somerset County, is deleted as unnecessary in
22 light of the organization of this revised article.

23 Defined terms: “Board” § 29-101

24 “License holder” § 1-101

25 **29-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
26 **INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

27 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
28 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS**
29 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
30 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

31 REVISOR’S NOTE: This section is new language derived without substantive
32 change from former Art. 2B, § 12-108(f)(2).

33 Defined terms: “Board” § 29-101

1 "License holder" § 1-101

2 **SUBTITLE 28. PENALTIES.**

3 **29-2801. APPLICATION OF GENERAL PROVISION.**

4 **SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE**
5 **APPLIES IN THE COUNTY.**

6 REVISOR'S NOTE: This section is new language added to incorporate by reference
7 general provisions relating to imposing a penalty for a violation for which no
8 specific penalty is provided.

9 Defined term: "County" § 29-101

10 **29-2802. PENALTY IMPOSED BY BOARD.**

11 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$4,000 OR SUSPEND A**
12 **LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION**
13 **UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 16-507(u).

16 Defined terms: "Alcoholic beverage" § 1-101

17 "Board" § 29-101

18 "County" § 29-101

19 "License" § 1-101

20 **TITLE 30. TALBOT COUNTY.**

21 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

22 **30-101. DEFINITIONS.**

23 **(A) IN GENERAL.**

24 **IN THIS TITLE:**

25 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
26 **EXCEPTION OR VARIATION; AND**

27 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

1 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
2 by reference terms defined for the entire article.

3 Item (2) of this subsection is new language added as the standard introductory
4 language to a definition section.

5 **(B) BOARD.**

6 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR TALBOT**
7 **COUNTY.**

8 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
9 full reference to the “Board of License Commissioners for Talbot County”.

10 **(C) COUNTY.**

11 **“COUNTY” MEANS TALBOT COUNTY.**

12 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
13 full reference to “Talbot County”.

14 **30-102. SCOPE OF TITLE.**

15 **THIS TITLE APPLIES ONLY IN TALBOT COUNTY.**

16 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
17 organization of this revised article.

18 **30-103. COUNTY GOVERNING BODY TO REGULATE RETAIL SALES.**

19 **(A) IN GENERAL.**

20 **THE COUNTY GOVERNING BODY SHALL REGULATE THE RETAIL SALE OF**
21 **ALCOHOLIC BEVERAGES IN THE COUNTY.**

22 **(B) CONSTRUCTION OF LOCAL AND GENERAL LAWS.**

23 **(1) A LAW REGULATING THE RETAIL SALE OF ALCOHOLIC BEVERAGES**
24 **THAT IS ENACTED BY THE COUNTY GOVERNING BODY PREVAILS OVER A PROVISION**
25 **IN THE CODE OF PUBLIC GENERAL LAWS OF MARYLAND.**

26 **(2) UNLESS THE COUNTY GOVERNING BODY ENACTS A CONFLICTING**
27 **OR INCONSISTENT LAW REGULATING THE RETAIL SALE OF ALCOHOLIC BEVERAGES,**
28 **THE CODE OF PUBLIC GENERAL LAWS REMAINS IN EFFECT.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 18–101.

3 Throughout this section, the references to the “County governing body” are
4 substituted for the former references to the “Talbot County Commissioners”
5 for accuracy. Talbot County operates under the charter home rule form of
6 government.

7 In subsection (b)(1) of this section, the former reference to a law enacted
8 “pursuant to this section” is deleted as surplusage.

9 In subsection (b)(2) of this section, the reference to a “conflicting or
10 inconsistent law” is substituted for the former reference to a “law which is
11 contrary to a provision of the Code of Public General Laws” for clarity and
12 brevity.

13 Defined terms: “Alcoholic beverage” § 1–101
14 “County” § 30–101

15 **30–104. COPY OF LEGISLATION.**

16 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
17 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
18 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
19 **MARYLAND 21401.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 18–103.

22 The reference to this “title” is substituted for the former reference to this
23 “subtitle” to conform to the organization of this revised article. Under the
24 former law, each local governing body derived its authority to enact alcoholic
25 beverages legislation from a common subtitle. Under this revised article, each
26 local governing body derives its authority from the title dedicated to the
27 jurisdiction of the local governing body.

28 Defined terms: “Alcoholic beverage” § 1–101
29 “County” § 30–101

30 **GENERAL REVISOR'S NOTE TO SUBTITLE**

31 Throughout this title, the references to “wine” are substituted for the former
32 references to “light wine” to reflect that license holders in the County may sell wine
33 with a maximum alcohol content of 22%, which is above the traditional maximum
34 level of 15.5% for light wine.

1 Correspondingly, former Art. 2B, § 4–101(v), which defined “light wine” in the
2 County as a fermented beverage that contains not in excess of 22% of alcohol by
3 volume, is deleted because the definition is not used in this title.

4 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

5 **30–201. ESTABLISHED.**

6 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR TALBOT COUNTY.**

7 REVISOR’S NOTE: This section is new language added to state expressly what was
8 only implied in the former law, that an entity known as the Board of License
9 Commissioners for Talbot County exists.

10 **30–202. MEMBERSHIP.**

11 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

12 **(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE**
13 **BOARD.**

14 **(2) THE APPOINTMENTS SHALL BE MADE:**

15 **(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND**
16 **CONSENT OF THE SENATE; OR**

17 **(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR**
18 **ALONE.**

19 **(B) QUALIFICATIONS.**

20 **EACH MEMBER OF THE BOARD SHALL BE:**

21 **(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

22 **(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF**
23 **RECOGNIZED BUSINESS CAPACITY.**

24 **(C) TENURE.**

25 **(1) THE TERM OF A MEMBER IS 6 YEARS.**

1 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
2 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

3 **(D) VACANCIES.**

4 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
5 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
6 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
7 **THIS SECTION.**

8 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
9 **FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
10 **QUALIFIES.**

11 **(E) REMOVAL.**

12 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
13 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

14 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
15 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
16 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

17 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
18 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
19 **MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and the first sentence
22 of (v) and 15–110(a).

23 In subsection (a)(1) of this section, the defined term “Board” is substituted for
24 the former reference to persons “who shall constitute and be styled ‘The Board
25 of License Commissioners for Baltimore City or ... County’, as the case may
26 be” because this title applies only to the Board of License Commissioners for
27 Talbot County.

28 In subsection (a)(2)(i) of this section, the former reference to “by and” with the
29 advice and consent of the Senate is deleted as surplusage.

30 In subsection (b)(1) of this section, the defined term “County” is substituted
31 for the former reference to “Baltimore City or the respective counties, as the
32 case may be” because this title applies only to Talbot County.

1 In subsection (b)(2) of this section, the reference to an “individual” is
2 substituted for the former reference to “persons” because only a human being
3 and not the other entities included in the defined term “person” may serve as
4 a member of a board of license commissioners.

5 In subsection (c)(2) of this section, the former reference to the requirement
6 that the Governor “biennially” appoint persons to the Board is deleted as
7 included in the requirement that the terms of the members of the Board be
8 staggered as required on July 1, 2016. This substitution is not intended to
9 alter the term of any member of the Board of License Commissioners for
10 Talbot County.

11 Subsection (d) of this section is standard language substituted for the former
12 reference to the duty of the Governor, if a vacancy occurs on the Board when
13 the General Assembly is not in session, to appoint an eligible individual to fill
14 the vacancy for the remainder of the term. The standard language is intended
15 to correct a gap in the former law, which was silent as to the procedure to be
16 followed if a vacancy occurs when the General Assembly is in session.

17 In subsection (e)(1) of this section, the former reference to a member “of any
18 board of license commissioners appointed by him under the provisions of this
19 article” is deleted as surplusage.

20 In subsection (e)(2) of this section, the former phrase “in his own defense” is
21 deleted as surplusage.

22 Defined terms: “Board” § 30–101
23 “County” § 30–101

24 **30–203. CHAIR.**

25 **FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from the second sentence of former Art. 2B, § 15–101(v).

28 The requirement that the Board “elect a” chair is substituted for the former
29 requirement that the Board “organize by electing its own” chair for brevity.

30 The reference to a “chair” is substituted for the former reference to a
31 “chairman” because SG § 2–1238 requires the use of words that are neutral as
32 to gender to the extent practicable.

33 Defined term: “Board” § 30–101

34 **30–204. SALARIES; STAFF.**

1 **(A) SALARIES.**

2 **(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$750**
3 **ANNUALLY.**

4 **(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY**
5 **OF \$500 ANNUALLY.**

6 **(B) STAFF.**

7 **THE BOARD MAY:**

8 **(1) EMPLOY:**

9 **(I) A SECRETARY;**

10 **(II) INSPECTORS; AND**

11 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

12 **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, §§ 15–109(v) and 15–112(a)(2).

15 In subsection (a)(1) of this section, the reference to “a salary of \$750 annually”
16 is substituted for the former reference to the salary for the chair being the sum
17 of a regular member’s “salary of \$500 per year” and an additional “salary of
18 \$250 per year” for brevity.

19 Also in subsection (a)(1) of this section, the reference to a “chair” is substituted
20 for the former reference to a “chairman” because SG § 2–1238 requires the use
21 of words that are neutral as to gender to the extent practicable.

22 In subsection (a)(2) of this section, the reference to each “other” member is
23 added for clarity.

24 Also in subsection (a)(2) of this section, the former reference to a salary of \$500
25 “as compensation” is deleted as surplusage.

26 In subsection (b)(1)(iii) of this section, the reference to “assistants” is
27 substituted for the former reference to “assistance” for clarity.

28 Defined term: “Board” § 30–101

1 **30-205. DISPOSITION OF LICENSE FEES.**

2 (A) **SALARIES AND EXPENSES TO BE PAID FROM LICENSE FEES.**

3 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL SHALL**
4 **PAY THE SALARIES AND EXPENSES OF THE BOARD FROM LICENSE FEES.**

5 (B) **\$3,500 LIMIT ON SALARIES AND EXPENSES.**

6 **THE BOARD MAY NOT SPEND MORE THAN \$3,500 IN ANY YEAR FOR SALARIES**
7 **AND EXPENSES.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 10-204(v).

10 In subsection (a) of this section, the former reference to "necessary office,
11 clerical, and investigational" expenses is deleted as surplusage.

12 In subsection (b) of this section, the former phrase "in its discretion" is deleted
13 as surplusage.

14 Defined terms: "Board" § 30-101
15 "County" § 30-101

16 **30-206. REGULATIONS.**

17 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 16-301(a), as it related to the authority of the
20 Board to adopt regulations.

21 The defined term "Board" is substituted for the former reference to "the board
22 of license commissioners from any county or Baltimore City, respectively"
23 because this section applies only to the Board of License Commissioners for
24 Talbot County.

25 The reference to the Board "adopt[ing] regulations to carry out" this article is
26 substituted for the former reference to the Board "hav[ing] full power and
27 authority to adopt such reasonable rules and regulations as they may deem
28 necessary to enable them effectively to discharge the duties imposed upon
29 them by" this article for brevity.

30 The former phrase "[i]n addition to the powers otherwise provided by this
31 article," is deleted as surplusage.

1 Defined term: "Board" § 30-101

2 **SUBTITLE 3. LIQUOR CONTROL.**

3 **30-301. LIQUOR CONTROL — NOT APPLICABLE.**

4 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
5 **IN THE COUNTY.**

6 REVISOR'S NOTE: This section is new language added to clarify that there is no
7 liquor control board or department of liquor control in the County.

8 Defined term: "County" § 30-101

9 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

10 **30-401. APPLICATION OF GENERAL PROVISIONS.**

11 **(A) WITHOUT EXCEPTION OR VARIATION.**

12 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
13 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
14 **EXCEPTION OR VARIATION:**

15 **(1) § 2-201 ("ISSUANCE BY COMPTROLLER");**

16 **(2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**

17 **(3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**

18 **(4) § 2-205 ("CLASS 3 WINERY LICENSE");**

19 **(5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**

20 **(6) § 2-207 ("CLASS 5 BREWERY LICENSE");**

21 **(7) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**

22 **(8) § 2-211 ("RESIDENCY REQUIREMENT");**

23 **(9) § 2-212 ("ADDITIONAL LICENSES");**

24 **(10) § 2-213 ("ADDITIONAL FEES");**

1 (11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

2 (12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
3 PROHIBITED”);

4 (13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
5 AND RETAILERS”);

6 (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
7 PROHIBITED PRACTICES”); AND

8 (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
9 RETAILERS — PROHIBITED”).

10 (B) EXCEPTION.

11 SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF
12 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

13 (C) VARIATIONS.

14 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
15 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

16 (1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO §
17 30-403 OF THIS SUBTITLE; AND

18 (2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §
19 30-404 OF THIS SUBTITLE.

20 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
21 incorporate by reference general provisions relating to the issuance of
22 manufacturer’s licenses.

23 Subsection (b) of this section is new language derived without substantive
24 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
25 implicit in the former law, that a limited distillery license may not be issued
26 in the County.

27 Defined terms: “County” § 30-101
28 “Manufacturer’s license” § 1-101

29 30-402. HOURS AND DAYS OF SALE OR DELIVERY.

1 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
 2 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 3 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

4 REVISOR’S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 11–101(a).

6 The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted
 7 as unnecessary.

8 Defined terms: “Alcoholic beverage” § 1–101
 9 “Manufacturer’s license” § 1–101

10 **30–403. CLASS 6 PUB–BREWERY LICENSE.**

11 **(A) APPLICATION OF SECTION.**

12 **THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE**
 13 **COUNTY.**

14 **(B) SPECIFICATION OF EQUIVALENT LICENSE.**

15 **THE COMPTROLLER SHALL SPECIFY WHICH LOCAL LICENSE IS THE**
 16 **EQUIVALENT OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE SPECIFIED IN §**
 17 **2–208(B) OF THIS ARTICLE.**

18 REVISOR’S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 2–207(j) and, as it related to the availability of
 20 a Class 6 pub–brewery license in Talbot County, the introductory language of
 21 (a)(4).

22 In subsection (b) of this section, the former reference to the “Office of the”
 23 Comptroller “of Maryland” is deleted as unnecessary.

24 Defined terms: “Beer” § 1–101
 25 “Comptroller” § 1–101
 26 “County” § 30–101
 27 “License” § 1–101
 28 “Wine” § 1–101

29 **30–404. CLASS 7 MICRO–BREWERY LICENSE.**

30 **(A) APPLICATION OF SECTION.**

1 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
 2 **COUNTY.**

3 **(B) SPECIFICATION OF EQUIVALENT LICENSE.**

4 **THE COMPTROLLER SHALL SPECIFY WHICH LOCAL LICENSE IS THE**
 5 **EQUIVALENT OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE SPECIFIED IN §**
 6 **2-209(B) OF THIS ARTICLE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
 8 change from former Art. 2B, § 2-208(a), (b)(2)(xxi), and (h).

9 In subsection (a) of this section, the former reference to a Class 7
 10 micro-brewery "(on- and off-sale)" license is deleted for consistency with
 11 other similar provisions of this article.

12 In subsection (b) of this section, the former reference to the "Office of the"
 13 Comptroller "of Maryland" is deleted as unnecessary.

14 Defined terms: "Beer" § 1-101
 15 "Comptroller" § 1-101
 16 "County" § 30-101
 17 "License" § 1-101
 18 "Wine" § 1-101

19 **SUBTITLE 5. WHOLESALER'S LICENSES.**

20 **30-501. APPLICATION OF GENERAL PROVISIONS.**

21 **TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS**
 22 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

23 REVISOR'S NOTE: This section is new language added to incorporate by reference
 24 general provisions relating to the issuance of wholesaler's licenses.

25 Defined terms: "County" § 30-101
 26 "Wholesaler's license" § 1-101

27 **30-502. HOURS AND DAYS OF SALE OR DELIVERY.**

28 **EXCEPT AS PROVIDED IN § 30-503 OF THIS SUBTITLE, A HOLDER OF A**
 29 **WHOLESALER'S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
 30 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
 31 **SUNDAY AND ELECTION DAYS.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11-102(f)(2).

3 Former Art. 2B, § 11-102(f)(1), which provided that former Art. 2B, §
4 11-102(f) applied only in Talbot County, is deleted as unnecessary in light of
5 the organization of this revised article.

6 Defined terms: "Alcoholic beverage" § 1-101
7 "Wholesaler's license" § 1-101

8 **30-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

9 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

10 **A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT**
11 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
12 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
13 **RETURNS ON THE SAME DAY.**

14 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

15 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
16 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
17 **REQUIRED TO DISPENSE DRAFT BEER.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 11-102(b).

20 In subsection (a) of this section, the reference to a "per diem" license is
21 substituted for the former reference to a "special 1-day" license to conform to
22 the terminology used throughout this article.

23 Also in subsection (a) of this section, the reference to a per diem license issued
24 "under Subtitle 13 of this title" is substituted for the former reference to a
25 license issued "pursuant to § 7-101 of this article" to reflect the reorganization
26 of material relating to per diem licenses in titles for each applicable
27 jurisdiction in this revision.

28 Also in subsection (a) of this section, the reference to delivery of beer on the
29 "effective date of the per diem license" is substituted for the former reference
30 to delivery on the "effective day of the license" for clarity.

31 Also in subsection (a) of this section, the former reference to accepting returns
32 on the same day "of delivery" is deleted as surplusage.

1 In subsection (b) of this section, the language that the “agreement entered into
2 under subsection (a) of this section shall include [the type of equipment to
3 dispense draft beer]” is substituted for the former language that the “parties
4 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

5 Defined terms: “Beer” § 1–101

6 “Wholesaler’s license” § 1–101

7 **SUBTITLE 6. BEER LICENSES.**

8 **30–601. CLASS A BEER LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS A BEER LICENSE.**

11 **(B) SCOPE OF AUTHORIZATION.**

12 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
13 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

14 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
15 **PACKAGE OR CONTAINER.**

16 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
17 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

18 **(C) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$25.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 3–101(a)(1) and (v)(1).

22 In subsection (a) of this section, the former reference to a license being “issued
23 by the license issuing authority of the county in which the place of business is
24 located” is deleted as surplusage.

25 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
26 as implicit in the word “sell”.

27 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
28 deleted as surplusage.

1 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
2 the former reference to “deliver[ing]” for clarity and accuracy.

3 Former Art. 2B, § 3–101(v)(2), which stated that former Art. 2B, § 18–101
4 allowed the Talbot County Council to enact alcoholic beverages laws, which
5 superseded the provisions of this article, is deleted as redundant of § 30–103
6 of this title.

7 Defined terms: “Beer” § 1–101
8 “Consumer” § 1–101

9 **30–602. CLASS B BEER LICENSE.**

10 (A) **ESTABLISHED.**

11 **THERE IS A CLASS B BEER LICENSE.**

12 (B) **SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
14 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
15 **ON– AND OFF–PREMISES CONSUMPTION.**

16 (C) **FEE.**

17 **THE ANNUAL LICENSE FEE IS \$250.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 3–201(a)(1) and (v)(1).

20 In subsection (a) of this section, the former reference to a license being “issued
21 by the license issuing authority of the county in which the place of business is
22 located” is deleted as surplusage.

23 In subsection (b) of this section, the reference to “on– and off–premises
24 consumption” is substituted for the former reference to “consumption on the
25 premises or elsewhere” for clarity.

26 Also in subsection (b) of this section, the former phrase “keep for sale” is
27 deleted as implicit in the word “sell”.

28 Former Art. 2B, § 3–201(v)(2), which stated that former Art. 2B, § 18–101
29 allowed the Talbot County Council to enact alcoholic beverages laws, which
30 superseded the provisions of this article, is deleted as redundant of § 30–103
31 of this title.

1 Defined terms: “Beer” § 1–101
2 “Hotel” § 1–101
3 “Restaurant” § 1–101

4 **30–603. CLASS C BEER LICENSE.**

5 **(A) ESTABLISHED.**

6 **THERE IS A CLASS C BEER LICENSE.**

7 **(B) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
9 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
10 **LICENSE FOR ON–PREMISES CONSUMPTION.**

11 **(C) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$25.**

13 REVISOR’S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 3–301(a)(1) and (v)(1).

15 In subsection (a) of this section, the former reference to a license being “issued
16 by the local licensing authority of the county in which the place of business is
17 located” is deleted as surplusage.

18 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
19 implicit in the word “sell”.

20 Also in subsection (b) of this section, the former reference to “bona fide”
21 members is deleted as surplusage.

22 Former Art. 2B, § 3–301(v)(2), which stated that former Art. 2B, § 18–101
23 allowed the Talbot County Council to enact alcoholic beverages laws, which
24 superseded the provisions of this article, is deleted as redundant of § 30–103
25 of this title.

26 Defined terms: “Beer” § 1–101
27 “Club” § 1–101

28 **30–604. CLASS D BEER LICENSE — NOT APPLICABLE.**

29 **A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 3–401(v)(1).

3 Former Art. 2B, § 3–401(v)(2), which stated that former Art. 2B, § 18–101
4 allowed the Talbot County Council to enact alcoholic beverages laws, which
5 superseded the provisions of this article, is deleted as redundant of § 30–103
6 of this title.

7 Defined terms: “Beer” § 1–101
8 “County” § 30–101

9 SUBTITLE 7. WINE LICENSES.

10 30–701. CLASS A WINE LICENSE.

11 (A) ESTABLISHED.

12 THERE IS A CLASS A WINE LICENSE IN THE COUNTY.

13 (B) AUTHORIZED HOLDER.

14 THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR
15 A CLASS 4 LIMITED WINERY LICENSE.

16 (C) SCOPE OF AUTHORIZATION.

17 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT
18 RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE
19 WINERY.

20 (2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT
21 MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.

22 (D) FEE.

23 THE ANNUAL LICENSE FEE IS \$50.

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 4–201(a)(18), (b)(1), (c)(1), (d)(1), and (e)(1)(viii)
26 and (2).

27 Throughout this section, the references to “wine” are substituted for the
28 former references to “light wine” to reflect that license holders in the County
29 may sell wine with an alcohol content of 22%, which is above the traditional
30 maximum level of 15.5% for light wine.

1 In subsection (b) of this section, the reference to a “Class 3 winery license” is
2 substituted for the former reference to a “Class 3 manufacturer’s license, who
3 makes wine from agricultural products grown in Maryland” for brevity and to
4 conform to the terminology used throughout this article. Similarly, the
5 reference to a “Class 4 limited winery license” is substituted for the former
6 reference to a “Class 4 manufacturer’s license”.

7 Also in subsection (b) of this section, the former reference to a license being
8 issued “by the license issuing authority of the county in which the place of
9 business is located” is deleted as surplusage.

10 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
11 as implicit in the word “sell”.

12 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
13 any consumer” is deleted as surplusage.

14 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
15 former reference to “delivered” to conform to the terminology used throughout
16 this article.

17 Defined terms: “County” § 30–101
18 “Wine” § 1–101

19 SUBTITLE 8. BEER AND WINE LICENSES.

20 30–801. CLASS A BEER AND WINE LICENSE — NOT APPLICABLE.

21 A CLASS A BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 5–101(v)(1).

24 Former Art. 2B, § 5–101(v)(2), which stated that the County Council may
25 provide for retail alcoholic beverage laws that supersede the provisions of this
26 article, is deleted as redundant of § 30–103 of this title.

27 Defined terms: “Beer” § 1–101
28 “County” § 30–101
29 “Wine” § 1–101

30 30–802. CLASS B BEER AND WINE LICENSE — NOT APPLICABLE.

31 A CLASS B BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5-201(v)(1).

3 Former Art. 2B, § 5-201(v)(2), which stated that the County Council may
4 provide for retail alcoholic beverage laws that supersede the provisions of this
5 article, is deleted as redundant of § 30-103 of this title.

6 Defined terms: "Beer" § 1-101

7 "County" § 30-101

8 "Wine" § 1-101

9 **30-803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

10 **A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 5-301(v)(1).

13 Former Art. 2B, § 5-301(v)(2), which stated that the County Council may
14 provide for retail alcoholic beverage laws that supersede the provisions of this
15 article, is deleted as redundant of § 30-103 of this title.

16 Defined terms: "Beer" § 1-101

17 "County" § 30-101

18 "Wine" § 1-101

19 **30-804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

20 **A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 5-401(v).

23 Defined terms: "Beer" § 1-101

24 "County" § 30-101

25 "Wine" § 1-101

26 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

27 **30-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

30 **(B) AUTHORIZED LICENSE HOLDER.**

1 **THE LICENSE MAY BE ISSUED ONLY TO A GROCERY STORE, A DRUGSTORE, AN**
 2 **INCORPORATED CLUB, A RESTAURANT, OR A HOTEL THAT HAS BEEN DOING**
 3 **BUSINESS IN THE COUNTY FOR MORE THAN 1 YEAR BEFORE THE DATE OF THE**
 4 **APPLICATION FOR THE LICENSE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
 7 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

8 **(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR**
 9 **LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS**
 10 **CONTENTS CONSUMED ON THE LICENSED PREMISES.**

11 **(D) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$1,000.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 6-101(a)(1) and (v)(1).

15 Subsection (a) of this section is revised in standard language used throughout
 16 this article to establish a license.

17 In subsection (c) of this section, the references to "beer, wine, or liquor" are
 18 substituted for the former references to "alcoholic beverages" for clarity.

19 In subsection (c)(1) of this section, the former reference to "keep[ing] for sale"
 20 is deleted as included in the reference to "sell[ing]".

21 Also in subsection (c)(1) of this section, the former phrase "in any quantity" is
 22 deleted as surplusage.

23 Former Art. 2B, § 6-101(v)(2), which stated that the County Council may
 24 enact alcoholic beverages laws that superseded former Art. 2B, is deleted as
 25 redundant of § 30-103 of this title.

26 Defined terms: "Alcoholic beverage" § 1-101

27 "Beer" § 1-101

28 "Club" § 1-101

29 "County" § 30-101

30 "Hotel" § 1-101

31 "Restaurant" § 1-101

32 "Wine" § 1-101

1 **30-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

2 **(A) ESTABLISHED.**

3 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

4 **(B) AUTHORIZED HOLDER.**

5 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN:**

6 **(I) A HOTEL THAT:**

7 **1. HAS 25 OR MORE BEDROOMS LOCATED UNDER ONE**
8 **ROOF; AND**

9 **2. REGULARLY SERVES MEALS; OR**

10 **(II) A RESTAURANT:**

11 **1. THAT SEATS AT LEAST 50 INDIVIDUALS; AND**

12 **2. FOR WHICH AT LEAST 60% OF THE GROSS INCOME IS**
13 **DERIVED FROM THE SALE OF FOOD.**

14 **(2) THE LICENSE HOLDER MAY NOT MAKE A LIQUOR SALE THAT:**

15 **(I) EXCEEDS 1 QUART; OR**

16 **(II) IS MADE AT A BAR OR COUNTER.**

17 **(C) SCOPE OF AUTHORIZATION.**

18 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
19 **LIQUOR AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES**
20 **CONSUMPTION.**

21 **(D) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$1,000.**

23 **REVISOR'S NOTE:** This section is new language derived without substantive
24 **change from former Art. 2B, § 6-201(a)(1) and (v)(2) and (3).**

1 Subsection (a) of this section is revised in standard language used throughout
2 this article to establish a license.

3 In the introductory language of subsection (b)(1) of this section, the reference
4 to “[t]he Board” issuing the license is added to state expressly what was only
5 implicit in the former law, that the Board is the license issuing authority.

6 In the introductory language of subsection (b)(1)(i) of this section, the former
7 reference to a “bona fide” hotel is deleted as vague.

8 In subsection (b)(1)(ii) of this section, the former phrase “notwithstanding the
9 other requirements of this article, and otherwise complying with the
10 provisions of this article” is deleted as surplusage.

11 In subsection (b)(1)(ii)1 of this section, the reference to “individuals” is
12 substituted for the former, broader reference to “persons” because this
13 subsection applies only to human beings.

14 In subsection (b)(2) of this section, the reference to a “license holder” is added
15 for clarity.

16 Former Art. 2B, § 6–201(v)(1), which stated that former Art. 2B, § 6–201(v)
17 applied only in Talbot County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Defined terms: “Beer” § 1–101
20 “Board” § 30–101
21 “Hotel” § 1–101
22 “Restaurant” § 1–101
23 “Wine” § 1–101

24 **30–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

28 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

29 **(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,**
30 **HAS HAD AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$10 PER YEAR PER**
31 **MEMBER FOR THE 5 YEARS IMMEDIATELY BEFORE THE YEAR FOR WHICH THE**
32 **LICENSE IS ISSUED; OR**

1 **(II) IF THE CLUB IS COMPOSED EXCLUSIVELY OF MEMBERS WHO**
 2 **SERVED IN THE ARMED FORCES OF THE UNITED STATES AND IS AFFILIATED WITH A**
 3 **NATIONAL ORGANIZATION, HAS AT LEAST 50 MEMBERS PAYING THE DUES THAT**
 4 **WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY**
 5 **BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.**

6 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
 7 **WINE, AND LIQUOR AT A CLUB AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE,**
 8 **FOR ON-PREMISES CONSUMPTION.**

9 **(C) FEE.**

10 **THE ANNUAL LICENSE FEE IS \$250.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, § 6-301(a)(1) and (v)(2) through (4).

13 Subsection (a) of this section is revised in standard language used throughout
 14 this title to establish a license.

15 In the introductory language of subsection (b)(1) of this section, the former
 16 reference to issuing a license "only" to a club is deleted as surplusage.

17 In subsection (b)(1) of this section, the former references to "bona fide"
 18 members are deleted as surplusage.

19 Also in subsection (b)(1) of this section, the former phrase "which is not
 20 operated for profit," is deleted as unnecessary in light of the defined term
 21 "club".

22 Also in subsection (b)(1) of this section, the former reference to "consecutive"
 23 years is deleted as surplusage.

24 In subsection (b)(2) of this section, the reference to "beer, wine, and liquor" is
 25 substituted for the former reference to "all alcoholic beverages" for clarity.

26 Also in subsection (b)(2) of this section, the former reference to "keep[ing] for
 27 sale" is deleted as implicit in the reference to "sell[ing]".

28 Also in subsection (b)(2) of this section, the former reference to consumption
 29 "only" on the licensed premises is deleted as surplusage.

30 Former Art. 2B, § 6-301(v)(1), which stated that former Art. 2B, § 6-301(v)
 31 applied only in Talbot County, is deleted as unnecessary in light of the
 32 organization of this revised article.

1 Former Art. 2B, § 6–301(v)(5), which stated that the County Council may
2 enact alcoholic beverages laws that supersede former Art. 2B, is deleted as
3 redundant of § 30–103 of this title.

4 Defined terms: “Beer” § 1–101

5 “Board” 30–101

6 “Club” § 1–101

7 “Wine” § 1–101

8 **30–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

9 **A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE**
10 **COUNTY.**

11 REVISOR’S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 6–401(v)(1).

13 Former Art. 2B, § 6–401(v)(2), which stated that former Art. 2B, § 18–101
14 allows the Talbot County Council to provide for the retail alcoholic beverages
15 laws for the county which, if enacted, supersede the provisions of this article
16 is deleted as redundant of § 30–103 of this title.

17 Defined term: “Beer” § 1–101

18 “County” § 30–101

19 “License” § 1–101

20 “Wine” § 1–101

21 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

22 **30–1001. RESERVED.**

23 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

24 **30–1101. APPLICATION OF GENERAL PROVISIONS.**

25 **(A) WITHOUT EXCEPTION OR VARIATION.**

26 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
27 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
28 **EXCEPTION OR VARIATION:**

29 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
30 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

1 **(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
 2 **FROM LICENSED PREMISES”).**

3 **(B) EXCEPTIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 5 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

6 **(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**
 7 **AND**

8 **(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

9 REVISOR’S NOTE: This section is new language added to incorporate by reference
 10 general provisions relating to additional privileges of license holders.

11 Defined terms: “Beer” § 1-101

12 “County” § 30-101

13 “License” § 1-101

14 “License holder” § 1-101

15 “Wine” § 1-101

16 **SUBTITLE 12. CATERER’S LICENSES.**

17 **30-1201. RESERVED.**

18 **SUBTITLE 13. TEMPORARY LICENSES.**

19 **PART I. IN GENERAL.**

20 **30-1301. APPLICATION OF GENERAL PROVISIONS.**

21 **TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS**
 22 **ARTICLE DOES NOT APPLY IN THE COUNTY.**

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
 24 the general provisions relating to local temporary licenses.

25 Defined term: “County” § 30-101

26 **30-1302. RESERVED.**

27 **30-1303. RESERVED.**

1 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

2 **30-1304. RESERVED.**

3 **30-1305. RESERVED.**

4 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

5 **30-1306. RESERVED.**

6 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

7 **30-1401. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
10 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
11 **WITHOUT EXCEPTION OR VARIATION:**

12 **(1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
13 **BOARD”);**

14 **(2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

15 **(3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**

16 **(4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
17 **COMPANY”);**

18 **(5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**

19 **(6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

20 **(7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
21 **GENERAL”);**

22 **(8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —**
23 **PETITION OF SUPPORT”);**

24 **(9) § 4-111 (“PAYMENT OF LICENSE FEES”);**

25 **(10) § 4-112 (“DISPOSITION OF LICENSE FEES”);**

1 (11) § 4–113 (“REFUND OF LICENSE FEES”); AND

2 (12) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

3 **(B) VARIATION.**

4 **SECTION 4–107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF**
5 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 30–1402 THROUGH 30–1404**
6 **OF THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
8 general provisions relating to applications for local licenses.

9 Defined term: “County” § 30–101

10 **30–1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

11 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
12 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

13 REVISOR’S NOTE: This section is new language added for clarity.

14 Defined terms: “Board” § 30–101

15 “Central Repository” § 1–101

16 “License” § 1–101

17 **30–1403. CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD**
18 **MEMBERS AND DESIGNEES.**

19 **THE BOARD MAY MAKE CRIMINAL HISTORY RECORD INFORMATION**
20 **AVAILABLE ONLY TO BOARD MEMBERS AND THEIR DESIGNEES.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10–103(b)(13)(xiii)4.

23 Defined term: “Board” § 30–101

24 **30–1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS**
25 **CHECK RESULTS.**

26 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING**
27 **THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
28 **CRIMINAL HISTORY RECORDS CHECK.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–103(b)(13)(xiii)5.

3 The reference to the Board's ability to "set" and charge a fee is added to
4 expressly state what was only implied in the former law.

5 The reference to the "applicant's" fingerprints is added for clarity.

6 Former Art. 2B, § 10–103(b)(13)(xiii)2, which stated that former Art. 2B, §
7 10–103(b)(9)(xiii) applied only to Talbot County, is deleted as unnecessary in
8 light of the organization of this revised article.

9 Defined terms: "Board" § 30–101
10 "State" § 1–101

11 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

12 **30–1501. APPLICATION OF GENERAL PROVISIONS.**

13 **(A) WITHOUT EXCEPTION OR VARIATION.**

14 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
15 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
16 **WITHOUT EXCEPTION OR VARIATION:**

17 **(1) § 4–202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**

18 **(2) § 4–205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

19 **(3) § 4–206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

20 **(4) § 4–207 ("LICENSES ISSUED TO MINORS");**

21 **(5) § 4–208 ("NOTICE OF LICENSE APPLICATION REQUIRED");**

22 **(6) § 4–209 ("HEARING");**

23 **(7) § 4–210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");**

24 **(8) § 4–211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**

25 **(9) § 4–212 ("LICENSE NOT PROPERTY");**

1 **(10) § 4-213 (“REPLACEMENT LICENSES”); AND**

2 **(11) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
3 **APPLICATIONS”).**

4 **(B) VARIATIONS.**

5 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
6 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

7 **(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
8 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 30-1502 OF THIS SUBTITLE;**
9 **AND**

10 **(2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
11 **FOR SAME PREMISES”), SUBJECT TO § 30-1502 OF THIS SUBTITLE.**

12 REVISOR’S NOTE: This section is new language added to incorporate by reference
13 general provisions relating to the issuance of local licenses.

14 Defined terms: “County” § 30-101
15 “License” § 1-101
16 “Local licensing board” § 1-101

17 **30-1502. BOWLING ESTABLISHMENTS.**

18 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
19 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
20 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

21 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
22 **LICENSES; AND**

23 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
24 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 9-102(b-1)(1)(i).

27 In item (1) of this section, the reference to “Class D beer or Class D beer and
28 wine licenses” is substituted for the former reference to licenses issued
29 “[u]nder § 3-401 or § 5-401 of this article” for clarity.

1 In item (2) of this section, the former reference to the premises “operated as”
2 a bowling establishment is deleted as surplusage.

3 Defined terms: “Beer” § 1–101
4 “License” § 1–101
5 “Wine” § 1–101

6 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

7 **PART I. LICENSING CONDITIONS.**

8 **30–1601. RESERVED.**

9 **30–1602. RESERVED.**

10 **PART II. MULTIPLE LICENSING PLANS.**

11 **30–1603. RESERVED.**

12 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

13 **30–1701. APPLICATION OF GENERAL PROVISIONS.**

14 **TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF**
15 **NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY**
16 **WITHOUT EXCEPTION OR VARIATION.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 10–503(v).

19 The reference to the application of this section “without exception or variation”
20 is added to conform to the terminology used in similar provisions throughout
21 this article.

22 Defined terms: “County” § 30–101
23 “License” § 1–101

24 **30–1702. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

25 **AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND**
26 **NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10–103(b)(13)(xiii), as it related to an applicant
29 for a transfer of a license.

1 The requirements for a State and national criminal history records check for
2 an applicant for a transfer of a license are identical to the requirements for an
3 applicant for the issuance of a license. The cross-reference to “§
4 4–107 of this article”, where those requirements appear in the applications for
5 local licenses subtitle, is substituted for a listing of those requirements, to
6 avoid unnecessary repetition.

7 Defined terms: “License” § 1–101
8 “State” § 1–101

9 **SUBTITLE 18. RENEWAL OF LICENSES.**

10 **30–1801. APPLICATION OF GENERAL PROVISIONS.**

11 **TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF**
12 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to the renewal of local licenses.

15 Defined terms: “County” § 30–101
16 “License” § 1–101

17 **30–1802. BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWALS FROM** 18 **CRIMINAL HISTORY RECORDS CHECK REQUIREMENT.**

19 **THE BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWAL FROM THE**
20 **REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS**
21 **ARTICLE.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 10–103(b)(13)(xiii)6.

24 The reference to “applicants for license renewal” is substituted for the former
25 reference to “a license holder who seeks to renew an alcoholic beverages
26 license” for brevity and consistency.

27 Defined terms: “Board” § 30–101
28 “License” § 1–101

29 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

30 **30–1901. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF**
2 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR**
3 **VARIATION.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to the conduct of local license holders.

6 Defined terms: “County” § 30–101
7 “License holder” § 1–101

8 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

9 **30–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

10 **(A) IN GENERAL.**

11 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
12 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
13 **PREMISES LICENSED UNDER THIS TITLE.**

14 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
15 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
16 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

17 **(B) PENALTY.**

18 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
19 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 11–304(a)(1) and, as it related to Talbot County,
22 (2).

23 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in
24 this title” is added for clarity.

25 Also in subsection (a)(1) of this section, the reference to an “individual” is
26 substituted for the former reference to a “person” because the prohibition
27 against consumption applies only to human beings.

28 Also in subsection (a)(1) of this section, the reference to “a premises licensed
29 under this title” is substituted for the former reference to “any premises open
30 to the general public, any place of public entertainment, or any place at which
31 setups or other component parts of mixed alcoholic drinks are sold under any

1 license issued under the provisions of the Business Regulation Article” for
2 brevity.

3 In subsection (a)(2) of this section, the reference to “a premises licensed under
4 this title” is substituted for the former reference to “the premises” for
5 consistency with the terminology used in subsection (a)(1) of this section.

6 In subsection (b) of this section, the reference to a person who “violates this
7 section” is substituted for the former reference to a person who is “found
8 consuming any alcoholic beverage on any premises open to the general public,
9 and any owner, operator or manager of those premises or places who
10 knowingly permits consumption between the hours provided by this section”
11 for brevity.

12 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
13 in this section” is deleted as unnecessary in light of subsection (a)(1) of this
14 section.

15 Also in subsection (b) of this section, the former reference to a fine “not less
16 than \$5” is deleted to conform to the statement of legislative policy in §
17 14–102 of the Criminal Law Article, which sets forth the general rule that,
18 notwithstanding a statutory minimum penalty, a court may impose a lesser
19 penalty of the same character.

20 Defined terms: “Alcoholic beverage” § 1–101
21 “Person” § 1–101

22 **30–2002. BEER LICENSES.**

23 **(A) CLASS A BEER LICENSE.**

24 **THE HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

25 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
26 **AND**

27 **(2) ON SUNDAY, FROM 8 A.M. TO 10 P.M.**

28 **(B) CLASS B BEER LICENSE.**

29 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
30 **HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER FOR ON-PREMISES**
31 **CONSUMPTION:**

1 (I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO
2 MIDNIGHT; AND

3 (II) ON SUNDAY, FROM 12:30 P.M. TO 10 P.M.

4 (2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER
5 ON SUNDAY.

6 (C) CLASS C BEER LICENSE.

7 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
8 HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER FOR ON-PREMISES
9 CONSUMPTION:

10 (I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO
11 MIDNIGHT; AND

12 (II) ON SUNDAY, FROM 12:30 P.M. TO 10 P.M.

13 (2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER
14 ON SUNDAY.

15 (D) CLASS D BEER LICENSE.

16 RESERVED.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 11-301(a)(1), (b)(1), and (c)(1) and
19 11-403(a)(1)(ii) and, as it related to beer licenses, (b)(3).

20 The Alcoholic Beverages Article Review Committee notes, for consideration by
21 the General Assembly, that under § 30-103 of this title, the County Council
22 has the authority to regulate the retail sale of alcoholic beverages and that
23 any enactment by the County Council is to prevail over any State law that
24 regulates the retail sale of alcoholic beverages.

25 Defined terms: "Beer" § 1-101

26 **30-2003. BEER AND WINE LICENSES.**

27 (A) CLASS A BEER AND WINE LICENSE.

28 A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE
29 ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.

1 **(B) CLASS B BEER AND WINE LICENSE.**

2 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 3 **HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE FROM 6**
 4 **A.M. TO MIDNIGHT.**

5 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
 6 **COUNTER ON SUNDAY.**

7 **(C) CLASS C BEER AND WINE LICENSE.**

8 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 9 **HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE FROM 6**
 10 **A.M. TO MIDNIGHT.**

11 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
 12 **COUNTER ON SUNDAY.**

13 **(D) CLASS D BEER AND WINE LICENSE.**

14 **RESERVED.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, §§ 11-302(a)(1), (b)(1), and (c)(1) and
 17 11-403(a)(1)(ii).

18 In this section, the references to a "beer and wine license" are substituted for
 19 the former references to a "beer and light wine license" to avoid confusion. In
 20 former Art. 2B, § 4-101(s), "light wine" was defined in the County as a
 21 fermented beverage containing up to 22% of alcohol by volume – a maximum
 22 amount sufficient to include fortified wines, thus rendering meaningless the
 23 traditional division of wines into light wines and fortified wines.

24 The Alcoholic Beverages Article Review Committee notes, for consideration by
 25 the General Assembly, that under § 30-103 of this title, the County Council
 26 has the authority to regulate the retail sale of alcoholic beverages and that
 27 any enactment by the County Council is to prevail over any State law that
 28 regulates the retail sale of alcoholic beverages.

29 Defined terms: "Beer" § 1-101

30 "Wine" § 1-101

31 **30-2004. BEER, WINE, AND LIQUOR LICENSES.**

1 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

2 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
3 **WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO MIDNIGHT.**

4 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

5 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
6 **HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,**
7 **AND LIQUOR:**

8 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
9 **THE FOLLOWING DAY; AND**

10 **(II) ON SUNDAY, FOR CONSUMPTION ON THE PREMISES, FROM 8**
11 **A.M. TO 10 P.M.**

12 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
13 **A BAR OR COUNTER ON SUNDAY.**

14 **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

15 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
16 **HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE,**
17 **AND LIQUOR:**

18 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
19 **THE FOLLOWING DAY; AND**

20 **(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM**
21 **12:30 P.M. TO 10 P.M.**

22 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
23 **A BAR OR COUNTER ON SUNDAY.**

24 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

25 **RESERVED.**

26 **REVISOR'S NOTE:** This section is new language derived without substantive
27 change from former Art. 2B, §§ 11-303(a)(1) and (2)(viii), (b)(1), and (c)(1) and
28 11-403(a)(1)(ii) and, as it related to beer, wine, and liquor licenses, (b)(3).

1 Former Art. 2B, § 6–201(v)(4), which stated that the hours and days for sale
 2 for a Class B beer, wine and liquor license are from 7 a.m. to 1 a.m. the
 3 following day, is deleted as obsolete and is superseded by subsection (b) of this
 4 section.

5 The Alcoholic Beverages Article Review Committee notes, for consideration by
 6 the General Assembly, that under § 30–103 of this title, the County Council
 7 has the authority to regulate the retail sale of alcoholic beverages and that
 8 any enactment by the County Council is to prevail over any State law that
 9 regulates the retail sale of alcoholic beverages.

10 Defined terms: “Beer” § 1–101

11 “Wine” § 1–101

12 **30–2005. ELECTION DAYS.**

13 **(A) LICENSE HOLDER PROHIBITED FROM SELLING ALCOHOLIC BEVERAGES**
 14 **ON ELECTION DAY.**

15 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
 16 **LICENSE HOLDER UNDER THIS SUBTITLE OR OTHER PERSON MAY NOT, DIRECTLY OR**
 17 **INDIRECTLY, SELL OR PROVIDE ANY ALCOHOLIC BEVERAGE WITHIN AN ELECTION**
 18 **DISTRICT OR PRECINCT OF THE COUNTY ON THE DAY OF A GENERAL, SPECIAL, OR**
 19 **PRIMARY ELECTION DURING THE HOURS WHEN THE POLLS ARE OPEN.**

20 **(2) A LICENSE HOLDER WHO IS A RESTAURANT OWNER MAY EXERCISE**
 21 **THE PRIVILEGES CONFERRED BY THE LICENSE FOR ON–PREMISES CONSUMPTION**
 22 **ON THE DAY OF AN ELECTION.**

23 **(B) PENALTY.**

24 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 25 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR EACH OFFENSE.**

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 11–401(a).

28 In subsection (a) of this section, the reference to “provide” is substituted for
 29 the former reference to “barter, give or dispose of” for brevity.

30 In subsection (a)(1) of this section, the defined term “license holder” is
 31 substituted for the former reference to “the keeper of any hotel, tavern, store,
 32 drinking establishment or any other place where liquors are sold” for brevity.

1 Also in subsection (a)(1) of this section, the defined term “alcoholic beverage”
2 is substituted for the former reference to “any spirituous or fermented liquors,
3 ale or beer, or intoxicating drinks of any kind” for brevity.

4 In subsection (a)(2) of this section, the reference to “exercise the privileges
5 conferred by the license” is substituted for the former reference to “dispense
6 those alcoholic beverages that are in accordance with that license” to conform
7 to the terminology used throughout this article.

8 In subsection (b) of this section, the former minimum penalty of \$50 is deleted
9 to conform to the statement of legislative policy in § 14–102 of the Criminal
10 Law Article, which sets forth the general rule that, notwithstanding a
11 statutory minimum penalty, a court may impose a lesser penalty of the same
12 character.

13 Defined terms: “Alcoholic beverage” § 1–101
14 “County” § 30–101
15 “License holder” § 1–101
16 “Person” § 1–101

17 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

18 **30–2101. APPLICATION OF GENERAL PROVISIONS.**

19 **(A) WITHOUT EXCEPTION OR VARIATION.**

20 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
21 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
22 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

23 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

24 **(2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**

25 **(3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**

26 **(4) § 4–606 (“EFFECTS OF REVOCATION”).**

27 **(B) EXCEPTION.**

28 **SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS**
29 **ARTICLE DOES NOT APPLY IN THE COUNTY.**

30 REVISOR’S NOTE: This section is new language added to incorporate by reference
31 general provisions relating to the revocation and suspension of local licenses.

1 Defined terms: "County" § 30-101
2 "License" § 1-101
3 "Local licensing board" § 1-101

4 **SUBTITLE 22. EXPIRATION OF LICENSES.**

5 **30-2201. APPLICATION OF GENERAL PROVISIONS.**

6 **TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF**
7 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

8 REVISOR'S NOTE: This section is new language added to incorporate by reference
9 the general provisions relating to the expiration of local licenses.

10 Defined terms: "County" § 30-101
11 "License" § 1-101

12 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

13 **30-2301. APPLICATION OF GENERAL PROVISIONS.**

14 **TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS**
15 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

16 REVISOR'S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to the death of a local license holder.

18 Defined terms: "County" § 30-101
19 "License holder" § 1-101

20 **SUBTITLE 24. JUDICIAL REVIEW.**

21 **30-2401. APPLICATION OF GENERAL PROVISIONS.**

22 **TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE**
23 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

24 REVISOR'S NOTE: This section is new language added to incorporate by reference
25 general provisions relating to the appeal of the decisions of the Board.

26 Defined term: "County" § 30-101

27 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

1 **30-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

2 (A) **SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
3 **BEVERAGES.**

4 A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND
5 ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR
6 OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT
7 ENTERTAINMENT THAT:

8 (1) **DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

9 (2) **ALLOWS AT ITS LOCATION ANY FORM OF ATTIRE OR SEXUAL**
10 **DISPLAY PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

11 (B) **PROHIBITION AGAINST OPERATOR.**

12 A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS
13 NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO
14 BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

15 (C) **PENALTY.**

16 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
17 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE
18 NOT EXCEEDING \$10,000 OR BOTH.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 20-111(a), (c), and (d).

21 In subsection (a) of this section, the reference to "adult" entertainment is
22 substituted for the former references to "public" entertainment for clarity.

23 Also in subsection (a) of this section, the former references to "dispense" are
24 deleted as included in the references to "serve".

25 In subsection (a)(2) of this section, the reference to "location" is substituted for
26 the former reference to "premises" to avoid the implication that the
27 establishment is licensed.

28 Former Art. 2B, § 20-111(b), which provided that former Art. 2B, § 20-111
29 applied only in Talbot County, is deleted as unnecessary in light of the
30 organization of this revised article.

31 Defined terms: "Alcoholic beverage" § 1-101

1 "License" § 1-101

2 "Person" § 1-101

3 **30-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 4 **BEVERAGES IS PROHIBITED.**

5 (A) PROHIBITION AGAINST INDIVIDUAL.

6 FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME
 7 ALCOHOLIC BEVERAGES IN:

8 (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;

9 (2) A PLACE OF PUBLIC ENTERTAINMENT; OR

10 (3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF
 11 MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE
 12 BUSINESS REGULATION ARTICLE.

13 (B) PROHIBITION AGAINST OWNER OR MANAGER.

14 AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN
 15 SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF
 16 ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF
 17 THIS SECTION.

18 (C) PENALTY.

19 A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
 20 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
 23 (2).

24 In subsections (a)(1) and (b) of this section, the references to an
 25 "establishment" are substituted for the former references to "premises" to
 26 avoid the implication that the establishment is licensed.

27 In subsection (b) of this section, the former reference to an "operator" is deleted
 28 as included in the reference to a "manager".

29 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
 30 to conform to the statement of legislative policy in § 14-102 of the Criminal
 31 Law Article, which sets forth the general rule that, notwithstanding a

1 statutory minimum penalty, a court may impose a lesser penalty of the same
2 character.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "Person" § 1-101

5 **SUBTITLE 26. ENFORCEMENT.**

6 **30-2601. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION.**

8 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF**
9 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
10 **VARIATION:**

11 **(1) § 6-202 ("INSPECTIONS");**

12 **(2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND**
13 **QUALITY OF ALCOHOLIC BEVERAGES");**

14 **(3) § 6-204 ("POWER TO SUMMON WITNESSES");**

15 **(4) § 6-205 ("PEACE OFFICERS");**

16 **(5) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
17 **ALCOHOLIC BEVERAGE");**

18 **(6) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
19 **EVIDENCE OF SALE");**

20 **(7) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF**
21 **ALCOHOL IN PUBLIC PLACES");**

22 **(8) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
23 **CONSUMPTION"); AND**

24 **(9) § 6-210 ("STATE PREEMPTION OF LOCAL DISORDERLY**
25 **INTOXICATION LAWS").**

26 **(B) VARIATION.**

27 **SECTION 6-211 ("FINES AND FORFEITURES") OF DIVISION I OF THIS ARTICLE**
28 **APPLIES IN THE COUNTY, SUBJECT TO § 30-2602 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to enforcement.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "County" § 30-101
5 "State" § 1-101

6 **30-2602. DISTRIBUTION OF FINES.**

7 **ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED**
8 **AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 16-502(c), as it related to Talbot County.

11 Defined term: "County" § 30-101

12 **SUBTITLE 27. PROHIBITED ACTS.**

13 **30-2701. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 ("PROHIBITED ACTS")**
16 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
17 **VARIATION:**

18 **(1) § 6-304 ("SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
19 **INDIVIDUAL UNDER THE AGE OF 21 YEARS");**

20 **(2) § 6-305 ("PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES");**

21 **(3) § 6-306 ("DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
22 **INDIVIDUAL");**

23 **(4) § 6-307 ("SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
24 **INTOXICATED INDIVIDUAL");**

25 **(5) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF**
26 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**

1 (6) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR
2 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
3 YEARS”);

4 (7) § 6-310 (“PROVIDING FREE FOOD”);

5 (8) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
6 DEALER”);

7 (9) § 6-312 (“BEVERAGE MISREPRESENTATION”);

8 (10) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
9 CONTAINER”);

10 (11) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
11 DETACHABLE METAL TAB”);

12 (12) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
13 REGULAR LABEL PRESUMED ILLICIT”);

14 (13) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

15 (14) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
16 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

17 (15) § 6-320 (“DISORDERLY INTOXICATION”);

18 (16) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
19 PUBLIC”);

20 (17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
21 MACHINE”);

22 (18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
23 BEVERAGES”);

24 (19) § 6-327 (“TAX EVASION”);

25 (20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

26 (21) § 6-329 (“PERJURY”).

27 (B) EXCEPTION.

1 **SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS**
 2 **ARTICLE DOES NOT APPLY IN THE COUNTY.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
 4 general provisions relating to prohibited acts.

5 Defined terms: “Alcoholic beverage” § 1-101
 6 “County” § 30-101
 7 “License holder” § 1-101
 8 “Retail dealer” § 1-101

9 **SUBTITLE 28. PENALTIES.**

10 **30-2801. APPLICATION OF GENERAL PROVISION.**

11 **SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE**
 12 **APPLIES IN THE COUNTY.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
 14 general provisions relating to imposing a penalty for a violation for which no
 15 specific penalty is provided.

16 Defined term: “County” § 30-101

17 **TITLE 31. WASHINGTON COUNTY.**

18 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

19 **31-101. DEFINITIONS.**

20 **(A) IN GENERAL.**

21 **IN THIS TITLE:**

22 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
 23 **EXCEPTION OR VARIATION; AND**

24 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

25 REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate
 26 by reference terms defined for the entire article.

27 Item (2) of this subsection is new language added as the standard introductory
 28 language to a definition section.

1 **(B) BOARD.**

2 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR**
3 **WASHINGTON COUNTY.**

4 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
5 full reference to the “Board of License Commissioners for Washington
6 County”.

7 **(C) COUNTY.**

8 **“COUNTY” MEANS WASHINGTON COUNTY.**

9 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
10 full reference to “Washington County”.

11 **(D) LIGHT WINE.**

12 **“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF**
13 **ALCOHOL BY VOLUME.**

14 REVISOR’S NOTE: This subsection is new language derived without substantive
15 change from former Art. 2B, § 4–101(a) and (w).

16 The defined term “wine” is substituted for the former reference to “a fermented
17 beverage” to conform to the terminology used throughout this article.

18 Defined term: “Wine” § 1–101

19 **31–102. SCOPE OF TITLE.**

20 **THIS TITLE APPLIES ONLY IN WASHINGTON COUNTY.**

21 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
22 organization of this revised article.

23 **31–103. COPY OF LEGISLATION.**

24 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
25 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
26 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
27 **MARYLAND 21401.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 18–103.

3 The reference to the “County Commissioners” is substituted for the former
4 reference to the “local governing body” for clarity.

5 The reference to this “title” is substituted for the former reference to this
6 “subtitle” to conform to the organization of this revised article. Under the
7 former law, each local governing body derived its authority to enact alcoholic
8 beverages legislation from a common subtitle. Under this revised article, each
9 local governing body derives its authority from the title dedicated to the
10 jurisdiction of the local governing body.

11 Defined terms: “Alcoholic beverage” § 1–101
12 “County” § 31–101

13 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

14 **31–201. ESTABLISHED.**

15 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON**
16 **COUNTY.**

17 REVISOR'S NOTE: This section is new language added to state expressly what was
18 only implied in the former law, that an entity known as the Board of License
19 Commissioners for Washington County exists.

20 **31–202. MEMBERSHIP.**

21 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

22 **(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE**
23 **BOARD.**

24 **(2) THE APPOINTMENTS SHALL BE MADE:**

25 **(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND**
26 **CONSENT OF THE SENATE; OR**

27 **(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR**
28 **ALONE.**

29 **(B) QUALIFICATIONS.**

30 **(1) EACH MEMBER OF THE BOARD SHALL BE:**

1 **(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

2 **(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND**
3 **OF RECOGNIZED BUSINESS CAPACITY.**

4 **(2) NOT MORE THAN TWO MEMBERS OF THE BOARD MAY BELONG TO**
5 **THE SAME POLITICAL PARTY.**

6 **(C) RESTRICTIONS.**

7 **A MEMBER OF THE BOARD MAY NOT HAVE A PECUNIARY OR OTHER INTEREST**
8 **IN ANY PHASE OF THE MANUFACTURE, SALE, OR DISTRIBUTION OF ALCOHOLIC**
9 **BEVERAGES.**

10 **(D) TENURE.**

11 **(1) THE TERM OF A MEMBER IS 6 YEARS.**

12 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
13 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

14 **(E) VACANCIES.**

15 **(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
16 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
17 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
18 **THIS SECTION.**

19 **(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
20 **ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED**
21 **AND QUALIFIES.**

22 **(F) REMOVAL.**

23 **(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
24 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

25 **(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
26 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
27 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

1 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
2 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
3 **MEMBER AND THE GOVERNOR’S FINDINGS ON THE CHARGES.**

4 REVISOR’S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (w)(2) and (3),
6 15–110(a), and 15–109(w)(4), as it related to members of the Board.

7 In subsection (a)(1) of this section, the defined term “Board” is substituted for
8 the former reference to persons “who shall constitute and be styled ‘The Board
9 of License Commissioners for Baltimore City or County’, as the case may
10 be” because this title applies only to the Board of License Commissioners for
11 Washington County.

12 In subsection (a)(2)(i) of this section, the former reference to “by and” with the
13 advice and consent of the Senate is deleted as surplusage.

14 In subsection (b)(1)(i) of this section, the defined term “County” is substituted
15 for the former reference to “Baltimore City or the respective counties, as the
16 case may be” because this title applies only to Washington County.

17 In subsection (b)(1)(ii) of this section, the reference to an “individual” is
18 substituted for the former reference to “persons” because only a human being
19 and not the other entities included in the defined term “person” may serve as
20 a member of a board of license commissioners.

21 In subsection (b)(2) of this section, the reference to “members of the Board” is
22 substituted for the former reference to “appointees” for clarity and consistency
23 throughout this subtitle.

24 In subsection (d)(2) of this section, the requirement that the terms of the
25 members of the Board be staggered as required on “July 1, 2016” is substituted
26 for the former obsolete requirement that the terms be staggered as required
27 on “January 1, 1994”.

28 Also in subsection (d)(2) of this section, the former reference to the
29 requirement that the Governor “biennially” appoint persons to the Board is
30 deleted as included in the requirement that the terms be staggered. This
31 substitution is not intended to alter the term of any member of the Board of
32 License Commissioners for Washington County.

33 Subsection (e) of this section is standard language substituted for the former
34 reference to the duty of the Governor, if a vacancy occurs on the Board when
35 the General Assembly is not in session, to appoint an eligible individual to fill
36 the vacancy for the remainder of the term. The standard language is intended
37 to correct a gap in the former law, which was silent as to the procedure to be
38 followed if a vacancy occurs when the General Assembly is in session.

1 In subsection (f)(1) of this section, the former reference to a member “of any
2 board of license commissioners appointed by him under the provisions of this
3 article” is deleted as surplusage.

4 In subsection (f)(2) of this section, the former phrase “in his own defense” is
5 deleted as surplusage.

6 Former Art. 2B, § 15–101(w)(1), which provided that the provisions of former
7 Art. 2B, § 15–101(w) applied only in Washington County, is deleted as
8 unnecessary in light of the organization of this revised article.

9 Defined terms: “Alcoholic beverage” § 1–101

10 “Board” § 31–101

11 “County” § 31–101

12 **31–203. CHAIR.**

13 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
14 **FROM AMONG THE MEMBERS OF THE BOARD.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 15–101(a)(2).

17 The defined term “Board” is substituted for the former reference to “Baltimore
18 City and each of the counties” because this section applies only to the Board
19 of License Commissioners for Talbot County. Correspondingly, the former
20 phrase “of the respective boards” is deleted.

21 The reference to a “chair” is substituted for the former reference to a
22 “chairman” because SG § 2–1238 requires the use of words that are neutral as
23 to gender to the extent practicable.

24 Defined term: “Board” § 31–101

25 **31–204. SALARIES; STAFF.**

26 **(A) SALARIES.**

27 **(1) THE ANNUAL SALARIES FOR THE BOARD SHALL BE SET BY THE**
28 **COUNTY COMMISSIONERS UNDER TITLE 28, SUBTITLE 2 OF THE LOCAL**
29 **GOVERNMENT ARTICLE.**

30 **(2) THE SALARIES SPECIFIED IN THIS SUBSECTION ARE PAYABLE**
31 **MONTHLY FROM THE LICENSE FEES DERIVED FROM THE ISSUANCE OF LICENSES**
32 **AUTHORIZED BY THIS ARTICLE.**

1 **(B) STAFF.**

2 **(1) THE BOARD MAY:**

3 **(I) EMPLOY:**

4 **1. A SECRETARY;**

5 **2. INSPECTORS; AND**

6 **3. CLERICAL AND OTHER ASSISTANTS AS ARE**
7 **NECESSARY; AND**

8 **(II) SET THE COMPENSATION OF THE EMPLOYEES.**

9 **(2) AN EMPLOYEE OF THE BOARD MAY NOT HAVE A PECUNIARY OR**
10 **OTHER INTEREST IN ANY PHASE OF THE MANUFACTURE, SALE, OR DISTRIBUTION OF**
11 **ALCOHOLIC BEVERAGES.**

12 REVISOR'S NOTE: This section is new language derived without substantive change
13 from former Art. 2B, §§ 15–109(w)(2), (3), and, as it related to employees, (4)
14 and 15–112(a)(2).

15 In subsection (b)(1)(i)3 of this section, the reference to “assistants” is
16 substituted for the former reference to “assistance” for clarity.

17 Former Art. 2B, § 15–109(w)(1), which provided that former Art. 2B, §
18 15–109(w) applied only in Washington County, is deleted as unnecessary in
19 light of the organization of this revised article.

20 Defined terms: “Alcoholic beverage” § 1–101

21 “Board” § 31–101

22 “County” § 31–101

23 “License” § 1–101

24 **31–205. AUDIT.**

25 **(A) TO BE CONDUCTED BY INDEPENDENT FIRM.**

26 **THE BOARD ANNUALLY SHALL ENGAGE AN INDEPENDENT CERTIFIED PUBLIC**
27 **ACCOUNTING FIRM TO CONDUCT AN AUDIT IN ACCORDANCE WITH GOVERNMENT**
28 **AUDITING STANDARDS TO EXPRESS AN OPINION ON THE FAIR PRESENTATION OF**
29 **THE FINANCIAL STATEMENTS OF THE BOARD.**

1 **(B) DISTRIBUTION OF REPORT.**

2 **BY NOVEMBER 1 AFTER THE CLOSE OF EACH FISCAL YEAR, THE ACCOUNTING**
3 **FIRM SHALL PROVIDE COPIES OF THE AUDIT REPORT TO THE MEMBERS OF THE**
4 **BOARD AND THE SENATORS AND DELEGATES WHO CONSTITUTE THE WASHINGTON**
5 **COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 15–112(w)(2) and (3).

8 Former Art. 2B, § 15–112(w)(1), which provided that former Art. 2B, §
9 15–112(w) applied only in Washington County, is deleted as unnecessary in
10 light of the organization of this revised article.

11 Defined term: “Board” § 31–101

12 **31–206. DISPOSITION OF LICENSE FEES.**

13 **(A) FOR PAYMENT OF SALARIES AND EXPENSES.**

14 **FROM THE LICENSE FEES COLLECTED, THE BOARD SHALL PAY THE SALARIES**
15 **OF BOARD MEMBERS AND BOARD EMPLOYEES AND THE EXPENSES OF THE BOARD.**

16 **(B) PAYMENT TO MUNICIPALITY OR COUNTY COMMISSIONERS.**

17 **AFTER PAYMENTS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE**
18 **BOARD SHALL PAY THE FEES COLLECTED FROM LICENSED PREMISES:**

19 **(1) TO THE MUNICIPALITY WHERE THE LICENSED PREMISES IS**
20 **LOCATED; OR**

21 **(2) IF THE LICENSED PREMISES IS NOT IN A MUNICIPALITY, TO THE**
22 **COUNTY COMMISSIONERS FOR THE USE OF THE COUNTY.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 10–204(w).

25 In subsection (a) of this section, the phrase “[f]rom the license fees collected”
26 is added for clarity.

27 Also in subsection (a) of this section, the former reference to expenses “as the
28 Board may deem necessary” is deleted as surplusage.

29 Also in subsection (a) of this section, the former reference to “deduct[ing] funds
30 necessary” to pay salaries and expenses is deleted as surplusage.

1 In subsection (b) of this section, the references to a “municipality” are
 2 substituted for the former references to an “incorporated town” to conform to
 3 the terminology used throughout this article.

4 Also in subsection (b) of this section, the references to a “licensed premises”
 5 are substituted for the former references to a “place of business” for clarity.

6 In the introductory language of subsection (b) of this section, the phrase
 7 “[a]fter payments made under subsection (a) of this section” is added for
 8 clarity.

9 Defined terms: “Board” § 31–101
 10 “County” § 31–101
 11 “License” § 1–101

12 **31–207. REGULATIONS.**

13 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

14 REVISOR’S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 16–301(a), as it related to the authority of the
 16 Board to adopt regulations.

17 The defined term “Board” is substituted for the former reference to “the board
 18 of license commissioners from any county or Baltimore City, respectively”
 19 because this section applies only to the Board of License Commissioners for
 20 Washington County.

21 The reference to the Board “adopt[ing] regulations to carry out” this article is
 22 substituted for the former reference to the Board “hav[ing] full power and
 23 authority to adopt such reasonable rules and regulations as they may deem
 24 necessary to enable them effectively to discharge the duties imposed upon
 25 them by” this article for brevity.

26 The former phrase “[i]n addition to the powers otherwise provided by this
 27 article,” is deleted as surplusage.

28 Defined term: “Board” § 31–101

29 **SUBTITLE 3. LIQUOR CONTROL.**

30 **31–301. LIQUOR CONTROL — NOT APPLICABLE.**

31 **THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL**
 32 **IN THE COUNTY.**

1 REVISOR'S NOTE: This section is new language added to clarify that there is no
2 liquor control board or department of liquor control in the County.

3 Defined term: "County" § 31-101

4 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

5 **31-401. APPLICATION OF GENERAL PROVISIONS.**

6 **(A) WITHOUT EXCEPTION OR VARIATION.**

7 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
8 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
9 **EXCEPTION OR VARIATION:**

10 **(1) § 2-201 ("ISSUANCE BY COMPTROLLER");**

11 **(2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**

12 **(3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**

13 **(4) § 2-205 ("CLASS 3 WINERY LICENSE");**

14 **(5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**

15 **(6) § 2-207 ("CLASS 5 BREWERY LICENSE");**

16 **(7) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**

17 **(8) § 2-211 ("RESIDENCY REQUIREMENT");**

18 **(9) § 2-212 ("ADDITIONAL LICENSES");**

19 **(10) § 2-213 ("ADDITIONAL FEES");**

20 **(11) § 2-214 ("SALE OR DELIVERY RESTRICTED");**

21 **(12) § 2-216 ("INTERACTION BETWEEN MANUFACTURING ENTITIES**
22 **AND RETAILERS");**

23 **(13) § 2-217 ("DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
24 **PROHIBITED PRACTICES"); AND**

1 **(14) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND**
 2 **RETAILERS — PROHIBITED”).**

3 **(B) EXCEPTION.**

4 **SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF**
 5 **THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

6 **(C) VARIATIONS.**

7 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
 8 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

9 **(1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO §**
 10 **31-403 OF THIS SUBTITLE;**

11 **(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §**
 12 **31-404 OF THIS SUBTITLE; AND**

13 **(3) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER**
 14 **PROHIBITED”), SUBJECT TO § 31-405 OF THIS SUBTITLE.**

15 REVISOR’S NOTE: Subsections (a) and (c) are new language added to incorporate
 16 by reference general provisions relating to the issuance of manufacturer’s
 17 licenses.

18 Subsection (b) of this section is new language derived without substantive
 19 change from former Art. 2B, § 2-202.1(a) and (b)(2) to expressly state what
 20 was only implicit in the former law, that a limited distillery license may not
 21 be issued in the County.

22 Defined terms: “County” § 31-101
 23 “Manufacturer’s license” § 1-101

24 **31-402. HOURS AND DAYS OF SALE OR DELIVERY.**

25 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
 26 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 27 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY OR AN ELECTION DAY.**

28 REVISOR’S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 11-101(a).

30 The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted
 31 as unnecessary.

1 Defined terms: "Alcoholic beverage" § 1-101
2 "Manufacturer's license" § 1-101

3 **31-403. CLASS 6 PUB-BREWERY LICENSE.**

4 **(A) APPLICATION OF SECTION.**

5 **THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE**
6 **COUNTY.**

7 **(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

8 **SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a
11 Class 6 pub-brewery license in Washington County, and, as it authorized
12 off-sale privileges of beer in refillable containers only in specific jurisdictions,
13 not including Washington County, the introductory language of (g)(1).

14 Defined terms: "County" § 31-101
15 "License" § 1-101

16 **31-404. CLASS 7 MICRO-BREWERY LICENSE.**

17 **(A) APPLICATION OF SECTION.**

18 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
19 **COUNTY.**

20 **(B) AUTHORIZED HOLDER.**

21 **NOTWITHSTANDING § 2-209(B) OF THIS ARTICLE, THE LICENSE MAY BE**
22 **ISSUED ONLY TO THE HOLDER OF:**

23 **(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
24 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY;**
25 **OR**

26 **(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR**
27 **USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE**
28 **COUNTY.**

1 **(C) LIMITATION — LEASED PREMISES.**

2 **THE COMPTROLLER MAY NOT ISSUE A LICENSE FOR PREMISES ON PROPERTY**
 3 **THAT HAS BEEN LEASED UNLESS THE LANDLORD OF THE PROPERTY PRESENTS TO**
 4 **THE COMPTROLLER A RECEIPT OR CERTIFICATE SHOWING THAT THERE ARE NO**
 5 **UNPAID TAXES DUE TO THE STATE, A COUNTY, OR ANY LOCAL GOVERNMENT FROM**
 6 **THE LANDLORD OR ANY ENTITY IN WHICH THE LANDLORD HAS A DIRECT OR**
 7 **INDIRECT INTEREST THAT:**

8 **(1) IS PROPRIETARY; OR**

9 **(2) HAS BEEN OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY**
 10 **OTHER MANNER.**

11 **(D) HOURS AND DAYS OF SALE.**

12 **NOTWITHSTANDING § 2-209(G) OF THIS ARTICLE, FOR THE HOLDER OF A**
 13 **CLASS D LICENSE IN THE COUNTY THE HOURS AND DAYS FOR RETAIL SALES UNDER**
 14 **THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D**
 15 **LICENSE IN THE COUNTY.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 2-208(a), (b)(2)(xxii) and (3)(i) and (iii)2, (f)(3),
 18 and (j)(2).

19 In subsection (b) of this section, the qualification “[n]otwithstanding §
 20 2-209(b) of this article” is added to reflect the availability of a Class 7
 21 micro-brewery license to the holder of a Class D license in Washington
 22 County, even though the general rule, revised in § 2-209(b) of Division I of
 23 this article, allows only the holder of a Class B beer, wine, and liquor license
 24 to hold a Class 7 license. Similarly, in subsection (d) of this section, the
 25 qualification “[n]otwithstanding § 2-209(g) of this article”, relating to the
 26 operating hours under a Class 7 micro-brewery license, is added for clarity.

27 Former Art. 2B, § 2-208(j)(1), which provided that former Art. 2B, § 2-208(j)
 28 applied only in Washington County, is deleted as unnecessary in light of the
 29 organization of this revised article.

30 Defined terms: “Beer” § 1-101

31 “Comptroller” § 1-101

32 “County” § 31-101

33 “License” § 1-101

34 “On-sale” § 1-101

35 “Restaurant” § 1-101

36 “Wine” § 1-101

1 **31-405. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

2 (A) **SCOPE OF SECTION.**

3 **THIS SECTION AND § 2-215 OF THIS ARTICLE DO NOT APPLY TO A:**

4 (1) **CLUB THAT IS THE HOLDER OF A CLASS C BEER, WINE, AND**
5 **LIQUOR LICENSE; OR**

6 (2) **HOTEL THAT IS THE HOLDER OF A CLASS B BEER, WINE, AND**
7 **LIQUOR LICENSE.**

8 (B) **CONSTRUCTION OF SECTION.**

9 (1) **A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE**
10 **REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER.**

11 (2) **FOR PURPOSES OF CONSTRUING § 2-215 OF THIS ARTICLE:**

12 (I) **A CHECK ACCEPTED FOR PAYMENT THAT IS NOT**
13 **POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH;**
14 **AND**

15 (II) **A CHECK THAT IS GIVEN IN PAYMENT FOR ALCOHOLIC**
16 **BEVERAGES TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS**
17 **PRIMA FACIE EVIDENCE IN A CIVIL CASE OF A VIOLATION OF THIS SECTION OR §**
18 **2-215 OF THIS ARTICLE.**

19 (C) **PENALTY.**

20 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
21 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A**
22 **FINE NOT EXCEEDING \$500 OR BOTH.**

23 **REVISOR'S NOTE:** This section is new language derived without substantive
24 change from former Art. 2B, § 12-222(c), (d), (f), and (h).

25 In subsection (a) of this section, the former references to club and hotel "as
26 defined by ... this article" are deleted as unnecessary in light of the use of
27 defined terms that apply throughout this article.

28 In subsection (b)(2)(i) of this section, the former phrase "in addition to
29 currency" is deleted as surplusage.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
 2 the General Assembly, subsection (b)(2)(ii) of this section states that a check
 3 that is given in payment for “alcoholic beverages” to a license holder and is
 4 returned uncollected is prima facie evidence in a civil case of a violation of this
 5 section “or § 2–215 of this article”. Section 2–215, however, concerns the sale
 6 only of beer and not of any other type of alcoholic beverage.

7 Defined terms: “Beer” § 1–101

8 “Club” § 1–101

9 “County” § 31–101

10 “Hotel” § 1–101

11 “License” § 1–101

12 “Retail dealer” § 1–101

13 “Wine” § 1–101

14 **SUBTITLE 5. WHOLESALER’S LICENSES.**

15 **31–501. APPLICATION OF GENERAL PROVISIONS.**

16 **(A) WITHOUT EXCEPTION OR VARIATION.**

17 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
 18 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 19 **EXCEPTION OR VARIATION:**

20 **(1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**

21 **(2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S**
 22 **LICENSE”);**

23 **(3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**

24 **(4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**

25 **(5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**

26 **(6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**

27 **(7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**

28 **(8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**

29 **(9) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM**
 30 **WHOLESALER’S VEHICLE”);**

1 **(10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**

2 **(11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);**

3 **(12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**

4 **(13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF**
5 **LICENSE OR PERMIT”);**

6 **(14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND**
7 **RETAILERS”);**

8 **(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
9 **PROHIBITED PRACTICES”); AND**

10 **(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS**
11 **AND RETAILERS — PROHIBITED”).**

12 **(B) VARIATION.**

13 **SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”)**
14 **OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31-504 OF**
15 **THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to the issuance of wholesaler’s licenses.

18 Defined terms: “County” § 31-101
19 “Wholesaler’s license” § 1-101

20 **31-502. HOURS AND DAYS OF SALE OR DELIVERY.**

21 **EXCEPT AS PROVIDED IN § 31-503 OF THIS SUBTITLE, A HOLDER OF A**
22 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
23 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
24 **SUNDAY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 11-102(a).

27 Defined terms: “Alcoholic beverage” § 1-101
28 “Wholesaler’s license” § 1-101

1 **31-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

2 (A) **DELIVERY ON EFFECTIVE DATE OF LICENSE.**

3 A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT
4 WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE
5 TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT
6 RETURNS ON THE SAME DAY.

7 (B) **DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

8 THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION
9 SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES
10 REQUIRED TO DISPENSE DRAFT BEER.

11 REVISOR'S NOTE: This section is new language derived without substantive
12 change from former Art. 2B, § 11-102(b).

13 In subsection (a) of this section, the reference to a "per diem" license is
14 substituted for the former reference to a "special 1-day" license to conform to
15 the terminology used throughout this article.

16 Also in subsection (a) of this section, the reference to a per diem license issued
17 "under Subtitle 13 of this title" is substituted for the former reference to a
18 license issued "pursuant to § 7-101 of this article" to reflect the reorganization
19 of material relating to per diem licenses in titles for each applicable
20 jurisdiction in this revision.

21 Also in subsection (a) of this section, the reference to delivery of beer on the
22 "effective date of the per diem license" is substituted for the former reference
23 to delivery on the "effective day of the license" for clarity.

24 Also in subsection (a) of this section, the former reference to accepting returns
25 on the same day "of delivery" is deleted as surplusage.

26 In subsection (b) of this section, the language that the "agreement entered into
27 under subsection (a) of this section shall include [the type of equipment to
28 dispense draft beer]" is substituted for the former language that the "parties
29 shall agree upon [the type of equipment to dispense draft beer]" for clarity.

30 Defined terms: "Beer" § 1-101

31 "Wholesaler's license" § 1-101

32 **31-504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

1 **(A) SCOPE OF SECTION.**

2 **THIS SECTION AND § 2-314 OF THIS ARTICLE DO NOT APPLY TO A:**

3 **(1) CLUB THAT IS THE HOLDER OF A CLASS C BEER, WINE, AND**
4 **LIQUOR LICENSE; OR**

5 **(2) HOTEL THAT IS THE HOLDER OF A CLASS B BEER, WINE, AND**
6 **LIQUOR LICENSE.**

7 **(B) CONSTRUCTION OF SECTION.**

8 **FOR PURPOSES OF APPLYING § 2-314 OF THIS ARTICLE:**

9 **(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE**
10 **REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER;**

11 **(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND**
12 **IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH; AND**

13 **(3) A CHECK THAT IS GIVEN IN PAYMENT FOR BEER TO A HOLDER OF**
14 **THE LICENSE, AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE OF A**
15 **VIOLATION BY THE WHOLESALER OF § 2-314 OF THIS ARTICLE.**

16 **(C) ENFORCEMENT PROHIBITED.**

17 **A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT**
18 **EXTENDED OR ENFORCE PAYMENT OF A CHECK GIVEN FOR PAYMENT IN VIOLATION**
19 **OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

20 **(D) PENALTY.**

21 **A PERSON WHO VIOLATES § 2-314 OF THIS ARTICLE IS GUILTY OF A**
22 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
23 **EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 12-222(c) through (f) and (h).

26 In subsection (a) of this section, the former references to club and hotel "as
27 defined by ... this article" are deleted as unnecessary in light of the use of
28 defined terms that apply throughout this article.

1 In subsection (b)(2) of this section, the former phrase “in addition to currency”
2 is deleted as surplusage.

3 In subsection (b)(3) of this section, the phrase “by the wholesaler” is added for
4 clarity.

5 Also in subsection (b)(3) of this section, the former phrase “in any civil case” is
6 deleted because a proceeding relating to a violation of § 2–314 of this article is
7 an administrative action rather than a civil case.

8 In subsection (c) of this section, the reference to a “civil” action is substituted
9 for the former reference to an action “ex contractu” for clarity. No substantive
10 change is intended.

11 Former Art. 2B, § 12–222(a), which provided that former Art. 2B, § 12–222
12 applied only in Washington County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Former Art. 2B, § 12–222(b), which limited the sale of alcoholic beverages to
15 cash unless the alcoholic beverages are delivered to the purchaser at a place
16 designated by the purchaser other than the premises of the license holder, is
17 deleted as obsolete.

18 Former Art. 2B, § 12–222(g), which prohibited a license holder from using
19 property related to the holder’s alcoholic beverages business as collateral for
20 a loan of more than \$1,000 if a person dealing in, manufacturing, or
21 distributing vending machines, vending devices, pinball machines, or music
22 boxes is a party, is deleted as obsolete.

23 Defined terms: “Beer” § 1–101

24 “Club” § 1–101

25 “Hotel” § 1–101

26 “License” § 1–101

27 “State” § 1–101

28 “Wine” § 1–101

29 **SUBTITLE 6. BEER LICENSES.**

30 **31–601. CLASS A BEER LICENSE.**

31 **(A) ESTABLISHED.**

32 **THERE IS A CLASS A BEER LICENSE.**

33 **(B) SCOPE OF AUTHORIZATION.**

1 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
2 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

3 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
4 **PACKAGE OR CONTAINER.**

5 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
6 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

7 **(C) FEES.**

8 **(1) THE ANNUAL LICENSE FEE IS \$100.**

9 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, §§ 3–101(w) and (a)(1) and 11–403(b)(2)(iii)3.

12 In subsection (a) of this section, the former reference to a license being “issued
13 by the license issuing authority of the county in which the place of business is
14 located” is deleted as surplusage.

15 In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted
16 as implicit in the word “sell”.

17 Also in subsection (b)(1) of this section, the former phrase “in any quantity” is
18 deleted as surplusage.

19 In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for
20 the former reference to “deliver[ing]” for clarity and accuracy.

21 Defined terms: “Beer” § 1–101

22 “Consumer” § 1–101

23 **31–602. CLASS B BEER (ON– AND OFF–SALE) LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS B BEER LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
28 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
29 **ON– AND OFF–PREMISES CONSUMPTION.**

1 **(C) FEES.**

2 **(1) THE ANNUAL LICENSE FEE IS \$350.**

3 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 3-201(a)(1) and (w)(2) and 11-403(b)(2)(iii)3.

6 In subsection (a) of this section, the former reference to a license being "issued
7 by the license issuing authority of the county in which the place of business is
8 located" is deleted as surplusage.

9 In subsection (b) of this section, the reference to "on- and off-premises
10 consumption" is substituted for the former reference to "consumption on the
11 premises or elsewhere" for clarity.

12 Also in subsection (b) of this section, the former phrase "keep for sale" is
13 deleted as implicit in the word "sell".

14 Defined terms: "Beer" § 1-101

15 "Hotel" § 1-101

16 "Restaurant" § 1-101

17 **31-603. CLASS B BEER (ON-SALE ONLY) LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A CLASS B (ON-SALE ONLY) BEER LICENSE.**

20 **(B) SCOPE OF AUTHORIZATION.**

21 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT**
22 **THAT:**

23 **(I) IS IN A PERMANENT BUILDING WITH AMPLE SPACE AND**
24 **ACCOMMODATIONS;**

25 **(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE**
26 **PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

27 **(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT**
28 **TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS,**
29 **CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**

1 (IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING
2 FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;

3 (V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD
4 THAT THE ESTABLISHMENT SERVES;

5 (VI) SERVES FOOD AT ALL TIMES WHENEVER BEER IS BEING
6 SERVED OR CONSUMED; AND

7 (VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND
8 NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC
9 BEVERAGES.

10 (2) THE LICENSE:

11 (I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND

12 (II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA
13 REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.

14 (3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
15 AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES
16 CONSUMPTION.

17 (C) TERM OF LICENSE.

18 THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.

19 (D) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.

20 (1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER
21 SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL
22 RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO
23 DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT
24 UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.

25 (II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

26 1. REQUEST THAT A LICENSE HOLDER PROVIDE
27 SUPPORTING DATA OR ADDITIONAL INFORMATION;

28 2. FINE A LICENSE HOLDER; OR

1 In subsection (d)(1)(ii)2 of this section, the phrase “fine a license holder” is
2 substituted for the former phrase “issue a fine” for clarity.

3 In subsection (d)(2) and (3) of this section, the references to the “license holder”
4 are substituted for the former references to the “applicant” for clarity and
5 consistency within this subsection.

6 Former Art. 2B, § 8–222.1(a)(1)(i), which was the standard introduction to a
7 definitions provision, is deleted as unnecessary because this revised section
8 does not define any terms.

9 Former Art. 2B, § 8–222.1(a)(1)(ii), which defined “Board” to mean the
10 Washington County Board of License Commissioners, is deleted as
11 unnecessary because the term is already defined in § 31–101 of this title.

12 Former Art. 2B, § 8–222.1(a)(1)(iii), which defined “Class B (on–sale) license
13 of any type”, is deleted as unnecessary because that term is not used in this
14 section.

15 Former Art. 2B, § 8–222.1(a)(2), which stated that former Art. 2B, § 8–222.1
16 applied only in Washington County, is deleted as unnecessary in light of the
17 organization of this revised article.

18 Defined terms: “Alcoholic beverage” § 1–101

19 “Beer” § 1–101

20 “Board” § 31–101

21 “On–sale” § 1–101

22 “Restaurant” § 1–101

23 **31–604. CLASS C BEER LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS C BEER LICENSE.**

26 **(B) SCOPE OF AUTHORIZATION.**

27 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
28 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
29 **LICENSE FOR ON–PREMISES CONSUMPTION.**

30 **(C) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

31 **SUBTITLES 14 AND 15 OF THIS TITLE AND § 3–102 OF THE GENERAL**
32 **PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

1 **(D) FEES.**

2 **(1) THE ANNUAL LICENSE FEE IS \$100.**

3 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 3–301(w) and (a)(1), 11–403(b)(2)(iii)3, and, as
6 it related to Class C beer licenses, 7–101(t)(4)(x).

7 In subsection (a) of this section, the former reference to a license being “issued
8 by the local licensing authority of the county in which the place of business is
9 located” is deleted as surplusage.

10 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
11 implicit in the word “sell”.

12 Also in subsection (b) of this section, the former reference to “bona fide”
13 members is deleted as surplusage.

14 Defined terms: “Beer” § 1–101
15 “Club” § 1–101

16 **31–605. CLASS D BEER LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS D BEER LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
21 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE**
22 **DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

23 **(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

24 **(C) FEES.**

25 **(1) THE ANNUAL LICENSE FEE IS \$100.**

26 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, §§ 3–401(w) and (a)(1) and 11–403(b)(2)(iii)3.

1 In subsection (a) of this section, the former reference to a license being “issued
2 by the license issuing authority of the county in which the place of business is
3 located” is deleted as surplusage.

4 In subsection (b)(1) of this section, the reference to “on- and off-premises”
5 consumption is substituted for the former reference to consumption “on the
6 premises or elsewhere” for clarity.

7 Also in subsection (b)(1) of this section, the former phrase “keep for sale” is
8 deleted as implicit in the word “sell”.

9 Defined term: “Beer” § 1–101

10 **SUBTITLE 7. LIGHT WINE LICENSES.**

11 **31–701. CLASS A LIGHT WINE LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

14 **(B) AUTHORIZED HOLDER.**

15 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR**
16 **A CLASS 4 LIMITED WINERY LICENSE.**

17 **(C) SCOPE OF AUTHORIZATION.**

18 **(1) THE LICENSE AUTHORIZED THE LICENSE HOLDER TO SELL AT**
19 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE**
20 **WINERY.**

21 **(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR**
22 **CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE**
23 **LICENSED PREMISES.**

24 **(D) FEE.**

25 **THE ANNUAL LICENSE FEE IS \$50.**

26 REVISOR’S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 4–201(a)(19), (b)(1), (c)(1), (d)(1), and (e)(1)(ix)
28 and (2).

1 In subsection (b) of this section, the reference to a “Class 3 winery license” is
2 substituted for the former reference to a “Class 3 manufacturer’s license, who
3 makes wine from agricultural products grown in Maryland” for brevity and to
4 conform to the terminology used throughout this article. Similarly, the
5 reference to a “Class 4 limited winery license” is substituted for the former
6 reference to a “Class 4 manufacturer’s license”.

7 Also in subsection (b) of this section, the former reference to a license being
8 issued “by the license issuing authority of the county in which the place of
9 business is located” is deleted as surplusage.

10 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
11 as implicit in the word “sell”.

12 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
13 any consumer” is deleted as surplusage.

14 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
15 former reference to “delivered” to conform to the terminology used throughout
16 this article.

17 Defined terms: “County” § 31–101
18 “Light wine” § 31–101

19 **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

20 **31–801. CLASS A BEER AND LIGHT WINE LICENSE.**

21 **(A) ESTABLISHED.**

22 **THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

23 **(B) SCOPE OF AUTHORIZATION.**

24 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
25 **AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

26 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINES**
27 **IN A SEALED PACKAGE OR CONTAINER.**

28 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
29 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT**
30 **WINE IS SOLD.**

31 **(C) FEES.**

1 **(1) THE ANNUAL LICENSE FEE IS \$150.**

2 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 5-101(w) and (a)(1) and 11-403(b)(2)(iii)3.

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (a) of this section and throughout this subtitle, the former
8 references to the license being "issued by the license issuing authority of the
9 county in which the place of business is located" are deleted as surplusage.

10 In subsection (b)(1) of this section and throughout this subtitle, the former
11 references to "keep[ing] for sale" are deleted as implicit in the references to
12 "sell[ing]".

13 In subsection (b)(1) of this section, the former reference to selling beer and
14 light wine "in any quantity to any consumers" is deleted as surplusage.

15 In subsection (b)(2) of this section, the word "sell" is substituted for the former
16 word "deliver" to conform to the terminology used throughout this article.

17 Defined terms: "Beer" § 1-101

18 "Light wine" § 31-101

19 **31-802. CLASS B BEER AND LIGHT (ON- AND OFF-SALE) WINE LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

22 **(B) SCOPE OF AUTHORIZATION.**

23 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
24 **WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE**
25 **LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

26 **(C) FEES.**

27 **(1) THE ANNUAL LICENSE FEE IS \$400.**

28 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 5–201(a)(1) and (w)(2) and 11–403(b)(2)(iii)3.

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (b) of this section, the reference to “on– and off–premises
6 consumption” is substituted for the former reference to “consumption on the
7 premises or elsewhere” for clarity.

8 Defined terms: “Beer” § 1–101

9 “Hotel” § 1–101

10 “Light wine” § 31–101

11 “Restaurant” § 1–101

12 **31–803. CLASS B BEER AND LIGHT WINE (ON–SALE ONLY) LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS B BEER AND LIGHT WINE (ON–SALE ONLY) LICENSE.**

15 **(B) SCOPE OF AUTHORIZATION.**

16 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT**
17 **THAT:**

18 **(I) IS IN A PERMANENT BUILDING WITH AMPLE SPACE AND**
19 **ACCOMMODATIONS;**

20 **(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE**
21 **PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

22 **(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT**
23 **TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS,**
24 **CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**

25 **(IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING**
26 **FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;**

27 **(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD**
28 **THAT THE ESTABLISHMENT SERVES;**

29 **(VI) SERVES FOOD AT ALL TIMES WHENEVER BEER AND LIGHT**
30 **WINE ARE BEING SERVED OR CONSUMED; AND**

1 (VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND
2 NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC
3 BEVERAGES.

4 (2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
5 AND LIGHT WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR
6 ON-PREMISES CONSUMPTION.

7 (3) THE LICENSE:

8 (I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND

9 (II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA
10 REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.

11 (C) TERM OF LICENSE.

12 THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.

13 (D) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.

14 (1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER
15 SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL
16 RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO
17 DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT
18 UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.

19 (II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

20 1. REQUEST THAT A LICENSE HOLDER PROVIDE
21 SUPPORTING DATA OR ADDITIONAL INFORMATION;

22 2. FINE A LICENSE HOLDER; OR

23 3. SUSPEND A LICENSE.

24 (2) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE
25 LICENSE HOLDER SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS
26 OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED
27 QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.

1 **(3) THE LICENSE HOLDER OR THE LICENSE HOLDER’S ACCOUNTANT**
2 **SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD**
3 **ALCOHOL RATIO REPORT.**

4 **(E) PREREQUISITE FOR RENEWAL OF LICENSE.**

5 **AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT**
6 **SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES**
7 **REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

8 **(F) FEES.**

9 **(1) THE ANNUAL LICENSE FEE IS \$200.**

10 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

11 REVISOR’S NOTE: Subsection (a) of this section is new language added as the
12 standard introductory language for a license section.

13 Subsections (b) through (f) of this section are new language derived without
14 substantive change from former Art. 2B, §§ 5–201(w)(1) and 8–222.1(b), (d),
15 (e), (c)(2), and (f)(2) and (4).

16 In the introductory language of subsection (b)(1) of this section, the reference
17 to the license being issued to a “restaurant” is substituted for the former
18 reference to the license being issued “if the establishment for which the license
19 is issued is a restaurant” for brevity.

20 In subsection (b)(1)(vi) of this section, the reference to “beer and light wine” is
21 substituted for the former reference to “alcoholic beverages” for clarity.

22 In subsection (c) of this section, the former phrase May 1 “of each year” is
23 deleted as surplusage.

24 In subsection (d) of this section, the references to “ratio” are substituted for
25 the erroneous references to “ration” for clarity.

26 In subsection (d)(1)(ii)2 of this section, the phrase “fine a license holder” is
27 substituted for the former phrase “issue a fine” for clarity.

28 In subsection (d)(2) and (3) of this section, the references to the “license holder”
29 are substituted for the former references to the “applicant” for clarity and
30 consistency within this subsection.

31 Defined terms: “Alcoholic beverage” § 1–101

1 "Beer" § 1-101
 2 "Board" § 31-101
 3 "On-sale" § 1-101
 4 "Restaurant" § 1-101
 5 "Light wine" § 1-101

6 **31-804. CLASS C BEER AND LIGHT WINE LICENSE.**

7 **(A) ESTABLISHED.**

8 **THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

9 **(B) SCOPE OF AUTHORIZATION.**

10 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT**
 11 **WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE**
 12 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

13 **(C) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

14 **SUBTITLES 14 AND 15 OF THIS TITLE AND § 3-102 OF THE GENERAL**
 15 **PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

16 **(D) FEES.**

17 **(1) THE ANNUAL LICENSE FEE IS \$200.**

18 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, §§ 5-301(w) and (a)(1), 11-403(b)(2)(iii)3, and, as
 21 it related to Class C beer and light wine licenses, 7-101(t)(4)(x).

22 Subsection (a) of this section is revised in standard language used throughout
 23 this article to establish a license.

24 In subsection (b) of this section, the former reference to consumption "only" on
 25 the premises is deleted as surplusage.

26 Also in subsection (b) of this section, the former reference to a "bona fide"
 27 member is deleted as surplusage.

28 Defined terms: "Beer" § 1-101

29 "Club" § 1-101

30 "Light wine" § 31-101

1 **31-805. CLASS D BEER AND LIGHT WINE LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.

4 (B) SCOPE OF AUTHORIZATION.

5 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT
6 WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND
7 OFF-PREMISES CONSUMPTION.

8 (C) DRUGSTORE PROHIBITION.

9 THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

10 (D) FEES.

11 (1) THE ANNUAL LICENSE FEE IS \$150.

12 (2) THE FEE FOR A SUNDAY PERMIT IS \$250.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, §§ 5-401(w) and (a)(1) and 11-403(b)(2)(iii)3.

15 Subsection (a) of this section is revised in standard language used throughout
16 this article to establish a license.

17 In subsection (b) of this section, the reference to "on- and off-premises
18 consumption" is substituted for the former reference to "consumption on the
19 premises or elsewhere" for clarity.

20 Defined terms: "Beer" § 1-101
21 "Light wine" § 31-101

22 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

23 **31-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

24 (A) ESTABLISHED.

25 THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE**
3 **HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN**
4 **THE LICENSE.**

5 **(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR**
6 **IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS**
7 **CONSUMED ON THE LICENSED PREMISES.**

8 **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

9 **A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE**
10 **UNLESS THE APPLICANT:**

11 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
12 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
13 **THE LICENSE;**

14 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
15 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
16 **APPLIED FOR; OR**

17 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
18 **LEAST 3 YEARS.**

19 **(D) FEES.**

20 **(1) THE ANNUAL LICENSE FEE IS \$300.**

21 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, §§ 6-101(w) and (a)(1) and (3) and
24 11-403(b)(2)(iii)3.

25 Subsection (a) of this section is revised in standard language used throughout
26 this article to establish a license.

27 In subsection (b) of this section, the references to "beer, wine, or liquor" are
28 substituted for the former references to "alcoholic beverages" for clarity.

29 In subsection (b)(1) of this section, the phrase "to sell" is substituted for the
30 former phrase "to keep for sale and to sell" for brevity.

1 Also in subsection (b)(1) of this section, the former phrase “at retail, in any
2 quantity” is deleted as surplusage.

3 In subsection (b)(2) of this section, the reference to “sell” is substituted for the
4 former reference to “deliver” to conform to the terminology used throughout
5 this article.

6 In subsection (c)(2) of this section, the phrase “at least 1 year before the date
7 of the application for the license” is substituted for the former phrase “that
8 length of time” for clarity.

9 In subsection (c)(3) of this section, the former reference to “actually” engaged
10 is deleted as surplusage.

11 Defined terms: “Beer” § 1–101
12 “Wine” § 1–101

13 **31–902. CLASS B BEER, WINE, AND LIQUOR (ON–SALE) RESTAURANT LICENSE.**

14 **(A) ESTABLISHED.**

15 **THERE IS A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) RESTAURANT**
16 **LICENSE.**

17 **(B) AUTHORIZED HOLDER.**

18 **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT**
19 **THAT:**

20 **(I) IS LOCATED IN A PERMANENT BUILDING WITH AMPLE SPACE**
21 **AND ACCOMMODATIONS;**

22 **(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE**
23 **PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

24 **(III) EXCLUDING SEATS AT BARS OR COUNTERS, HAS A DINING**
25 **AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT**
26 **CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**

27 **(IV) HAS SUFFICIENT KITCHEN AND DINING FACILITIES FOR**
28 **REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;**

29 **(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD**
30 **THAT THE ESTABLISHMENT SERVES;**

1 (VI) SERVES FOOD AT ALL TIMES WHENEVER ALCOHOLIC
2 BEVERAGES ARE BEING SERVED OR CONSUMED; AND

3 (VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND
4 NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC
5 BEVERAGES.

6 (C) SCOPE OF AUTHORIZATION.

7 THE LICENSE:

8 (1) AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
9 LIQUOR FOR ON-PREMISES CONSUMPTION; AND

10 (2) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA
11 REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.

12 (D) TERM OF LICENSE.

13 THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.

14 (E) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.

15 (1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER
16 SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL
17 RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO
18 DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT
19 UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.

20 (II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

21 1. REQUEST THAT A LICENSE HOLDER PROVIDE
22 SUPPORTING DATA OR ADDITIONAL INFORMATION;

23 2. FINE A LICENSE HOLDER; OR

24 3. SUSPEND A LICENSE.

25 (2) THE APPLICANT OR THE APPLICANT'S ACCOUNTANT SHALL
26 COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL
27 RATIO REPORT.

1 **(3) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE**
 2 **APPLICANT SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF**
 3 **OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED**
 4 **QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.**

5 **(F) PREREQUISITE FOR RENEWAL OF LICENSE.**

6 **AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT**
 7 **SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES**
 8 **REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

9 **(G) HOURS AND DAYS OF SALE.**

10 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 11 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE**
 12 **ONLY) LICENSE UNDER § 31-2004(C) OF THIS TITLE.**

13 **(H) FEES.**

14 **(1) THE ANNUAL LICENSE FEE IS \$750.**

15 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

16 REVISOR'S NOTE: Subsection (a) of this section is added as standard introductory
 17 language for a license section.

18 Subsections (b) through (f) and (h) of this section are new language derived
 19 without substantive change from former Art. 2B, §§ 8-222.1(b), (d), (e), (c)(3),
 20 and (f)(3) and (4) and 6-201(w)(2)(ii).

21 Subsection (g) of this section is new language added for clarity.

22 In the introductory language of subsection (b)(1) of this section, the language
 23 stating that the license may be issued to a "restaurant" is substituted for the
 24 former language stating that the license may be issued "if the establishment
 25 for which the license is issued is a restaurant" for brevity.

26 In subsection (c) of this section, the former language stating that the license
 27 may "be issued countywide by the Board" is deleted as unnecessary, as it
 28 merely repeats common practice.

29 In subsection (d) of this section, the former phrase May 1 "of each year" is
 30 deleted as surplusage.

1 In subsection (e) of this section, references to the Food Alcohol “Ratio” Report
2 are substituted for the former erroneous references to the Food Alcohol
3 “Ration” Report for clarity.

4 In subsection (e)(1)(ii)2 of this section, the phrase “fine a license holder” is
5 substituted for the former phrase “issue a fine” for clarity.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Beer” § 1–101

8 “Board” § 31–101

9 “Restaurant” § 1–101

10 “Wine” § 1–101

11 **31–903. CLASS B BEER, WINE, AND LIQUOR (ON– AND OFF–SALE) HOTEL AND**
12 **RESTAURANT LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A CLASS B BEER, WINE, AND LIQUOR (ON– AND OFF–SALE) HOTEL**
15 **AND RESTAURANT LICENSE.**

16 **(B) AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

18 **(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS**
19 **ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

20 **(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

21 **(3) CONTAINS:**

22 **(I) AT LEAST ONE PASSENGER ELEVATOR;**

23 **(II) AT LEAST 100 ROOMS TO ACCOMMODATE THE PUBLIC; AND**

24 **(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND**
25 **SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

26 **(C) SCOPE OF AUTHORIZATION.**

27 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
28 **LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE**
29 **LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

1 **(D) HOURS AND DAYS OF SALE.**

2 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 3 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR (ON- AND**
 4 **OFF-SALE) LICENSE UNDER § 31-2004(B) OF THIS TITLE.**

5 **(E) FEES.**

6 **(1) THE ANNUAL LICENSE FEE IS \$1,000.**

7 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

8 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
 9 language derived without substantive change from former Art. 2B, §§
 10 6-201(a)(1) and (3)(i) and (w)(2)(i) and 11-403(b)(2)(iii)3.

11 Subsection (d) of this section is new language added for clarity.

12 Subsection (a) of this section is revised standard language used throughout
 13 this article to establish a license.

14 Defined terms: "Beer" § 1-101

15 "Board" § 31-101

16 "Hotel" § 1-101

17 "Restaurant" § 1-101

18 "Wine" § 1-101

19 **31-904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

22 **(B) SCOPE OF AUTHORIZATION.**

23 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 24 **LIQUOR AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES**
 25 **CONSUMPTION.**

26 **(C) FEES.**

27 **(1) THE ANNUAL LICENSE FEE IS:**

1 **(I) \$500 FOR A CLUB WITH FEWER THAN 600 MEMBERS,**
 2 **INCLUDING SOCIAL MEMBERS; AND**

3 **(II) \$1,000 FOR A CLUB WITH AT LEAST 600 MEMBERS,**
 4 **INCLUDING SOCIAL MEMBERS.**

5 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, §§ 6-301(a)(1) and (w)(2) and 11-403(b)(2)(iii)3.

8 Subsection (a) of this section is revised in standard language used throughout
 9 this title to establish a license.

10 In subsection (b) of this section, the reference to "beer, wine, and liquor" is
 11 substituted for the former reference to "all alcoholic beverages" for clarity.

12 Also in subsection (b) of this section, the former reference to "keep[ing] for
 13 sale" is deleted as implicit in the reference to "sell[ing]".

14 Also in subsection (b) of this section, the former reference to selling "at retail"
 15 is deleted as unnecessary in light of the phrase "for on-premises
 16 consumption".

17 Also in subsection (b) of this section, the former reference to consumption
 18 "only" on the licensed premises is deleted as surplusage.

19 Former Art. 2B, § 6-301(w)(1), which stated that former Art. 2B, § 6-301(w)
 20 applied only in Washington County, is deleted as unnecessary in light of the
 21 organization of this revised article.

22 As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of
 23 this title.

24 Defined terms: "Beer" § 1-101

25 "Club" § 1-101

26 "Wine" § 1-101

27 **31-905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

30 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
 2 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
 3 **OFF-PREMISES CONSUMPTION.**

4 **(C) DRUGSTORE PROHIBITION.**

5 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

6 **(D) FEES.**

7 **(1) THE ANNUAL LICENSE FEE IS \$750.**

8 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, §§ 6-401(w) and (a)(1) and 11-403(b)(2)(iii)3.

11 Subsection (a) of this section is revised in standard language used throughout
 12 this article to establish a license.

13 In subsection (b) of this section, the reference to "on- and off-premises
 14 consumption" is substituted for the former reference to "consumption on the
 15 premises or elsewhere" for clarity.

16 Also in subsection (b) of this section, the reference to the place described "in
 17 the license" is substituted for the former reference to the place described "in
 18 it" for clarity.

19 Defined terms: "Beer" § 1-101
 20 "Wine" § 1-101

21 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

22 **31-1001. AMUSEMENT PARK LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS AN AMUSEMENT PARK BEER LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE TO THE OPERATOR OF AN AMUSEMENT**
 27 **PARK, WHETHER AN INDIVIDUAL, AN ASSOCIATION OF INDIVIDUALS, OR A**
 28 **CORPORATION.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT ONE OR**
3 **MORE LOCATIONS WITHIN THE CONFINES OF THE PARK.**

4 **(D) HOURS AND DAYS OF SALE.**

5 **THE LICENSE HOLDER MAY SELL BEER FROM 8 A.M. TO MIDNIGHT ON EVERY**
6 **DAY FROM MAY 1 TO SEPTEMBER 30 OF EACH YEAR, EXCEPT SUNDAYS AND**
7 **ELECTION DAYS.**

8 **(E) ISSUANCE OF MULTIPLE LICENSES.**

9 **SECTIONS 4-203, 4-204, AND 4-205 OF THIS ARTICLE DO NOT APPLY TO A**
10 **LICENSE ISSUED UNDER THIS SECTION.**

11 **(F) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$100.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 8-222(b).

15 Subsection (a) of this section states expressly what was only implicit in the
16 former law, that an amusement park license exists in the County.

17 In subsection (b) of this section, the reference to the "Board" is added to state
18 expressly what was only implied in the former law, that the Board is the unit
19 that issues the license.

20 In subsection (e) of this section, the former statement that "[s]uch licensees
21 shall be subject to all laws, rules and regulations applicable in the county to
22 the sale of beer, not inconsistent with the provisions of this section" is deleted
23 as an unnecessary statement of common practice.

24 Former Art. 2B, § 8-222(a), which stated that former Art. 2B, § 8-222 applied
25 only in Washington County, is deleted as unnecessary in light of the
26 organization of this revised article.

27 Defined terms: "Beer" § 1-101

28 "Board" § 31-101

29 **31-1002. COUNTRY AND GOLF CLUB LICENSE.**

30 **(A) ESTABLISHED.**

1 **THERE IS A CLASS C (COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR**
2 **LICENSE.**

3 **(B) SIGNING OF APPLICATION.**

4 **AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY THREE OFFICERS OF**
5 **THE COUNTRY AND GOLF CLUB.**

6 **(C) AUTHORIZED HOLDER.**

7 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB**
8 **THAT:**

9 **(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$30 PER**
10 **YEAR PER MEMBER; AND**

11 **(2) MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT**
12 **LEAST NINE HOLES.**

13 **(D) SCOPE OF AUTHORIZATION.**

14 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
15 **LIQUOR TO MEMBERS OF THE CLUB AND THEIR GUESTS AT RETAIL AT THE PLACE**
16 **DESCRIBED IN THE LICENSE FOR CONSUMPTION ON THE PREMISES AND GROUNDS**
17 **OF THE CLUB.**

18 **(E) HOURS AND DAYS OF SALE.**

19 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
20 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
21 **UNDER § 31-2004 OF THIS TITLE.**

22 **(F) FEES.**

23 **(1) THE ANNUAL LICENSE FEE IS \$1,000 FOR THE LICENSE YEAR**
24 **THAT BEGINS IN MAY.**

25 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

26 **REVISOR'S NOTE:** This section is new language derived without substantive
27 change from former Art. 2B, §§ 6-301(w)(3)(i) and (ii)1 through 4 and, as it
28 related to hours and day of sale, 5 and 11-403(b)(2)(iii)3.

1 In subsection (b) of this section, the former reference to the application “filed
2 on behalf of any such golf and country club” is deleted as surplusage.

3 In the introductory language of subsection (c) of this section, the former
4 reference to a country and golf club “in the county” is deleted as surplusage.

5 In subsections (c)(1) and (d) of this section, the former references to “bona fide”
6 members are deleted as surplusage.

7 In subsection (c)(1) of this section, the former reference to “whether or not the
8 club is operated for profit” is deleted as surplusage.

9 In subsection (d) of this section, the reference to “beer, wine, [or] liquor” is
10 substituted for the former reference to “[a]lcoholic beverages” for clarity.

11 Also in subsection (d) of this section, the former reference to “keep[ing] for
12 sale” is deleted as implicit in the reference to “sell[ing]”.

13 In subsection (e) of this section, the reference to the authority of the “license
14 holder” to “sell beer, wine, and liquor during the hours and days as set out for
15 a Class C beer, wine, and liquor license under § 31–2004 of this title” is
16 substituted for the former reference to the “license [being] subject to all the
17 provisions of this article and shall include all of the privileges and restrictions
18 applicable thereunder to Class C license holders in Washington County” for
19 clarity and consistency with similar provisions on hours and days of sale in
20 this article.

21 In subsection (f)(1) of this section, the former reference to May “of each year”
22 is deleted as unnecessary in light of the reference to the “license year”.

23 Former Art. 2B, § 6–301(w)(3)(ii)5, which stated that a country and golf club
24 license “shall be subject to all the provisions of this article and shall include
25 all of the privileges and restrictions applicable thereunder to Class C license
26 holders in Washington County” is deleted as an unnecessary statement of
27 common practice, except as it related to hours and days of sale for this license.

28 Defined terms: “Beer” § 1–101

29 “Club” § 1–101

30 “Wine” § 1–101

31 **31–1003. GOLF COURSE BEER AND WINE LICENSES.**

32 **(A) ESTABLISHED.**

33 **THERE IS:**

1 **(1) A CLASS C (GOLF COURSE) BEER AND WINE LICENSE; AND**

2 **(2) A SUNDAY CLASS C (GOLF COURSE) BEER AND WINE LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSES FOR USE BY A PUBLIC GOLF COURSE**
 5 **OR ORGANIZATION THAT HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH A**
 6 **MINIMUM OF NINE HOLES.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **(1) THE LICENSE HOLDER MAY SELL BEER AND WINE FOR**
 9 **CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE,**
 10 **USED FOR GOLFING PURPOSES.**

11 **(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

12 **(D) HOURS AND DAYS OF SALE.**

13 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 14 **THE LICENSE HOLDER MAY SELL BEER AND WINE DURING THE HOURS AND DAYS AS**
 15 **SET OUT FOR A CLASS C BEER AND LIGHT WINE LICENSE UNDER § 31-2003 OF THIS**
 16 **TITLE.**

17 **(2) THE BOARD MAY REDUCE THE LICENSE HOLDER'S HOURS OF**
 18 **SALE OF BEER AND WINE FOR ALL OR PART OF THE LICENSED PREMISES.**

19 **(E) FEES.**

20 **THE ANNUAL LICENSE FEE IS:**

21 **(1) \$750 FOR A 6-DAY CLASS C (GOLF COURSE) BEER AND WINE**
 22 **LICENSE; AND**

23 **(2) \$250 FOR A SUNDAY CLASS C (GOLF COURSE) BEER AND WINE**
 24 **LICENSE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 8-505.1(d), (f) through (g), (e)(1) and (3), and,
 27 as it related to Class C (golf course) beer and wine licenses, (c).

28 Subsection (a) of this section is revised in standard language used throughout
 29 this title to establish a license.

1 In subsections (c) and (d)(2) of this section, the references to “beer and wine”
2 are substituted for the former references to “alcoholic beverages” for clarity.

3 In subsection (c) of this section, the former reference to “only” on the land and
4 in the buildings used for golfing purposes is deleted to conform to terminology
5 used throughout this article.

6 In subsection (d)(1) of this section, the reference to the authority of the “license
7 holder” to “sell beer and wine during the hours and days as set out for a Class
8 C beer and light wine license under § 31–2003 of this title” is substituted for
9 the former reference to the “hours and days of sale are as specified in §
10 11–522 of this article” for clarity and consistency with similar provisions on
11 hours and days of sale in this article.

12 Former Art. 2B, § 8–505.1(a), which stated that the provisions of former Art.
13 2B, § 8–505.1 applied only in Washington County, is deleted as unnecessary
14 in light of the organization of this revised article.

15 Former Art. 2B, § 8–505.1(b), which defined the term “Board” to mean the
16 Board of License Commissioners, is deleted as redundant of the definition of
17 “Board” in § 31–101 of this title.

18 Defined terms: “Beer” § 1–101
19 “Board” § 31–101
20 “Wine” § 1–101

21 **31–1004. GOLF COURSE BEER, WINE, AND LIQUOR LICENSES.**

22 **(A) ESTABLISHED.**

23 **THERE IS:**

24 **(1) A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE;**
25 **AND**

26 **(2) A SUNDAY CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR**
27 **LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

29 **THE BOARD MAY ISSUE THE LICENSES FOR USE BY A PUBLIC GOLF COURSE**
30 **OR ORGANIZATION THAT HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH A**
31 **MINIMUM OF NINE HOLES.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **(1) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR**
 3 **CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE,**
 4 **USED FOR GOLFING PURPOSES.**

5 **(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

6 **(D) HOURS AND DAYS OF SALE.**

7 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
 8 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND**
 9 **DAYS AS SET FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 31-2004**
 10 **OF THIS TITLE.**

11 **(2) THE BOARD MAY REDUCE A LICENSE HOLDER'S HOURS OF SALE**
 12 **OF BEER, WINE, AND LIQUOR FOR ALL OR PART OF THE LICENSED PREMISES.**

13 **(E) FEES.**

14 **THE ANNUAL LICENSE FEE IS:**

15 **(1) \$1,000 FOR A 6-DAY CLASS C (GOLF COURSE) BEER, WINE, AND**
 16 **LIQUOR LICENSE; AND**

17 **(2) \$250 FOR A SUNDAY CLASS C (GOLF COURSE) BEER, WINE, AND**
 18 **LIQUOR LICENSE.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 8-505.1(d), (f) through (h), (e)(2) and (4), and,
 21 as it related to Class C (golf course) beer, wine, and liquor licenses, (c).

22 Subsection (a) of this section is revised in standard language used throughout
 23 this title to establish a license.

24 In subsections (c) and (d)(2) of this section, the references to "beer, wine, and
 25 liquor" are substituted for the former references to "alcoholic beverages" for
 26 clarity.

27 In subsection (c)(2) of this section, the former reference to "only" on the land
 28 and in the buildings used for golfing purposes is deleted to conform to
 29 terminology used throughout this article.

30 In subsection (d)(1) of this section, the reference to the authority of the "license
 31 holder" to "sell beer, wine, and liquor during the hours and days as set for a

1 Class C beer, wine, and liquor license under § 31–2004 of this title” is
2 substituted for the former reference to the “hours and days of sale are as
3 specified in § 11–522 of this article” for clarity and consistency with similar
4 provisions on hours and days of sale in this article.

5 Defined terms: “Beer” § 1–101

6 “Board” § 31–101

7 “Wine” § 1–101

8 **31–1005. STADIUM LICENSE.**

9 **(A) “PREMISES” DEFINED.**

10 **IN THIS SECTION, “PREMISES” INCLUDES THE ENTIRE STADIUM FACILITY AND**
11 **THE STADIUM PARKING LOTS.**

12 **(B) ESTABLISHED.**

13 **THERE IS A STADIUM BEER AND LIGHT WINE LICENSE.**

14 **(C) AUTHORIZED HOLDER.**

15 **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A PROFESSIONAL**
16 **BASEBALL TEAM FRANCHISE THAT MAY BE IN ANY FORM OF BUSINESS**
17 **ORGANIZATION, INCLUDING PARTNERSHIP, CORPORATION, AND LIMITED LIABILITY**
18 **COMPANY.**

19 **(D) SCOPE OF AUTHORIZATION.**

20 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
21 **AND LIGHT WINE:**

22 **(I) FOR ON–PREMISES CONSUMPTION TO INDIVIDUALS**
23 **PRESENT AT AN EVENT HELD IN THE STADIUM; AND**

24 **(II) IN PLASTIC, STYROFOAM, OR PAPER CONTAINERS.**

25 **(2) THE WRITTEN APPROVAL OF THE BOARD IS REQUIRED BEFORE**
26 **BEER AND LIGHT WINE MAY BE SOLD, SERVED, OR CONSUMED:**

27 **(I) ON A PARKING LOT OF THE STADIUM; OR**

28 **(II) DURING AN EVENT OTHER THAN A BASEBALL GAME IN**
29 **WHICH THE TEAM OF THE LICENSE HOLDER IS PLAYING.**

1 **(E) HOURS AND DAYS OF SALE.**

2 **THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FROM THE TIME THE**
 3 **STADIUM OPENS FOR THE EVENT UNTIL THE EVENT ENDS.**

4 **(F) CARRYING ALCOHOLIC BEVERAGES ONTO OR FROM LICENSED**
 5 **PREMISES.**

6 **THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC**
 7 **BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

8 **(G) FEES.**

9 **(1) THE ANNUAL LICENSE FEE IS \$2,000.**

10 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

11 REVISOR'S NOTE: This section is new language derived without substantive
 12 change from former Art. 2B, §§ 8-222(c) and 11-403(b)(2)(iii)3.

13 In subsections (d)(1)(i) and (f) of this section, the references to "individuals"
 14 and "individual" are substituted for the former references to "persons" and
 15 "person" because these subsections apply only to human beings.

16 In subsection (f) of this section, the former phrase "[e]xcept for a wholesaler or
 17 distributor of beer and light wine that is conducting business with the license
 18 holder" is deleted as surplusage.

19 Defined terms: "Alcoholic beverage" § 1-101

20 "Beer" § 1-101

21 "Board" § 31-101

22 **31-1006. THEATER LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS B-THEATER LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **THE BOARD MAY ISSUE THE LICENSE FOR USE IN A THEATER THAT:**

27 **(1) IS OPERATED BY A NONPROFIT ORGANIZATION;**

1 **(2) APPEARS ON THE NATIONAL REGISTER OF HISTORIC PLACES;**

2 **(3) ACCOMMODATES AT LEAST 1,400 INDIVIDUALS; AND**

3 **(4) IS LOCATED ON THE SOUTH SIDE OF HAGERSTOWN.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
6 **LIQUOR FOR ON-PREMISES CONSUMPTION ONLY TO INDIVIDUALS WHO ATTEND A**
7 **PERFORMANCE OR AN EVENT HELD AT THE THEATER.**

8 **(D) HOURS AND DAYS OF SALE.**

9 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
10 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
11 **UNDER § 31-2004 OF THIS TITLE.**

12 **(E) FEES.**

13 **(1) THE ANNUAL LICENSE FEE IS \$200.**

14 **(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

15 REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new
16 language derived without substantive change from former Art. 2B, §§
17 6-201(w)(3) and 11-403(b)(2)(iii)3.

18 Subsection (d) of this section is new language added to provide a
19 cross-reference to the hours and days of sale provision that applies to a Class
20 B beer, wine, and liquor license in Washington County.

21 In subsections (b)(3) and (c) of this section, the references to "individuals" are
22 substituted for the former references to "persons" because this section
23 concerns only human beings.

24 Former Art. 2B, § 6-201(w)(1), which stated that former Art. 2B, §
25 6-201(w) applied only in Washington County, is deleted as unnecessary in
26 light of the organization of this revised article.

27 Defined terms: "Beer" § 1-101

28 "Board" § 31-101

29 "Wine" § 1-101

1 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

2 **31-1101. APPLICATION OF GENERAL PROVISIONS.**

3 **(A) WITHOUT EXCEPTION OR VARIATION.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 5 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 6 **EXCEPTION OR VARIATION:**

7 **(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
 8 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

9 **(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
 10 **FROM LICENSED PREMISES”).**

11 **(B) EXCEPTION.**

12 **SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION**
 13 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

14 **(C) VARIATION.**

15 **SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
 16 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31-1102 OF**
 17 **THIS SUBTITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
 19 general provisions relating to additional privileges of license holders.

20 Defined terms: “Beer” § 1-101

21 “County” § 31-101

22 “License” § 1-101

23 “License holder” § 1-101

24 “Wine” § 1-101

25 **31-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

26 **(A) AUTHORIZED HOLDER.**

27 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
 28 **TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

29 **(B) APPLICATION FORM.**

1 AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE
2 BOARD PROVIDES.

3 (C) HOURS OF SALE.

4 THE HOURS OF SALE FOR THE PERMIT:

5 (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING
6 LICENSE; AND

7 (2) END AT MIDNIGHT.

8 (D) FEES.

9 THE ANNUAL PERMIT FEES ARE:

10 (1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE
11 PRIVILEGE; AND

12 (2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN
13 OFF-SALE PRIVILEGE.

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 8-222.2.

16 In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

17 In subsection (b) of this section, the former language "[b]efore the Board issues
18 a refillable container permit to an applicant" is deleted because it merely
19 states the normal practice of the Board.

20 In subsection (c) of this section, the reference to the "underlying license" is
21 substituted for the former reference to the "license already held by the person
22 to whom the refillable container permit is issued" for brevity.

23 Former Art. 2B, § 8-103(a)(1)(ix), which stated that former Art. 2B, §
24 8-103, consisting of refillable container provisions, applied to Washington
25 County, and former Art. 2B, § 8-222.2(a), which stated that former Art. 2B, §
26 8-222.2 applied only in Washington County, are deleted as unnecessary in
27 light of the organization of this revised article.

28 Former Art. 2B, § 8-222.2(b), which defined "Board" to mean the Board of
29 License Commissioners, is deleted as redundant of the defined term "Board"
30 in § 31-101 of this title.

1 Former Art. 2B, § 8–222.2(c) is deleted as unnecessary because it merely
2 repeated provisions concerning refillable container permits that appear in §
3 4–1104 of this article.

4 Former Art. 2B, § 8–222.2(g), which authorized the Board to adopt regulations
5 to carry out this section, is deleted as unnecessary because the Board has
6 power to adopt regulations under § 31–207 of this title.

7 Defined terms: “Board” § 31–101

8 “License” § 1–101

9 “Off–sale” § 1–101

10 **31–1103. SIDEWALK CAFE PERMIT.**

11 **(A) ESTABLISHED.**

12 **THERE IS A SIDEWALK CAFE PERMIT.**

13 **(B) AUTHORIZED HOLDER.**

14 **THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF OR AN APPLICANT FOR**
15 **A CLASS B LICENSE.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL AND SERVE**
18 **ALCOHOLIC BEVERAGES IN AN AREA ON THE SIDEWALK DIRECTLY IN FRONT OF THE**
19 **LICENSED ESTABLISHMENT.**

20 **(D) REQUIREMENTS.**

21 **TO MAINTAIN A SIDEWALK CAFE PERMIT, THE PERMIT HOLDER SHALL:**

22 **(1) COMPLY WITH REGULATIONS APPLICABLE TO THE ISSUANCE OF**
23 **THE UNDERLYING CLASS B LICENSE AND WITH ALL MUNICIPAL ORDINANCES AND**
24 **FIRE AND HEALTH DEPARTMENT REGULATIONS;**

25 **(2) ENSURE THAT AT LEAST ONE EMPLOYEE CERTIFIED BY AN**
26 **ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES AT ALL TIMES DURING THE**
27 **OPERATION OF THE SIDEWALK CAFE; AND**

28 **(3) KEEP THE KITCHEN OPEN DURING ALL HOURS OF OPERATION AND**
29 **HAVE PREPARED MEALS AVAILABLE TO BE SERVED IN THE SIDEWALK CAFE.**

1 **(E) HOURS AND DAYS OF SALE.**

2 **A PERMIT HOLDER MAY SELL OR SERVE ALCOHOLIC BEVERAGES IN THE**
3 **SIDEWALK CAFE EVERY DAY OF THE WEEK FROM NOON TO MIDNIGHT.**

4 **(F) FEE.**

5 **THE ANNUAL PERMIT FEE IS \$500.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 8-222(d).

8 Throughout this section, the references to a "permit" are substituted for the
9 former references to a "license" to conform to the rule followed in this article
10 that a permit is a secondary type of authorization that may be granted to a
11 person who already has a license.

12 In subsection (d)(1) of this section, the former reference to "rules" is deleted as
13 included in the reference to "regulations".

14 Defined terms: "Alcoholic beverage" § 1-101
15 "Board" § 31-101

16 **SUBTITLE 12. CATERER'S LICENSES.**

17 **31-1201. LOCAL CATERER'S LICENSE.**

18 **(A) ESTABLISHED.**

19 **THERE IS A LOCAL CATERER'S LICENSE.**

20 **(B) AUTHORIZED HOLDER.**

21 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
22 **MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS B RESTAURANT OR HOTEL**
23 **(ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

24 **(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE**
25 **COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION**
26 **FACILITIES FOR A CATERED EVENT.**

27 **(C) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES A HOLDER TO:**

2 **(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD**
 3 **OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL**
 4 **(ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

5 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
 6 **HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B RESTAURANT**
 7 **OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

8 **(D) DUTIES.**

9 **THE LICENSE HOLDER SHALL:**

10 **(1) PREPARE, DELIVER, AND PROVIDE FOOD FOR CONSUMPTION AT**
 11 **THE CATERED EVENT;**

12 **(2) PROVIDE THE SERVICE EMPLOYEES TO SERVE THE BEER, WINE,**
 13 **AND LIQUOR AT THE CATERED EVENT; AND**

14 **(3) ENSURE THAT AT LEAST ONE SERVICE EMPLOYEE IS CERTIFIED**
 15 **BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS ARTICLE AND IS ON**
 16 **THE PREMISES AT ALL TIMES DURING THE CATERED EVENT.**

17 **(E) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$1,500.**

19 **(F) EFFECT OF SECTION.**

20 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
 21 **HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A**
 22 **LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE**
 23 **CLASS B LICENSE IS ISSUED.**

24 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
 25 expressly what was only implied in the former law, that a local caterer's
 26 license exists in Washington County.

27 Subsections (b) through (f) of this section are new language derived without
 28 substantive change from former Art. 2B, § 6-709(b) through (i).

29 In subsection (b)(2) of this section, the phrase "for a catered event" is added
 30 for clarity.

1 In subsections (c)(1) and (d)(2) of this section, the references to “beer, wine,
2 and liquor” are substituted for the former references to “alcoholic beverages”
3 for clarity.

4 In subsection (c)(2) of this section, the reference to the “holder’s” license is
5 substituted for the former reference to the “underlying” license for clarity.

6 Also in subsection (c)(2) of this section, the former phrase “under this article”
7 is deleted as surplusage.

8 In subsection (d)(1) of this section, the former reference to preparing food “as
9 well as alcoholic beverages” is deleted as unnecessary in light of subsection
10 (c)(1) of this section.

11 In subsection (f) of this section, the reference to a “local” caterer’s license is
12 added for clarity.

13 Also in subsection (f) of this section, the former reference to an “existing”
14 license is deleted as surplusage.

15 Former Art. 2B, § 6–709(a)(1), which stated that former Art. 2B, § 6–709
16 applied only in Washington County, is deleted as unnecessary in light of the
17 organization of this revised article.

18 Former Art. 2B, § 6–709(a)(2), which defined “Board”, is deleted as redundant
19 of the definition of “Board” in § 31–101 of this title.

20 Defined terms: “Beer” § 1–101

21 “Board” § 31–101

22 “County” § 31–101

23 “Hotel” § 1–101

24 “Off–sale” § 1–101

25 “On–sale” § 1–101

26 “Restaurant” § 1–101

27 “Wine” § 1–101

28 **SUBTITLE 13. TEMPORARY LICENSES.**

29 **PART I. IN GENERAL.**

30 **31–1301. APPLICATION OF GENERAL PROVISIONS.**

31 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
2 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
3 **EXCEPTION OR VARIATION:**

4 **(1) § 4–1202 (“PER DIEM LICENSES”);**

5 **(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
6 **AND WINE LICENSES”);**

7 **(3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

8 **(4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

9 **(5) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

10 **(6) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

11 **(B) EXCEPTIONS.**

12 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
13 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

14 **(1) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR**
15 **LICENSE”), WHICH IS SUPERSEDED BY § 31–1312 OF THIS SUBTITLE; AND**

16 **(2) § 4–1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 31–1314**
17 **OF THIS SUBTITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 the general provisions relating to local temporary licenses.

20 Defined term: “County” § 31–101

21 **31–1302. RESERVED.**

22 **31–1303. RESERVED.**

23 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

24 **31–1304. CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL LICENSE.**

25 **(A) ESTABLISHED.**

1 **THERE IS A CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL**
2 **(C&SVWF) LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT WILLIAMSPORT CLUB**
5 **THAT IS CHARTERED BY AN INTERNATIONAL SERVICE ORGANIZATION**
6 **HEADQUARTERED IN THE UNITED STATES.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **THE LICENSE AUTHORIZES HOLDERS OF A CLASS 3 WINERY LICENSE OR A**
9 **CLASS 4 LIMITED WINERY LICENSE TO DISPLAY AND SELL WINE THAT IS**
10 **MANUFACTURED AND PROCESSED IN THE STATE AT RETAIL FOR ON- AND**
11 **OFF-PREMISES CONSUMPTION.**

12 **(D) TIME AND LOCATION OF FESTIVAL.**

13 **THE BOARD:**

14 **(1) MAY CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL IN JUNE,**
15 **JULY, OR AUGUST THAT DOES NOT CONFLICT WITH THE DATES OF THE MARYLAND**
16 **WINE FESTIVAL IN CARROLL COUNTY; AND**

17 **(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

18 **(E) FEE.**

19 **THE BOARD SHALL SET THE LICENSE FEE.**

20 **(F) REGULATIONS.**

21 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 8-313.

24 Subsection (a) of this section is revised in standard language used throughout
25 this article to establish a license.

26 In subsection (d)(1) of this section, the reference to the Maryland Wine
27 Festival "in Carroll County" is added for clarity.

1 In subsection (d)(2) of this section, the reference to “choos[ing] a location that
2 is not already licensed” is substituted for the former reference to “hav[ing] a
3 wine festival on premises not already licensed under this article” for
4 consistency with terminology used throughout this article.

5 The Alcoholic Beverages Article Review Committee notes, for consideration by
6 the General Assembly, that subsection (c) of this section, which authorizes
7 license holders to display and sell wine “that is manufactured and processed
8 in the State” may violate the Commerce Clause of the U.S. Constitution, as it
9 apparently excludes wine that is manufactured and processed outside the
10 State.

11 Defined terms: “Board” § 31-101

12 “License” § 1-101

13 “State” § 1-101

14 “Wine” § 1-101

15 **31-1305. WINE FESTIVAL LICENSE.**

16 **(A) “FESTIVAL” DEFINED.**

17 **IN THIS SECTION, “FESTIVAL” MEANS THE WASHINGTON COUNTY WINE**
18 **FESTIVAL.**

19 **(B) ESTABLISHED.**

20 **THERE IS A WASHINGTON COUNTY WINE FESTIVAL (WF) LICENSE.**

21 **(C) AUTHORIZED HOLDER.**

22 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
23 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

24 **(D) SCOPE OF AUTHORIZATION.**

25 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS**
26 **DISTRIBUTED IN THE STATE.**

27 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

28 **A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

29 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

30 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

1 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

2 **THE BOARD:**

3 **(1) EACH YEAR MAY CHOOSE 2 WEEKENDS FOR THE FESTIVAL;**

4 **(2) SHALL CHOOSE LOCATIONS THAT ARE NOT ALREADY LICENSED;**

5 **AND**

6 **(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
7 **THE PROMOTION OF MARYLAND WINE.**

8 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

9 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
10 **OR NATURE.**

11 **(H) FEE.**

12 **THE LICENSE FEE IS \$20.**

13 **(I) REGULATIONS.**

14 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 8-313.1(c) through (k) and (a)(1) and (3).

17 Throughout this section, the former references to a "special" festival license
18 are deleted as surplusage.

19 Subsection (a) of this section is revised in standard language used throughout
20 this article to establish a license.

21 In subsection (c) of this section, the reference to a "retail" license is substituted
22 for the former reference to an "existing State retail alcoholic beverages" license
23 for brevity.

24 Also in subsection (c) of this section, the former phrase "[n]otwithstanding any
25 other provision of this article," is deleted as unnecessary in light of the
26 organization of this revised article.

27 In the introductory language of subsection (e) of this section, the reference to
28 the requirement that a "license holder shall" display and sell is substituted for

1 the former reference to a “license entitl[ing] the holder to” display and sell for
2 clarity and consistency with terminology used throughout this article.

3 In subsections (e)(2) and (f)(2) of this section, the former references to a
4 festival or locations “in the county” are deleted as surplusage.

5 In subsection (f)(2) of this section, the reference to locations that are not
6 “already licensed” is substituted for the former reference to locations that are
7 not “licensed under this article” for consistency with terminology used
8 throughout this article.

9 Also in subsection (f)(2) of this section, the former reference to a location “for
10 the festivals” is deleted as surplusage.

11 In subsection (g) of this section, the reference to a license holder who “may
12 hold” another license is substituted for the former statement that “[t]his
13 section does not prohibit the holder” from holding another license for clarity.

14 Former Art. 2B, § 8–313.1(a)(2), which defined “Board” to mean the
15 Washington County Board of License Commissioners, is deleted as redundant
16 in light of the defined term “Board” in § 31–101 of this title.

17 Former Art. 2B, § 8–313.1(b), which stated that former Art. 2B, § 8–313.1
18 applied only in Washington County, is deleted as unnecessary in light of the
19 organization of this revised article.

20 Defined terms: “Board” § 31–101

21 “State” § 1–101

22 “Wine” § 1–101

23 **31–1306. BEER AND WINE STREET FESTIVAL LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS A CLASS C (ON–SALE) BEER AND WINE STREET FESTIVAL LICENSE.**

26 **(B) AUTHORIZED HOLDER.**

27 **THE BOARD MAY ISSUE THE LICENSE TO A NOT–FOR–PROFIT CLUB, SOCIETY,**
28 **ASSOCIATION, OR ORGANIZATION.**

29 **(C) SCOPE OF AUTHORIZATION.**

30 **(1) THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF**
31 **THE PRIVILEGES CONFERRED BY THE CLASS C (ON–SALE) BEER AND WINE STREET**
32 **FESTIVAL LICENSE AT AN ENTERTAINMENT EVENT THAT IS:**

1 (I) HELD IN THE ARTS AND ENTERTAINMENT DISTRICT IN
2 HAGERSTOWN; AND

3 (II) APPROVED BY THE MAYOR OF HAGERSTOWN AND THE
4 HAGERSTOWN CITY COUNCIL.

5 (2) DURING THE EVENT FOR WHICH THE LICENSE IS ISSUED, AN
6 INDIVIDUAL, WITHIN THE APPROVED EVENT AREA AND IN A DESIGNATED
7 CONTAINER UNIQUE TO THE EVENT, MAY:

8 (I) PURCHASE BEER OR WINE FROM THE LICENSE HOLDER, OR
9 PURCHASE BEER OR WINE FROM, AND CONSUME ON THE PREMISES OF, ANY OTHER
10 LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE ARTS AND
11 ENTERTAINMENT DISTRICT;

12 (II) TRANSPORT THE BEER OR WINE IN THE DESIGNATED
13 CONTAINER TO THE PREMISES OF ANOTHER LICENSE HOLDER WITH ON-SALE
14 PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT AND WITHIN THE
15 APPROVED EVENT AREA; AND

16 (III) CONSUME THE BEER OR WINE WITHIN THE ARTS AND
17 ENTERTAINMENT DISTRICT EVENT AREA AS APPROVED BY THE MAYOR AND CITY
18 COUNCIL, INCLUDING THE PREMISES OF ANY LICENSE HOLDER WITH ON-SALE
19 PRIVILEGES.

20 (D) APPLICATION PROCESS.

21 (1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION
22 UNDER OATH ON THE FORM THAT THE BOARD PROVIDES.

23 (2) SUBTITLES 14 AND 15 OF THIS TITLE AND § 3-102 OF THE
24 GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE
25 LICENSE.

26 (E) USE OF WRISTBANDS REQUIRED.

27 (1) THE LICENSE HOLDER:

28 (I) AT THE EVENT FOR WHICH THE LICENSE IS ISSUED, SHALL
29 DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD;
30 AND

1 **(II) MAY NOT SERVE BEER OR WINE TO AN INDIVIDUAL WHO**
 2 **DOES NOT WEAR A WRISTBAND.**

3 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO:**

4 **(I) FOR A FIRST OFFENSE, A FINE OF \$250; AND**

5 **(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$1,000**
 6 **AND DENIAL OF FURTHER REQUESTS FOR A CLASS C (ON-SALE) BEER AND WINE**
 7 **STREET FESTIVAL LICENSE.**

8 **(F) HOLDING ANOTHER LICENSE ALLOWED.**

9 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
 10 **OR NATURE.**

11 **(G) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.**

12 **THE LICENSE MAY BE USED FOR A MAXIMUM OF 26 DAYS IN A CALENDAR YEAR.**

13 **(H) FEE.**

14 **THE LICENSE FEE IS \$30 PER DAY.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 7-101(b)(12)(iii) and (t)(4)(i) through (iv), (vi)
 17 through (viii), (xi), and, as it related to Class C (on-sale) beer and wine street
 18 festival licenses, (x) and § 12-107(b)(11).

19 Subsection (a) of this section is revised in standard language used throughout
 20 this article to establish a license.

21 In subsection (c)(2) of this section, the reference to "the event for which the
 22 license is issued" is substituted for the former reference to "a bona fide
 23 entertainment event held in the Arts and Entertainment District in
 24 Hagerstown and approved by the Mayor and City Council" for brevity and
 25 consistency with language used in subsection (e) of this section.

26 In subsection (e)(2)(ii) of this section, the reference to "beer and wine" is
 27 substituted for the former reference to the broader term "alcoholic beverage"
 28 in accordance with the scope of this section.

29 In subsection (f) of this section, the reference to a license holder who "may
 30 hold" another license is substituted for the former statement that "[t]his
 31 paragraph does not prohibit a holder" from holding another license for clarity.

1 Former Art. 2B, § 7–101(t)(4)(v), which stated that the fee shall be paid before
2 the license is issued, is deleted as unnecessary because it merely states
3 common practice.

4 Former Art. 2B, § 7–101(t)(4)(ix), which authorized the Board to adopt
5 regulations to implement this section, is deleted as unnecessary because the
6 Board has power to adopt regulations under § 31–207 of this title.

7 Defined terms: “Beer” § 1–101

8 “Board” § 31–101

9 “License” § 1–101

10 “License holder” § 1–101

11 “Wine” § 1–101

12 **31–1307. BEER TASTING LICENSE.**

13 **(A) ESTABLISHED.**

14 **THERE IS A BEER TASTING (BT) LICENSE.**

15 **(B) AUTHORIZED HOLDER.**

16 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A OR CLASS**
17 **B BEER AND WINE (BW) LICENSE OR A CLASS A OR CLASS B BEER, WINE, AND**
18 **LIQUOR (BWL) LICENSE.**

19 **(C) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF**
21 **BEER FOR TASTING IF THE CONSUMER IS NOT CHARGED.**

22 **(D) LIMIT ON SERVINGS.**

23 **THE BOARD SHALL REGULATE:**

24 **(1) THE QUANTITY OF BEER TO BE SERVED TO EACH INDIVIDUAL;**

25 **(2) THE NUMBER OF BOTTLES OR OTHER CONTAINERS OF BEER FROM**
26 **WHICH THIS QUANTITY IS BEING SERVED; AND**

27 **(3) THE SIZE OF THE BOTTLES OR OTHER CONTAINERS.**

28 **(E) FEE.**

1 **IN ADDITION TO THE BW LICENSE FEE OR THE BWL LICENSE FEE, THE**
 2 **ANNUAL LICENSE FEE IS \$100.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 8–902(c) through (g).

5 Subsection (a) of this section is revised in standard language used throughout
 6 this article to establish a license.

7 In subsection (a) of this section, the former reference to “alcoholic beverages”
 8 is deleted in light of the reference to “beer” in accordance with the scope of this
 9 section.

10 In subsection (b) of this section, the former phrase “in the county” is deleted
 11 as surplusage.

12 In subsection (c) of this section, the reference to the license “authoriz[ing] the
 13 holder” to allow consumption of beer is added for clarity and consistency with
 14 terminology used throughout this article.

15 In subsection (d)(1) of this section, the reference to each “individual” is
 16 substituted for the former, overbroad reference to each “person”.

17 Former Art. 2B, § 8–902(a), which stated that former Art. 2B, § 8–902 applied
 18 only in Washington County, is deleted as unnecessary in light of the
 19 organization of this revised article.

20 Former Art. 2B, § 8–902(b), which defined “Board” to mean the Washington
 21 County Board of License Commissioners, is deleted as redundant in light of
 22 the defined term “Board” in § 31–101 of this title.

23 Former Art. 2B, § 8–902(h), which authorized the Board to adopt regulations
 24 to carry out this section, is deleted as unnecessary because the Board has
 25 power to adopt regulations under § 31–207 of this title.

26 Defined terms: “Beer” § 1–101

27 “Board” § 31–101

28 “Consumer” § 1–101

29 **31–1308. WINE TASTING LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A WINE TASTING (WTL) LICENSE.**

32 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
2 **AND LIQUOR LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES**
5 **CONSUMPTION OF WINE FOR TASTING.**

6 **(D) NOTICE TO BOARD BEFORE TASTING EVENT.**

7 **THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10**
8 **DAYS BEFORE A TASTING EVENT.**

9 **(E) LIMIT ON SERVINGS.**

10 **A LICENSE HOLDER MAY NOT SERVE MORE THAN 2 OUNCES OF A SINGLE WINE**
11 **TO A SINGLE CUSTOMER.**

12 **(F) TASTING CHARGE PROHIBITED.**

13 **A LICENSE HOLDER MAY NOT CHARGE FOR THE WINE TASTING.**

14 **(G) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.**

15 **THE LICENSE MAY BE USED NOT MORE THAN 12 DAYS IN A LICENSING YEAR.**

16 **(H) FEE.**

17 **IN ADDITION TO THE ANNUAL LICENSE FEE OF A CLASS A BEER, WINE, AND**
18 **LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$200.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 8-411(b) through (g).

21 Subsection (a) of this section is revised in standard language used throughout
22 this article to establish a license.

23 In subsection (c) of this section, the reference to the license "authoriz[ing] the
24 holder" to allow the consumption of wine is added for clarity and consistency
25 with the terminology used throughout this article.

1 Former Art. 2B, § 8–411(a), which stated that former Art. 2B, § 8–411 applied
2 only in Washington County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Former Art. 2B, § 8–411(h), which stated that the Board may adopt
5 regulations to carry out this section, is deleted as unnecessary because the
6 Board has the power to adopt regulations under § 31–207 of this title.

7 Defined terms: “Board” § 31–101

8 “Beer” § 1–101

9 “Wine” § 1–101

10 **31–1309. LIQUOR TASTING LICENSE.**

11 **(A) ESTABLISHED.**

12 **THERE IS A LIQUOR TASTING LICENSE (LTL).**

13 **(B) AUTHORIZED HOLDER.**

14 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE,**
15 **AND LIQUOR LICENSE.**

16 **(C) SCOPE OF AUTHORIZATION.**

17 **(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE**
18 **ON–PREMISES CONSUMPTION OF LIQUOR FOR TASTING.**

19 **(2) A LICENSE HOLDER MAY NOT HOLD MORE THAN ONE LIQUOR,**
20 **BEER, OR WINE TASTING EVENT ON THE SAME DAY.**

21 **(D) APPLICATION PROCESS.**

22 **AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION ON THE**
23 **FORM THAT THE BOARD PROVIDES.**

24 **(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

25 **THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10**
26 **DAYS BEFORE A TASTING EVENT.**

27 **(F) LIMIT ON SERVING.**

1 AN INDIVIDUAL MAY CONSUME LIQUOR COVERED BY THE LICENSE IN A
2 QUANTITY OF NOT MORE THAN:

3 (1) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR; AND

4 (2) FOUR OFFERINGS IN 1 DAY.

5 (G) PROCEDURES FOR TASTING EVENT.

6 (1) A MAXIMUM OF FOUR BOTTLES MAY BE OPEN AT ANY ONE TIME AT
7 A LIQUOR TASTING EVENT.

8 (2) AFTER A BOTTLE OF LIQUOR IS OPENED FOR A TASTING EVENT:

9 (I) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH
10 THAT OF ANY OTHER BOTTLE; AND

11 (II) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.

12 (H) TASTING CHARGE PROHIBITED.

13 A LICENSE HOLDER MAY NOT CHARGE FOR THE LIQUOR TASTING.

14 (I) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.

15 THE LICENSE MAY BE USED FOR A MAXIMUM OF:

16 (1) 12 DAYS IN A LICENSING YEAR FOR A 12-TASTING LICENSE; AND

17 (2) 24 DAYS IN A LICENSING YEAR FOR A 24-TASTING LICENSE.

18 (J) FEES.

19 THE ANNUAL LICENSE FEES ARE:

20 (1) \$300 FOR A 12-TASTING LICENSE; AND

21 (2) \$500 FOR A 24-TASTING LICENSE.

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 8-9A-02(c) through (j).

24 Throughout this section, the former references to a "special" liquor tasting
25 license are deleted as surplusage.

1 Also throughout this section, the former references to “sampling” are deleted
2 as redundant of the references to “tasting”.

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (c)(1) of this section, the reference to the license “authoriz[ing]
6 the holder” to allow the consumption of liquor is added for clarity and
7 consistency with the terminology used throughout this article.

8 In the introductory language of subsection (g)(2) of this section, the language
9 “after a bottle of liquor is opened for a tasting event” is added for clarity and
10 consistency with the terminology used throughout this article.

11 Former Art. 2B, § 8–9A–02(a), which defined “Board” to mean the Washington
12 County Board of License Commissioners, is deleted as redundant of the
13 defined term “Board” in § 31–101 of this title.

14 Former Art. 2B, § 8–9A–02(b), which stated that former Art. 2B, § 8–9A–02
15 applied only in Washington County, is deleted as unnecessary in light of the
16 organization of this revised article.

17 Former Art. 2B, § 8–9A–02(k), which authorized the Board to adopt
18 regulations to implement this section, is deleted as unnecessary because the
19 Board has power to adopt regulations under § 31–207 of this title.

20 Defined terms: “Beer” § 1–101
21 “Board” § 31–101
22 “License” § 1–101
23 “License holder” § 1–101
24 “Wine” § 1–101

25 **31–1310. RESERVED.**

26 **31–1311. RESERVED.**

27 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

28 **31–1312. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

29 **(A) ESTABLISHED.**

30 **THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

31 **(B) AUTHORIZED LICENSE HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO A CLUB THAT HAS AN ANNUAL**
2 **ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

3 **(C) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A PLACE OTHER**
5 **THAN THE LICENSE HOLDER'S REGULAR PLACE OF BUSINESS.**

6 **(D) PERIOD OF AUTHORIZATION.**

7 **THE BOARD MAY NOT ISSUE THE LICENSE FOR MORE THAN 5 CONSECUTIVE**
8 **DAYS.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 7-101(t)(2)(i) and (ii).

11 Former Art. 2B, § 7-101(t)(1), which stated that former Art. 2B, § 7-101(t)
12 applied only in Washington County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Defined terms: "Board" § 31-101

15 "Club" § 1-101

16 "On-sale" § 1-101

17 **31-1313. SUNDAY PICNIC LICENSE.**

18 **(1) A PICNIC LICENSE AUTHORIZES A CLUB OWNER TO SELL BEER AT**
19 **A PLACE OTHER THAN THE CLUB OWNER'S REGULAR PLACE OF BUSINESS.**

20 **(2) THE LICENSE MAY BE EXERCISED ONLY ON SUNDAY BETWEEN**
21 **NOON AND MIDNIGHT.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 7-101(t)(3)(i) and (ii).

24 Defined terms: "Beer" § 1-101

25 "Club" § 1-101

26 **31-1314. FEES.**

27 **THE LICENSE FEE IS:**

28 **(1) \$15 PER DAY FOR A CLASS C PER DIEM BEER LICENSE;**

1 **(2) \$25 PER DAY FOR A CLASS C PER DIEM BEER AND WINE LICENSE;**

2 **(3) \$30 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR**
 3 **LICENSE, EXCEPT THERE IS NO FEE ON SUNDAY; AND**

4 **(4) \$15 PER DAY FOR A “PICNIC” LICENSE.**

5 REVISOR’S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 7–101(b)(12)(i) and (ii) and (t)(2)(iii) and (3)(iii).

7 In item (2) of this section, the reference to “wine” is substituted for the former
 8 reference to “light wine” to avoid confusion. In Washington County, a license
 9 holder is not restricted to selling wine only with an alcohol content at or below
 10 the traditional maximum level for light wine, which is 15.5% by volume.

11 Defined terms: “Beer” § 1–101

12 “Wine” § 1–101

13 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

14 **31–1401. APPLICATION OF GENERAL PROVISIONS.**

15 **(A) WITHOUT EXCEPTION OR VARIATION.**

16 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
 17 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
 18 **WITHOUT EXCEPTION OR VARIATION:**

19 **(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
 20 **BOARD”);**

21 **(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

22 **(3) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**

23 **(4) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
 24 **COMPANY”);**

25 **(5) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

26 **(6) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

27 **(7) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN**
 28 **GENERAL”);**

1 (8) § 4-111 (“PAYMENT OF LICENSE FEES”);

2 (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);

3 (10) § 4-113 (“REFUND OF LICENSE FEES”); AND

4 (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

5 (B) VARIATIONS.

6 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR
7 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

8 (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§
9 31-1403 THROUGH 31-1408 OF THIS SUBTITLE; AND

10 (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION —
11 PETITION OF SUPPORT”), SUBJECT TO § 31-1402 OF THIS SUBTITLE.

12 REVISOR’S NOTE: This section is new language added to incorporate by reference
13 general provisions relating to applications for local licenses.

14 Defined term: “County” § 31-101

15 **31-1402. RESIDENTS WHO MAY SIGN PETITION OF SUPPORT FOR LICENSE.**

16 WITH THE LICENSE APPLICATION, THE APPLICANT SHALL SUBMIT A PETITION
17 OF SUPPORT THAT:

18 (1) IS SIGNED BY AT LEAST THREE RESIDENTS WHO ARE OWNERS OF
19 REAL PROPERTY AND REGISTERED VOTERS IN THE COUNTY; AND

20 (2) DECLARES THAT THE APPLICANT:

21 (I) IS PERSONALLY KNOWN TO THEM; AND

22 (II) HAS BEEN A RESIDENT OF THE COUNTY FOR 2 YEARS
23 IMMEDIATELY BEFORE PRESENTING THEM WITH THE APPLICATION.

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 10-104(w).

1 In the introductory language of this section, the reference to a “petition of
2 support” is substituted for the former reference to a “certificate” to conform to
3 the terminology used throughout this article.

4 The Alcoholic Beverages Article Review Committee notes, for consideration by
5 the General Assembly, that in item (1) of this section, the reference to
6 “residents” is substituted for the former reference to “citizens” who are owners
7 of real estate and registered voters in the County because the former reference
8 to “citizens” is unclear in this context.

9 Defined terms: “County” § 31–101
10 “License” § 1–101

11 **31–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

12 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
13 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 10–103(e)(3)(i).

16 The reference to “criminal history record information” is substituted for the
17 former reference to “criminal history records check” to conform to the
18 terminology used in CP § 10–201.

19 Defined terms: “Board” § 31–101
20 “Central Repository” § 1–101
21 “License” § 1–101

22 **31–1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK**
23 **RESULTS.**

24 **THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING**
25 **THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL**
26 **CRIMINAL HISTORY RECORDS CHECK.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 10–103(e)(4).

29 The reference to the “applicant’s” fingerprints is added for clarity.

30 The reference to the requirement to “set and charge” a fee is substituted for
31 the former requirement to “establish” a fee for clarity.

32 Defined terms: “Board” § 31–101
33 “State” § 1–101

1 **31-1405. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED**
2 **ENVELOPE.**

3 **THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A**
4 **SEALED ENVELOPE AVAILABLE ONLY TO MEMBERS, INSPECTORS, ADMINISTRATORS,**
5 **AND DESIGNEES OF THE BOARD.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-103(e)(5)(iii).

8 The reference to "criminal history record information" is substituted for the
9 former reference to "[i]nformation obtained from the Central Repository" to
10 conform to the terminology used in CP § 10-201.

11 Defined term: "Board" § 31-101

12 **31-1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
13 **APPLICATION PROCESS.**

14 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
15 **ON COMPLETION OF THE APPLICATION PROCESS.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-103(e)(5)(iv).

18 The reference to "criminal history record information" is substituted for the
19 former reference to "[i]nformation" for clarity and to conform to the
20 terminology used in CP § 10-201.

21 The reference to "the application process" is substituted for the former
22 reference to "their necessary use" for clarity.

23 Defined term: "Board" § 31-101

24 **31-1407. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE**
25 **RECORDS CHECK.**

26 **THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY**
27 **NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF**
28 **INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK**
29 **BY THE DATE OF THE SCHEDULED HEARING.**

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 10-103(e)(6).

1 Defined term: "License" § 1-101

2 **31-1408. REGULATIONS.**

3 **THE BOARD SHALL ADOPT REGULATIONS TO PRESERVE THE**
4 **CONFIDENTIALITY OF THE INFORMATION UNDER AND TO CARRY OUT THIS**
5 **SUBTITLE.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10-103(e)(8).

8 Former Art. 2B, § 10-103(e)(2), which provided that former Art. 2B, §
9 10-103(e) applied only to Washington County, is deleted as unnecessary in
10 light of the organization of this revised article.

11 Defined term: "Board" § 31-101

12 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

13 **31-1501. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
16 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
17 **WITHOUT EXCEPTION OR VARIATION:**

18 (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");

19 (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");

20 (3) § 4-207 ("LICENSES ISSUED TO MINORS");

21 (4) § 4-209 ("HEARING");

22 (5) § 4-210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");

23 (6) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");

24 (7) § 4-212 ("LICENSE NOT PROPERTY");

25 (8) § 4-213 ("REPLACEMENT LICENSES"); AND

1 **(9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
2 **APPLICATIONS”).**

3 **(B) VARIATIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
5 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

6 **(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT**
7 **TO § 31-1502 OF THIS SUBTITLE;**

8 **(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
9 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 31-1503 OF THIS SUBTITLE**
10 **AND SUBTITLE 13, PART III OF THIS TITLE;**

11 **(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
12 **FOR SAME PREMISES”), SUBJECT TO § 31-1503 OF THIS SUBTITLE AND SUBTITLE**
13 **13, PART III OF THIS TITLE; AND**

14 **(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
15 **SUBJECT TO § 31-1504 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language added to incorporate by reference
17 general provisions relating to the issuance of local licenses.

18 Defined terms: “County” § 31-101

19 “License” § 1-101

20 “Local licensing board” § 1-101

21 **31-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

22 **THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND**
23 **LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT**
24 **HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 9-102(b-3)(9), except as it related to the
27 renewal of a license by a person that holds an out-of-state license.

28 The reference to “[t]he Board” is added for clarity.

29 The reference to an “out-of-state” license is substituted for the former
30 reference to a license “in any other state or in Washington, D.C.” for brevity.

1 The former reference to a “corporation, or limited liability company” is deleted
2 as included in the defined term “person”.

3 Defined terms: “Alcoholic beverage” § 1–101

4 “Beer” § 1–101

5 “Board” § 31–101

6 “License” § 1–101

7 “Light wine” § 31–101

8 “Person” § 1–101

9 “Wine” § 1–101

10 **31–1503. BOWLING ESTABLISHMENTS.**

11 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
12 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
13 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

14 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT**
15 **WINE LICENSES; AND**

16 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
17 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 9–102(b–1)(1)(i).

20 In item (1) of this section, the reference to “Class D beer or Class D beer and
21 light wine licenses” is substituted for the former reference to licenses issued
22 “[u]nder § 3–401 or § 5–401 of this article” for clarity.

23 In item (2) of this section, the former reference to the premises “operated as”
24 a bowling establishment is deleted as surplusage.

25 Defined terms: “Beer” § 1–101

26 “License” § 1–101

27 “Light wine” § 31–101

28 **31–1504. NOTICE OF LICENSE APPLICATION.**

29 **(A) POSTING NOTICE.**

30 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS**
31 **ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE**
32 **ON THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE**
33 **THE APPLICATION HEARING.**

1 **(B) CONTENTS OF POSTING.**

2 **A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR**
3 **WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE**
4 **BOARD FOR AN APPLICATION HEARING.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10–202(b)(1)(ii) and (i)8.

7 In subsection (a) of this section, the reference to the “location” is substituted
8 for the former reference to the “premises” for consistency with terminology
9 used throughout this article.

10 Also in subsection (a) of this section, the reference to “post[ing] a suitable
11 notice ... for” at least 10 days is substituted for the former reference to
12 “caus[ing] a suitable sign or notice to be posted and to remain posted for a
13 period of” at least 10 days for brevity.

14 Also in subsection (a) of this section, the reference to an “application hearing”
15 is substituted for the former reference to “action upon the application” for
16 consistency with the language used in subsection (b) of this section.

17 In subsection (b) of this section, the reference to the “date” for an application
18 hearing is added for clarity.

19 Defined terms: “Board” § 31–101
20 “License” § 1–101

21 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

22 **PART I. LICENSING CONDITIONS.**

23 **31–1601. POPULATION QUOTA.**

24 **(A) “POPULATION RATIO QUOTA” DEFINED.**

25 **IN THIS SECTION, “POPULATION RATIO QUOTA” MEANS ONE LICENSE FOR**
26 **EVERY 3,000 INDIVIDUALS RESIDING IN THE ELECTION DISTRICT WHERE THE**
27 **LICENSE WILL BE ISSUED:**

28 **(1) AS DETERMINED BY THE LAST FEDERAL POPULATION CENSUS;**
29 **BUT**

1 **(2) EXCLUDING INDIVIDUALS DETAINED OR CONFINED IN A**
2 **CORRECTIONAL FACILITY AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES**
3 **ARTICLE.**

4 **(B) IN GENERAL.**

5 **EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE**
6 **BOARD MAY NOT ISSUE A LICENSE IN AN ELECTION DISTRICT IF THE NUMBER OF**
7 **LICENSES EXCEEDS THE POPULATION RATIO QUOTA.**

8 **(C) PUBLIC NEED EXCEPTION; RENEWAL OR TRANSFER ALLOWED.**

9 **FOR ANY CLASS OF LICENSE, THE BOARD MAY:**

10 **(1) ISSUE THE LICENSE IF THE BOARD:**

11 **(I) DETERMINES THAT THERE IS A PUBLIC NEED, INCLUDING**
12 **GOVERNMENT-SANCTIONED ECONOMIC REVITALIZATION; AND**

13 **(II) STATES IN THE ORDER ISSUING THE LICENSE THE REASONS**
14 **FOR ITS DECISION TO EXCEED THE POPULATION RATIO QUOTA; OR**

15 **(2) RENEW THE LICENSE OR APPROVE THE TRANSFER OF A LICENSE**
16 **FOR THE SAME PREMISES.**

17 **(D) RESTAURANT EXCEPTION.**

18 **THE BOARD MAY ISSUE AN ON-SALE LICENSE TO A RESTAURANT THAT:**

19 **(1) IS LOCATED IN A PERMANENT BUILDING;**

20 **(2) REGULARLY SELLS AND SERVES FOOD TO THE PUBLIC;**

21 **(3) HAS A SEATING CAPACITY OF AT LEAST:**

22 **(I) 75 PERSONS FOR A CLASS B (ON- AND OFF-SALE) LICENSE;**
23 **OR**

24 **(II) 50 PERSONS FOR A CLASS B (ON-SALE) LICENSE; AND**

25 **(4) HAS ANNUAL GROSS SALES OF FOOD AND NONALCOHOLIC**
26 **BEVERAGES THAT EXCEED ITS ANNUAL GROSS SALES OF ALCOHOLIC BEVERAGES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9-222(b).

3 In subsection (b) of this section, the reference to the "Board" is added to state
4 expressly what was only implicit in the former law, that the Board is the
5 governmental unit that issues licenses.

6 In the introductory language of subsection (c)(1) of this section, the former
7 phrase "notwithstanding the population ratio quota" is deleted as unnecessary
8 in light of subsection (b) of this section, which excepts subsection (c) from the
9 quota.

10 In subsection (c)(2) of this section, the reference to the Board "approv[ing] the"
11 transfer "of" a license is added for accuracy.

12 In subsection (d) of this section, the former defined term "restaurant", which
13 is used only once, is revised as a substantive provision for brevity.

14 Defined terms: "Alcoholic beverage" § 1-101

15 "Board" § 31-101

16 "License" § 1-101

17 **31-1602. PAYMENT OF GAMING PROCEEDS AND TAXES.**

18 **(A) IN GENERAL.**

19 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
20 **NOT ISSUE A LICENSE:**

21 **(1) UNTIL ALL OUTSTANDING GAMING PROCEEDS, PAYMENTS, AND**
22 **FINES THAT ARE UNPAID BY THE LICENSE HOLDER OR APPLICANT HAVE BEEN PAID**
23 **OR JUDICIALLY SATISFIED; OR**

24 **(2) FOR ANY LOCATION THAT PREVIOUSLY WAS LICENSED UNDER**
25 **THIS TITLE, UNTIL ALL COUNTY TAXES THAT ARE UNPAID BY THE LICENSE HOLDER**
26 **FOR THE OPERATION OF THE BUSINESS UNDER THE PREVIOUS LICENSE HAVE BEEN**
27 **PAID OR JUDICIALLY SATISFIED.**

28 **(B) EXCEPTIONS.**

29 **THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS**
30 **SECTION DOES NOT APPLY TO:**

31 **(1) A TEMPORARY LICENSE; OR**

1 **(2) A CERTIFICATE OF PERMISSION OR RENEWAL LICENSE ISSUED TO**
 2 **A PERSONAL REPRESENTATIVE UNDER § 4-803 OF THIS ARTICLE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 9-222(a).

5 In the introductory language of subsection (a) of this section, the former
 6 reference to a license "to sell alcoholic beverages" is deleted as included in the
 7 defined term "license".

8 In subsection (b)(1) of this section, the former reference to a "special" license
 9 is deleted as unnecessary in light of the reference to a "temporary" license.

10 Defined terms: "Board" § 31-101

11 "County" § 31-101

12 "License" § 1-101

13 "License holder" § 1-101

14 **31-1603. RESERVED.**

15 **31-1604. RESERVED.**

16 **PART II. MULTIPLE LICENSING PLANS.**

17 **31-1605. RESERVED.**

18 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

19 **31-1701. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 ("TRANSFER OF LOCAL**
 22 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE") OF DIVISION I OF THIS ARTICLE**
 23 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

24 **(1) § 4-303 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

25 **(2) § 4-304 ("COMPLIANCE WITH BULK TRANSFERS ACT**
 26 **REQUIRED"); AND**

27 **(3) § 4-306 ("SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE").**

28 **(B) VARIATIONS.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
2 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
3 **APPLY IN THE COUNTY:**

4 **(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
5 **LICENSE AND INVENTORY”), SUBJECT TO § 31-1702 OF THIS SUBTITLE; AND**

6 **(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO §**
7 **31-1703 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 general provisions relating to the transfer of licenses and the substitution of
10 the names of officers on licenses.

11 Defined terms: “County” § 31-101
12 “License” § 1-101

13 **31-1702. PAYMENT OF TAXES.**

14 **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE**
15 **BOARD IS PRESENTED WITH AN AFFIDAVIT THAT CERTIFIES THAT ALL REAL AND**
16 **PERSONAL PROPERTY TAXES THAT ARE DUE TO THE COUNTY BY THE TRANSFEROR**
17 **ARE PAID.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-503(w)(3).

20 The reference to the Board’s “allow[ing]” the transfer is added to conform to
21 the terminology used throughout this article.

22 The reference to “real and personal property” taxes is added for clarity and to
23 conform to the terminology used throughout this article.

24 The former reference to taxes that are “owed” is deleted in light of the
25 reference to taxes that are “due”.

26 Former Art. 2B, § 10-503(w)(1), which stated that former Art. 2B, §
27 10-503(w) applied only in Washington County, is deleted as unnecessary in
28 light of the organization of this revised article.

29 Former Art. 2B, § 10-503(w)(2), which defined “Board” to mean “the Board of
30 License Commissioners”, is deleted as duplicative of the term “Board”, which
31 is defined in § 31-101 of this title.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that former Art. 2B, § 10–503(w)(3) contained no
3 requirement that before approval of a transfer an affidavit be presented to the
4 Board that no State taxes are due.

5 Defined terms: “Board” § 31–101
6 “County” § 31–101
7 “License” § 1–101

8 **31–1703. FEES.**

9 **ON THE TRANSFER OF A LICENSE, THE BOARD SHALL IMPOSE A FEE OF:**

10 **(1) \$400 EACH TIME THE LICENSE IS TRANSFERRED; AND**

11 **(2) \$100 EACH TIME THE TRANSFER IS ADVERTISED.**

12 REVISOR’S NOTE: This section formerly was Art. 2B, § 10–503(w)(4).

13 The only changes are in style.

14 Defined terms: “Board” § 31–101
15 “License” § 1–101

16 **31–1704. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

17 **AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND**
18 **NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–103(e), as it related to an applicant for a
21 transfer of a license.

22 The requirements for a State and national criminal history records check for
23 an applicant for a transfer of a license are identical to the requirements for an
24 applicant for the issuance of a license. The cross–reference to “§
25 4–107 of this article”, where those requirements appear in the applications for
26 local licenses subtitle, is substituted for a listing of those requirements, to
27 avoid unnecessary repetition.

28 Defined terms: “License” § 1–101
29 “State” § 1–101

30 **SUBTITLE 18. RENEWAL OF LICENSES.**

1 **31-1801. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
4 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
5 **EXCEPTION OR VARIATION:**

6 (1) **§ 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

7 (2) **§ 4-403 (“RENEWAL APPLICATION”);**

8 (3) **§ 4-406 (“PROTESTS”);**

9 (4) **§ 4-407 (“DENIAL OF RENEWAL APPLICATION”);**

10 (5) **§ 4-408 (“ISSUANCE OF RENEWED LICENSES”);**

11 (6) **§ 4-409 (“MULTIPLE LICENSES”); AND**

12 (7) **§ 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

13 (B) **VARIATIONS.**

14 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
15 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

16 (1) **§ 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”),**
17 **SUBJECT TO § 31-1802 OF THIS SUBTITLE; AND**

18 (2) **§ 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §**
19 **31-1803 OF THIS SUBTITLE.**

20 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
21 general provisions relating to the renewal of local licenses.

22 Defined terms: “County” § 31-101

23 “License” § 1-101

24 **31-1802. LATE FILING.**

25 **A LICENSE HOLDER THAT FILES A COMPLETED APPLICATION FOR LICENSE**
26 **RENEWAL:**

1 **(1) BETWEEN APRIL 2 AND APRIL 11, INCLUSIVE, IS SUBJECT TO A**
 2 **PENALTY OF \$100; OR**

3 **(2) ON OR AFTER APRIL 12 IS SUBJECT TO A PENALTY OF \$400.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 10-301(o)(3).

6 Defined terms: "License" § 1-101
 7 "License holder" § 1-101

8 **31-1803. PAYMENT OF TAXES.**

9 **THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER:**

10 **(1) PAYS ALL COUNTY TAXES THAT ARE DUE UNDER THE LICENSE;**
 11 **AND**

12 **(2) CERTIFIES BY AFFIDAVIT TO THE BOARD THAT NO COUNTY TAXES**
 13 **ARE DUE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 10-301(o)(2).

16 The former redundant references to taxes that are "owing" are deleted as
 17 included in the references to taxes that are "due".

18 Former Art. 2B, § 10-301(o)(1), which stated that former Art. 2B, §
 19 10-301(o) applied only in Washington County, is deleted as unnecessary in
 20 light of the organization of this revised article.

21 Defined terms: "Board" § 31-101
 22 "County" § 31-101
 23 "License" § 1-101
 24 "License holder" § 1-101

25 **31-1804. HOLDERS OF OUT-OF-STATE LICENSES.**

26 **NOTWITHSTANDING § 31-1502 OF THIS TITLE, THE BOARD MAY RENEW A**
 27 **CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**
 28 **WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN**
 29 **OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9-102(b-3)(9), as it related to the renewal of a
3 license by a person who holds an out-of-state license.

4 The phrase "[n]otwithstanding § 31-1502 of this title," is added to clarify that
5 this section is an exception to § 31-1502.

6 The reference to an "out-of-state" license is substituted for the former
7 reference to a license "in any other state or in Washington, D.C." for brevity.

8 The reference to the authority of "the Board" to "renew" a license "originally
9 issued to a holder of an out-of-state" license is substituted for the former
10 reference to the "except[ion] by way of renewal, to a person, corporation, or
11 limited liability company holding" an out-of-state license for clarity and to
12 avoid the implication that a licensee can obtain an
13 out-of-state license after obtaining the original license and continue to renew
14 the original license.

15 Defined terms: "Alcoholic beverage" § 1-101

16 "Beer" § 1-101

17 "Board" § 31-101

18 "Wine" § 1-101

19 SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.

20 31-1901. APPLICATION OF GENERAL PROVISIONS.

21 (A) WITHOUT EXCEPTION OR VARIATION.

22 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL
23 LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
24 WITHOUT EXCEPTION OR VARIATION:

25 (1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");

26 (2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED
27 PREMISES");

28 (3) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");

29 (4) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND

30 (5) § 4-508 ("DISPLAY OF LICENSE").

31 (B) VARIATIONS.

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
 2 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

3 **(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT**
 4 **TO § 31-1902 OF THIS SUBTITLE; AND**

5 **(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §**
 6 **31-1903 OF THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
 8 general provisions relating to the conduct of local license holders.

9 Defined terms: “Alcoholic beverage” § 1-101

10 “County” § 31-101

11 “License” § 1-101

12 “License holder” § 1-101

13 **31-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

14 **A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL WHO IS:**

15 **(1) AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR**
 16 **OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; OR**

17 **(2) AT LEAST 16 YEARS OLD TO PERFORM ANY TASK OTHER THAN TO**
 18 **SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES.**

19 REVISOR’S NOTE: This section is new language derived without substantive change
 20 from former Art. 2B, § 12-302(b)(12).

21 In the introductory language of this section, the reference to an “individual” is
 22 substituted for the former reference to a “person” because this section applies
 23 only to human beings.

24 Defined terms: “Alcoholic beverage” § 1-101

25 “License holder” § 1-101

26 **31-1903. ALCOHOL AWARENESS PROGRAM.**

27 **(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED**
 28 **PREMISES ALLOWED.**

29 **(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE**
 30 **LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

1 (I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS
2 PROGRAM; AND

3 (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
4 SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN
5 WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.

6 (2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH
7 (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A
8 PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR
9 NOT MORE THAN 2 HOURS.

10 (3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A
11 LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY
12 ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE
13 ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.

14 (B) PENALTY.

15 A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:

16 (1) FOR A FIRST OFFENSE, A \$100 FINE; AND

17 (2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500
18 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 13-101(d) and (c)(2)(i)4, (iii), and (iv)4 and, as
21 it related to Washington County, 1.

22 In subsection (a) of this section, the references to an "individual" are
23 substituted for the former references to a "person" because this section applies
24 only to human beings.

25 In subsection (a)(1)(ii) of this section, the reference to being present "on the
26 licensed premises" is added for clarity.

27 Also in subsection (a)(1)(ii) of this section, the defined term "alcoholic
28 beverage[s]" is substituted for the former reference to "alcohol" to conform to
29 the terminology used throughout this article.

30 In subsection (a)(2) of this section, the former reference to a "bona fide"
31 personal or business reason is deleted as surplusage.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Board” § 31–101

3 “License holder” § 1–101

4 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

5 **31–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

6 **(A) IN GENERAL.**

7 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
8 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
9 **PREMISES LICENSED UNDER THIS TITLE.**

10 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
11 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
12 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

13 **(B) PENALTY.**

14 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
15 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 11–304(a)(1) and, as it related to Washington
18 County, (2).

19 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
20 under this title” is added for clarity.

21 Also in subsection (a)(1) of this section, the reference to an “individual” is
22 substituted for the former reference to a “person” because the prohibition
23 against consumption applies only to human beings.

24 Also in subsection (a)(1) of this section, the reference to “a premises licensed
25 under this title” is substituted for the former reference to “any premises open
26 to the general public, any place of public entertainment, or any place at which
27 setups or other component parts of mixed alcoholic drinks are sold under any
28 license issued under the provisions of the Business Regulation Article” for
29 brevity.

30 In subsection (a)(2) of this section, the reference to “a premises licensed under
31 this title” is substituted for the former reference to “the premises” for
32 consistency with the terminology used in subsection (a)(1) of this section.

1 In subsection (b) of this section, the reference to a person who “violates this
2 section” is substituted for the former reference to a person who is “found
3 consuming any alcoholic beverage on any premises open to the general public,
4 and any owner, operator or manager of those premises or places who
5 knowingly permits consumption between the hours provided by this section”
6 for brevity.

7 Also in subsection (b) of this section, the phrase “[e]xcept as provided in this
8 section” is deleted as unnecessary in light of subsection (a)(1) of this section.

9 Also in subsection (b) of this section, the former reference to a fine “not less
10 than \$5” is deleted to conform to the statement of legislative policy in §
11 14–102 of the Criminal Law Article, which sets forth the general rule that,
12 notwithstanding a statutory minimum penalty, a court may impose a lesser
13 penalty of the same character.

14 Defined terms: “Alcoholic beverage” § 1–101
15 “Person” § 1–101

16 **31–2002. BEER LICENSES.**

17 **(A) CLASS A BEER LICENSE.**

18 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

19 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
20 **FOLLOWING DAY; AND**

21 **(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

22 **(B) CLASS B BEER (ON– AND OFF–SALE) LICENSE.**

23 **(1) A HOLDER OF A CLASS B BEER (ON– AND OFF–SALE) LICENSE MAY**
24 **SELL BEER:**

25 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
26 **THE FOLLOWING DAY; AND**

27 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
28 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

29 **(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M.**
30 **TO MIDNIGHT, IF:**

1 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
2 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
3 **BEVERAGE; OR**

4 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
5 **AS PART OF A PREARRANGED EVENT.**

6 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
7 **HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY**
8 **HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

9 **(C) CLASS B (ON-SALE ONLY) LICENSE.**

10 **(1) A HOLDER OF A CLASS B BEER (ON-SALE ONLY) LICENSE MAY**
11 **SELL BEER:**

12 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
13 **THE FOLLOWING DAY; AND**

14 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
15 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF ISSUED A SUNDAY LICENSE.**

16 **(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M.**
17 **TO MIDNIGHT, IF:**

18 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
19 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
20 **BEVERAGE; OR**

21 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
22 **AS PART OF A PREARRANGED EVENT.**

23 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
24 **HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY**
25 **HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

26 **(D) PICNIC LICENSE.**

27 **A HOLDER OF A PICNIC LICENSE MAY SELL BEER ON SUNDAY FROM NOON TO**
28 **MIDNIGHT.**

29 **(E) CLASS C BEER LICENSE.**

1 **(1) A HOLDER OF A CLASS C BEER (ON-SALE) LICENSE MAY SELL**
2 **BEER:**

3 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
4 **THE FOLLOWING DAY; AND**

5 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
6 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

7 **(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M.**
8 **TO MIDNIGHT, IF:**

9 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
10 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
11 **BEVERAGE; OR**

12 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
13 **AS PART OF A PREARRANGED EVENT.**

14 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
15 **HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY**
16 **HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

17 **(F) CLASS D BEER LICENSE.**

18 **(1) A HOLDER OF A CLASS D BEER (ON-SALE) LICENSE MAY SELL**
19 **BEER:**

20 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
21 **THE FOLLOWING DAY; AND**

22 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
23 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

24 **(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
25 **HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY**
26 **HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, §§ 11-522, 7-101(t)(3)(ii), 11-301(a)(6), and
29 11-403(a)(8)(i) and (ii) and (b)(2)(iii)2 and, as they related to beer licenses,
30 (a)(8)(iii) and (b)(2)(iii)1.

31 In this section, the phrase "if issued a Sunday license" is added for clarity.

1 In subsection (c)(1)(ii), of this section, the references to a specific class of beer
 2 license are substituted for the former references to “the following classes of
 3 alcoholic beverages licenses ... [a] Class A (off–sale) license; and [a]ll classes
 4 of on–sale alcoholic beverages licenses” for clarity.

5 Also in subsection (c)(1)(ii) of this section, the Sunday hours of sale are
 6 provided to explicitly state what was only implied in the former law, that the
 7 Sunday hours of sale are from noon to midnight and, under certain
 8 circumstances, from 11 a.m. to midnight.

9 Defined terms: “Alcoholic beverage” § 1–101
 10 “Beer” § 1–101

11 **31–2003. BEER AND LIGHT WINE LICENSES.**

12 **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

13 **A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND**
 14 **LIGHT WINE:**

15 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
 16 **FOLLOWING DAY; AND**

17 **(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

18 **(B) CLASS B BEER AND LIGHT WINE (ON– AND OFF–SALE) LICENSE.**

19 **(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE (ON– AND**
 20 **OFF–SALE) LICENSE MAY SELL BEER AND LIGHT WINE:**

21 **(i) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
 22 **THE FOLLOWING DAY; AND**

23 **(ii) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
 24 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

25 **(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON**
 26 **SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

27 **(i) THE CONSUMER PLACES AN ORDER FOR A MEAL**
 28 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
 29 **BEVERAGE; OR**

1 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
2 **AS PART OF A PREARRANGED EVENT.**

3 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
4 **HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE**
5 **THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

6 **(C) CLASS B BEER AND LIGHT WINE (ON-SALE ONLY) LICENSE.**

7 **(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE (ON-SALE ONLY)**
8 **POURING LICENSE MAY SELL BEER AND LIGHT WINE:**

9 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
10 **THE FOLLOWING DAY; AND**

11 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
12 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

13 **(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON**
14 **SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

15 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
16 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
17 **BEVERAGE; OR**

18 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
19 **AS PART OF A PREARRANGED EVENT.**

20 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
21 **HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE**
22 **THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

23 **(D) CLASS B SIDEWALK CAFE PERMIT.**

24 **A HOLDER OF A CLASS B SIDEWALK CAFE PERMIT MAY SELL OR PROVIDE**
25 **BEER AND LIGHT WINE IN THE SIDEWALK CAFE ON MONDAY THROUGH SUNDAY,**
26 **FROM NOON TO MIDNIGHT.**

27 **(E) CLASS C BEER AND LIGHT WINE LICENSE.**

28 **(1) A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY**
29 **SELL BEER AND LIGHT WINE:**

1 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
 2 **THE FOLLOWING DAY; AND**

3 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
 4 **SUBSECTION, ON SUNDAY FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

5 **(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON**
 6 **SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

7 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
 8 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
 9 **BEVERAGE; OR**

10 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
 11 **AS PART OF A PREARRANGED EVENT.**

12 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
 13 **HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE**
 14 **THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

15 **(F) CLASS D BEER AND LIGHT WINE LICENSE.**

16 **(1) A HOLDER OF A CLASS D BEER AND LIGHT WINE (ON-SALE)**
 17 **LICENSE MAY SELL BEER AND LIGHT WINE:**

18 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
 19 **THE FOLLOWING DAY; AND**

20 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 21 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

22 **(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
 23 **HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE**
 24 **THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, §§ 11-522, 8-222(d)(6), and 11-403(a)(1)(ii) and
 27 (8) and (b)(2)(iii)1 and 2.

28 In this section, the references to specific beer and light wine licenses are
 29 substituted for the former references to "the following classes of alcoholic
 30 beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale
 31 alcoholic beverages licenses" for clarity.

1 Defined terms: "Alcoholic beverage" § 1-101

2 "Beer" § 1-101

3 **31-2004. BEER, WINE, AND LIQUOR LICENSES.**

4 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

5 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (OFF-SALE) LICENSE MAY**
6 **SELL BEER, WINE, AND LIQUOR:**

7 **(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE**
8 **FOLLOWING DAY; AND**

9 **(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

10 **(B) CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE.**

11 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON- AND**
12 **OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

13 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
14 **THE FOLLOWING DAY; AND**

15 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
16 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

17 **(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON**
18 **SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

19 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
20 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
21 **BEVERAGE; OR**

22 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
23 **AS PART OF A PREARRANGED EVENT.**

24 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
25 **HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY**
26 **PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

27 **(C) CLASS B BEER, WINE, AND LIQUOR (ON-SALE ONLY) LICENSE.**

28 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE**
29 **ONLY) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

1 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
2 **THE FOLLOWING DAY; AND**

3 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
4 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

5 **(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON**
6 **SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

7 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
8 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
9 **BEVERAGE; OR**

10 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
11 **AS PART OF A PREARRANGED EVENT.**

12 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
13 **HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY**
14 **BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

15 **(D) CLASS B SIDEWALK CAFE PERMIT.**

16 **A HOLDER OF A CLASS B SIDEWALK CAFE PERMIT MAY SELL OR PROVIDE**
17 **BEER, WINE, AND LIQUOR IN THE SIDEWALK CAFE ON MONDAY THROUGH SUNDAY,**
18 **FROM NOON TO MIDNIGHT.**

19 **(E) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

20 **(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON-SALE)**
21 **LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

22 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
23 **THE FOLLOWING DAY; AND**

24 **(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
25 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT.**

26 **(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON**
27 **SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

1 **(I) THE CONSUMER PLACES AN ORDER FOR A MEAL**
2 **SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC**
3 **BEVERAGE; OR**

4 **(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES**
5 **AS PART OF A PREARRANGED EVENT.**

6 **(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
7 **HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY**
8 **PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

9 **(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

10 **(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY**
11 **SELL BEER, WINE, AND LIQUOR:**

12 **(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M.**
13 **THE FOLLOWING DAY; AND**

14 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
15 **SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

16 **(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE**
17 **HOLDER MAY EXERCISE THE PRIVILEGES CONFERRED BY THE LICENSE ON THE**
18 **SUNDAY IMMEDIATELY PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M.**
19 **THE FOLLOWING DAY.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, §§ 11-522, 8-222(d)(6), and 11-403(a)(1)(ii) and
22 (8) and (b)(2)(iii)1 and 2.

23 In this section, the references to specific beer, wine, and liquor licenses are
24 substituted for the former references to "the following classes of alcoholic
25 beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale
26 alcoholic beverages licenses" for clarity.

27 Defined terms: "Alcoholic beverage" § 1-101

28 "Beer" § 1-101

29 "Wine" § 1-101

30 **31-2005. WHEN NEW YEAR'S EVE FALLS ON SUNDAY.**

31 **A LICENSE HOLDER MAY PURCHASE A PER DIEM ON-SALE LICENSE FOR \$50**
32 **FOR USE WHEN NEW YEAR'S EVE FALLS ON A SUNDAY.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 11-403(b)(2)(iii)4.

3 The reference to a "per diem" license is substituted for the former reference to
4 a "1 day" license to conform to the terminology used throughout this article.

5 The former phrase "in addition to any other annual license fee" is deleted as
6 surplusage.

7 Defined terms: "License" § 1-101

8 "License holder" § 1-101

9 "On-sale" § 1-101

10 GENERAL REVISOR'S NOTE TO SUBTITLE

11 Former Art. 2B, § 11-402(w)(1), which stated that former Art. 2B, § 11-402(w)
12 applied only in Washington County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Former Art. 2B, § 11-402(w)(2) and (3) are deleted as unnecessary. These former
15 provisions prohibited construing this article from requiring a holder of an on-sale
16 license to close the licensed premises until 2 a.m. on January 1 of any year. This
17 prohibition is unnecessary in light of § 31-2001 of this subtitle, which prohibits
18 consumption from 2 a.m. to 6 a.m. Additionally, when December 31 falls on a Sunday,
19 the former provisions stated that a holder of an on-sale license may make sales of
20 alcoholic beverages from 9 p.m. on December 31 until 2 a.m. the following day. These
21 provisions are rendered redundant by §§ 31-2002(b)(3), (c)(3), (d)(2), and (e)(3);
22 31-2003(b)(3), (c)(3), (d)(3), (e)(2), and (f)(2); and 31-2004(b)(3), (c)(3), (d)(3), (e)(3),
23 (f)(2), and (h)(3) of this subtitle, which state that on Sunday the license holder may
24 remain open from noon until 2 a.m. the following Monday when that Monday is a
25 federal holiday. When December 31 falls on a Sunday, the following Monday is a
26 federal holiday.

27 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

28 **31-2101. APPLICATION OF GENERAL PROVISIONS.**

29 **(A) WITHOUT EXCEPTION OR VARIATION.**

30 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND**
31 **SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE**
32 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

33 **(1) § 4-602 ("POWER OF LOCAL LICENSING BOARD");**

1 **(2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”);**

2 **(3) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**

3 **(4) § 4-606 (“EFFECTS OF REVOCATION”).**

4 **(B) VARIATION.**

5 **SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS**
 6 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31-2102 OF THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
 8 general provisions relating to the revocation and suspension of local licenses.

9 Defined terms: “County” § 31-101

10 “License” § 1-101

11 “Local licensing board” § 1-101

12 **31-2102. NUDITY AND SEXUAL DISPLAYS — EXCEPTIONS FOR THEATERS.**

13 **SECTION 4-605 OF THIS ARTICLE DOES NOT APPLY TO:**

14 **(1) THE WASHINGTON COUNTY PLAYHOUSE; AND**

15 **(2) A THEATER HOLDING A CLASS B BEER, WINE, AND LIQUOR**
 16 **(ON-SALE) LICENSE.**

17 REVISOR’S NOTE: This section is new language derived without substantive
 18 change from former Art. 2B, § 10-405(i).

19 In item (2) of this section, the former reference to a Class B beer, wine and
 20 liquor on-sale license “under § 6-201(w) of this article” is deleted as
 21 surplusage.

22 Former Art. 2B, § 10-405(a)(16), which stated that former Art. 2B,
 23 § 10-405, which related to nudity and sexual displays, applied in Washington
 24 County, is deleted as unnecessary in light of the organization of this revised
 25 article.

26 Defined terms: “Beer” § 1-101

27 “Wine” § 1-101

28 **SUBTITLE 22. EXPIRATION OF LICENSES.**

29 **31-2201. APPLICATION OF GENERAL PROVISIONS.**

1 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
2 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
4 the general provisions relating to the expiration of local licenses.

5 Defined terms: “County” § 31–101
6 “License” § 1–101

7 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

8 **31–2301. APPLICATION OF GENERAL PROVISIONS.**

9 **TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS**
10 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
12 general provisions relating to the death of a local license holder.

13 Defined terms: “County” § 31–101
14 “License holder” § 1–101

15 **SUBTITLE 24. JUDICIAL REVIEW.**

16 **31–2401. APPLICATION OF GENERAL PROVISIONS.**

17 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
18 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

19 REVISOR’S NOTE: This section is new language added to incorporate by reference
20 general provisions relating to the appeal of the decisions of the Board.

21 Defined term: “County” § 31–101

22 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

23 **31–2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
24 **BEVERAGES IS PROHIBITED.**

25 **(A) PROHIBITION AGAINST INDIVIDUAL.**

26 **FROM 1 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
27 **ALCOHOLIC BEVERAGES IN:**

1 **31-2601. APPLICATION OF GENERAL PROVISIONS.**

2 **TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE**
3 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to enforcement.

6 Defined term: “County” § 31-101

7 **SUBTITLE 27. PROHIBITED ACTS.**

8 **31-2701. APPLICATION OF GENERAL PROVISIONS.**

9 **(A) WITHOUT EXCEPTION OR VARIATION.**

10 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
11 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
12 **VARIATION:**

13 **(1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

14 **(2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE**
15 **INDIVIDUAL”);**

16 **(3) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF**
17 **ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

18 **(4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR**
19 **POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21**
20 **YEARS”);**

21 **(5) § 6-310 (“PROVIDING FREE FOOD”);**

22 **(6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL**
23 **DEALER”);**

24 **(7) § 6-312 (“BEVERAGE MISREPRESENTATION”);**

25 **(8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE**
26 **CONTAINER”);**

27 **(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
28 **DETACHABLE METAL TAB”);**

1 (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
2 REGULAR LABEL PRESUMED ILLICIT”);

3 (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

4 (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC
5 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

6 (13) § 6-320 (“DISORDERLY INTOXICATION”);

7 (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
8 PUBLIC”);

9 (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
10 MACHINE”);

11 (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
12 BEVERAGES”);

13 (17) § 6-327 (“TAX EVASION”);

14 (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

15 (19) § 6-329 (“PERJURY”).

16 **(B) EXCEPTION.**

17 SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS
18 ARTICLE DOES NOT APPLY IN THE COUNTY.

19 **(C) VARIATIONS.**

20 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
21 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

22 (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
23 INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 31-2702 OF THIS
24 SUBTITLE; AND

25 (2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
26 INTOXICATED INDIVIDUAL”), SUBJECT TO § 31-2703 OF THIS SUBTITLE.

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to prohibited acts.

3 Defined terms: "Alcoholic beverage" § 1-101

4 "County" § 31-101

5 "License holder" § 1-101

6 "Retail dealer" § 1-101

7 **31-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
8 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

9 **(A) SUMMONS; BAIL.**

10 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
11 **CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

12 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
13 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
14 **EMPLOYEE; AND**

15 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
16 **COURT IN THE STATE.**

17 **(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

18 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE**
19 **FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

20 **(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE**
21 **SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE**
22 **USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE**
23 **OF 21 YEARS; AND**

24 **(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

25 **(C) NO BAR TO ADMINISTRATIVE ACTION.**

26 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
27 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
28 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
29 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

1 In subsection (a)(2) of this section, the former reference to bail “bond” is
2 deleted as surplusage.

3 In subsection (b)(1) of this section, the reference to the “finder of fact” is
4 substituted for the former reference to the “jury or the court sitting as a jury”
5 for brevity.

6 Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted
7 as surplusage.

8 Former Art. 2B, § 12–108(f)(1)(xi), which stated that the provisions of former
9 Art. 2B, § 12–108(f) applied in Washington County, is deleted as unnecessary
10 in light of the organization of this revised article.

11 Defined terms: “Board” § 31–101

12 “License holder” § 1–101

13 “State” § 1–101

14 **31–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
15 **INDIVIDUAL — CRIMINAL PROCEDURE.**

16 **(A) SUMMONS; BAIL.**

17 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS**
18 **CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

19 **(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN**
20 **DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR**
21 **EMPLOYEE; AND**

22 **(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY**
23 **COURT IN THE STATE.**

24 **(B) NO BAR TO ADMINISTRATIVE ACTION.**

25 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
26 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS**
27 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
28 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

29 **REVISOR’S NOTE:** This section is new language derived without substantive
30 change from former Art. 2B, § 12–108(a)(2) and (f)(2).

1 In subsection (a)(2) of this section, the former reference to bail “bond” is
2 deleted as surplusage.

3 Defined terms: “Board” § 31–101
4 “License holder” § 1–101
5 “State” § 1–101

6 **31–2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL**
7 **DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

8 **(A) “KNOWINGLY” DEFINED.**

9 **IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE**
10 **INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE**
11 **HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

12 **(B) PROHIBITED.**

13 **A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT**
14 **KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

15 **(1) A HABITUAL DRUNKARD;**

16 **(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

17 **(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN**
18 **WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER**
19 **NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE**
20 **OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND**
21 **MIND.**

22 **(C) PENALTY.**

23 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A**
24 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

25 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

26 **(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT**
27 **EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

28 **REVISOR’S NOTE:** This section is new language derived without substantive
29 change from former Art. 2B, § 12–110(a) and, as it related to Washington
30 County, the first sentence of (b).

1 In subsection (a) of this section, the former reference to the definition of
2 knowingly applying “as to habitual drunkards” is deleted as surplusage.

3 In subsection (b) of this section, the defined term “alcoholic beverage” is
4 substituted for the former references to “intoxicating beverages” for clarity
5 and consistency with the terminology used throughout this article.

6 Also in subsection (b) of this section, the former references to “barter” and
7 “furnish” are deleted as included in the references to “sell” and “provide”.

8 In subsection (b)(2) of this section, the reference to an individual with an
9 “intellectual disability” is substituted for the former reference to a “mentally
10 deficient” person to conform to the requirements of Chapter 119 of the Acts of
11 2009. Chapter 119 requires the substitution of the term “intellectual
12 disability” in the Code for the former reference of “mentally deficient”.

13 In subsection (b)(3) of this section, the reference to a “family member or
14 guardian” is substituted for the former reference to “parent or parents,
15 guardian, husband, wife, son, daughter, brother, or sister” for brevity.

16 Also in subsection (b)(3) of this section, the reference to an “employee of the
17 license holder” is added for consistency within this subsection.

18 In subsection (c) of this section, the former reference to imprisonment “in the
19 county jail” and to both fine and imprisonment “in the discretion of the court”
20 are deleted as surplusage and to conform to standard language for imposition
21 of a penalty for a criminal conviction.

22 The Alcoholic Beverages Article Review Committee notes, for consideration by
23 the General Assembly, that the penalty stated in subsection (c) of this section
24 applies only to a license holder who violates this section and not to an
25 employee of a license holder, even though, under subsection (b) of this section,
26 both a license holder and the holder’s employee are prohibited from selling or
27 providing an alcoholic beverage to a habitual drunkard, an individual with an
28 intellectual disability, or to an individual whose relative has given notice. The
29 employee would, presumably, be subject to the general penalty for a violation
30 of this article under § 6–402 of this article.

31 Defined terms: “Alcoholic beverage” § 1–101
32 “License holder” § 1–101

33 **SUBTITLE 28. PENALTIES.**

34 **31–2801. APPLICATION OF GENERAL PROVISION.**

1 **SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE**
 2 **APPLIES IN THE COUNTY.**

3 REVISOR’S NOTE: This section is new language added to incorporate by reference
 4 general provisions relating to imposing a penalty for a violation for which no
 5 specific penalty is provided.

6 Defined term: “County” § 31-101

7 **31-2802. PENALTY IMPOSED BY BOARD.**

8 **(A) PENALTY.**

9 **THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A**
 10 **LICENSE OR BOTH ON A LICENSE HOLDER WHO VIOLATES THIS ARTICLE.**

11 **(B) CONDITIONS.**

12 **IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND THE**
 13 **LICENSE, THE BOARD SHALL CONSIDER WHETHER:**

14 **(1) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED BY**
 15 **ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD;**
 16 **AND**

17 **(2) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED**
 18 **DISCIPLINARY PURPOSES.**

19 **(C) FINES PAID TO BOARD.**

20 **FINES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE BOARD.**

21 REVISOR’S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 16-507(w)(1) through (4).

23 In the introductory language of subsection (b) of this section, the reference to
 24 considering “whether” is substituted for the former reference to considering
 25 “the following points” for brevity.

26 In subsection (b)(2) of this section, the reference to the “fine” is substituted for
 27 the former reference to the “sum of money” for brevity.

28 Former Art. 2B, § 16-507(w)(5), which authorized the Board to adopt
 29 regulations, is deleted as unnecessary because the Board has power to adopt
 30 regulations under § 31-206 of this title.

1 Defined terms: "Board" § 31-101

2 "License" § 1-101

3 "License holder" § 1-101

4 **31-2803. EXPUNGEMENT OF RECORD OF VIOLATION.**

5 **THE BOARD SHALL EXPUNGE THE RECORD OF A VIOLATION OF THIS ARTICLE**
6 **OR A REGULATION ADOPTED UNDER THIS ARTICLE 5 YEARS AFTER THE DATE THE**
7 **VIOLATION OCCURRED.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 16-508.1(b).

10 The reference to "the record of" a violation is added for clarity and consistency
11 within this article.

12 Former Art. 2B, § 16-508.1(a), which provided that former Art. 2B, § 16-508.1
13 applied only in Washington County, is deleted as unnecessary in light of the
14 organization of this revised article.

15 Defined term: "Board" § 31-101

16 **TITLE 32. WICOMICO COUNTY.**

17 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

18 **32-101. DEFINITIONS.**

19 **(A) IN GENERAL.**

20 **IN THIS TITLE:**

21 **(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT**
22 **EXCEPTION OR VARIATION; AND**

23 **(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

24 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
25 by reference terms defined for the entire article.

26 Item (2) of this subsection is new language added as the standard introductory
27 language to a definition section.

28 **(B) BOARD.**

1 **“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WICOMICO**
2 **COUNTY.**

3 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
4 full reference to the “Board of License Commissioners for Wicomico County”.

5 **(C) COUNTY.**

6 **“COUNTY” MEANS WICOMICO COUNTY.**

7 REVISOR’S NOTE: This subsection is new language added to avoid repetition of the
8 full reference to “Wicomico County”.

9 REVISOR’S NOTE TO SECTION

10 Former Art. 2B, § 1–102(b)(4), which defined “bowling alley” to be an
11 establishment that provides bowling lanes and bowling activities for the
12 public and which may have a dining room or snack bar area, is deleted as
13 unnecessary because it did not add to the meaning of the term “bowling alley”
14 as it is commonly understood.

15 Former Art. 2B, § 15–111(c)(2), which stated that, in Wicomico County, the
16 director of finance shall collect license fees, is deleted as redundant of §
17 1–101(o) of this article, which states that the defined term “local collecting
18 agent” means, in Wicomico County, the director of finance.

19 **32–102. SCOPE OF TITLE.**

20 **THIS TITLE APPLIES ONLY IN WICOMICO COUNTY.**

21 REVISOR’S NOTE: This section is new language added for clarity and to reflect the
22 organization of this revised article.

23 **32–103. COPY OF LEGISLATION.**

24 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
25 **BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**
26 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
27 **MARYLAND 21401.**

28 REVISOR’S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 18–103.

1 The reference to this “title” is substituted for the former reference to this
2 “subtitle” to conform to the organization of this revised article. Under the
3 former law, each local governing body derived its authority to enact alcoholic
4 beverages legislation from a common subtitle. Under this revised article, each
5 local governing body derives its authority from the title dedicated to the
6 jurisdiction of the local governing body.

7 Defined terms: “Alcoholic beverage” § 1–101
8 “County” § 32–101

9 GENERAL REVISOR’S NOTE TO SUBTITLE

10 Throughout this title, the references to “wine” are substituted for the former
11 references to “light wine” to reflect that license holders in the County may sell wine
12 with a maximum alcohol content of 22%, which is above the traditional maximum
13 level of 15.5% for light wine.

14 Correspondingly, former Art. 2B, § 4–101(x), which defined “light wine” in the
15 County as a fermented beverage that contains not in excess of 22% of alcohol by
16 volume, is deleted because the definition is not used in this title.

17 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

18 **32–201. ESTABLISHED.**

19 **(A) IN GENERAL.**

20 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY.**

21 **(B) BOARD AS STATE UNIT.**

22 **THE BOARD IS A STATE UNIT THAT ADMINISTERS THIS TITLE AND MAY ISSUE,**
23 **DENY, REVOKE, OR SUSPEND LICENSES.**

24 REVISOR’S NOTE: Subsection (a) of this section is new language added to state
25 expressly what was only implied in the former law, that an entity known as
26 the Board of License Commissioners for Wicomico County exists.

27 Subsection (b) of this section is new language derived without substantive
28 change from former Art. 2B, § 15–108.1.

29 In subsection (b) of this section, the reference to a State “unit” is substituted
30 for the former reference to a State “agency” to conform to the terminology used
31 in revised articles.

32 Defined terms: “Board” § 32–101

1 "License" § 1-101

2 "State" § 1-101

3 **32-202. MEMBERSHIP.**

4 (A) **COMPOSITION; APPOINTMENT OF MEMBERS.**

5 **THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT**
6 **TO THE ADVICE AND CONSENT OF THE SENATE.**

7 (B) **QUALIFICATIONS.**

8 **EACH MEMBER OF THE BOARD SHALL BE:**

9 (1) **A RESIDENT AND VOTER OF THE COUNTY; AND**

10 (2) **AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF**
11 **RECOGNIZED BUSINESS CAPACITY.**

12 (C) **TENURE.**

13 (1) **THE TERM OF A MEMBER IS 4 YEARS.**

14 (2) **THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
15 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

16 (D) **VACANCIES.**

17 (1) **AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
18 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

19 (2) **A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
20 **ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED**
21 **AND QUALIFIES.**

22 (E) **REMOVAL.**

23 (1) **THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
24 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

25 (2) **THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
26 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
27 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

1 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
2 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
3 **MEMBER AND THE GOVERNOR’S FINDINGS ON THE CHARGES.**

4 REVISOR’S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 15–101(a)(3) and (x)(2) and (3) and 15–110(a).

6 In subsection (a) of this section, the reference to “members” is substituted for
7 the former reference to “persons” to conform to the terminology used
8 throughout this subtitle.

9 Also in subsection (a) of this section, the former reference to members
10 “constitut[ing]” the Board is deleted as surplusage.

11 In subsection (b)(1) of this section, the defined term “County” is substituted
12 for the former reference to “Baltimore City or the respective counties, as the
13 case may be” because this title applies only to Wicomico County.

14 In subsection (b)(2) of this section, the reference to an “individual” is
15 substituted for the former reference to “persons” because only a human being
16 and not the other entities included in the defined term “person” may serve as
17 a member of a board of license commissioners.

18 In subsection (c)(2) of this section, the requirement that the terms of the
19 members of the Board be staggered as required on “July 1, 2016” is substituted
20 for the former obsolete requirement that the terms be staggered as required
21 on “July 1, 1994”. This substitution is not intended to alter the term of any
22 member of the Board of License Commissioners for Wicomico County.

23 Also in subsection (c)(2) of this section, the former reference to terms
24 “continu[ing]” to be staggered is deleted as surplusage.

25 In subsection (e)(1) of this section, the former reference to a member “of any
26 board of license commissioners appointed by him under the provisions of this
27 article” is deleted as surplusage.

28 In subsection (e)(2) of this section, the former phrase “in his own defense” is
29 deleted as surplusage.

30 Defined terms: “Board” § 32–101
31 “County” § 32–101

32 **32–203. CHAIR.**

33 **THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF**
34 **THE BOARD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–101(x)(4).

3 The reference to “[t]he Governor” is added to make explicit what was only
4 implied in the former law, that the Governor is required to designate a chair.

5 The reference to a “chair” is substituted for the former reference to a
6 “chairman” because SG § 2–1238 requires the use of words that are neutral as
7 to gender to the extent practicable.

8 Former Art. 2B, § 15–101(x)(1), which provided that former Art. 2B, §
9 15–101(x) applied only in Wicomico County, is deleted as unnecessary in light
10 of the organization of this revised article.

11 Defined term: “Board” § 32–101

12 **32–204. SALARIES; STAFF.**

13 **(A) SALARIES.**

14 **(1) THE CHAIR OF THE BOARD SHALL RECEIVE \$5,000 ANNUALLY.**

15 **(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$4,000**
16 **ANNUALLY.**

17 **(B) STAFF.**

18 **SUBJECT TO THIS SECTION AND § 32–205 OF THIS SUBTITLE, THE BOARD MAY:**

19 **(1) EMPLOY:**

20 **(I) A SECRETARY;**

21 **(II) INSPECTORS; AND**

22 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

23 **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

24 **(C) ATTORNEY.**

25 **(1) THE BOARD MAY DESIGNATE AN ATTORNEY FOR THE BOARD.**

26 **(2) THE ANNUAL SALARY OF THE ATTORNEY:**

1 **(I) IS \$10,000; AND**

2 **(II) SHALL BE PROVIDED IN THE COUNTY BUDGET.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, §§ 15–109(x)(2) and 15–112(a)(2) and (x)(4).

5 In subsection (a) of this section, the former reference to “compensation” is
6 deleted as surplusage.

7 In subsection (a)(1) of this section, the reference to a “chair” is substituted for
8 the former reference to a “[c]hairman” because SG § 2–1238 requires the use
9 of words that are neutral as to gender to the extent practicable.

10 In subsection (a)(2) of this section, the reference to each “other” member of the
11 Board is added for clarity.

12 In subsection (b)(1)(iii) of this section, the reference to “assistants” is
13 substituted for the former reference to “assistance” for clarity.

14 Former Art. 2B, § 15–109(x)(1), which provided that former Art. 2B, §
15 15–109(x) applied only in Wicomico County, is deleted as unnecessary in light
16 of the organization of this revised article.

17 Defined terms: “Board” § 32–101

18 “County” § 32–101

19 **32–205. INSPECTORS.**

20 **(A) IN GENERAL.**

21 **(1) THE BOARD SHALL APPOINT A FULL–TIME INSPECTOR AND A**
22 **PART–TIME INSPECTOR.**

23 **(2) THE SALARIES OF THE INSPECTORS SHALL BE AS PROVIDED IN**
24 **THE COUNTY BUDGET.**

25 **(B) POWERS.**

26 **THE INSPECTORS HAVE THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE**
27 **STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

28 **(C) DUTIES.**

1 **THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTORS, WHICH SHALL**
 2 **BE FOR THE PROPER ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC**
 3 **BEVERAGES LAWS IN THE COUNTY.**

4 **(D) OATH.**

5 **THE INSPECTORS SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE**
 6 **MARYLAND CONSTITUTION.**

7 **(E) BOND.**

8 **(1) THE INSPECTORS SHALL SEPARATELY PROVIDE A PENALTY BOND**
 9 **OF \$2,000 TO THE BOARD AND THE COUNTY JOINTLY ON THE CONDITION THAT THE**
 10 **INSPECTOR AND PART-TIME INSPECTOR FAITHFULLY PERFORM THE DUTIES OF**
 11 **OFFICE.**

12 **(2) THE COUNTY SHALL PAY THE COST OF THE BONDS.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 15–112(x)(2).

15 Throughout this section, references to the “inspectors” are substituted for the
 16 former references to the “inspector” and the “part–time inspector”.

17 In subsection (b) of this section, the reference to the powers “arising out of or
 18 relating to the enforcement of this article” is substituted for the former
 19 reference to the powers “[f]or the purposes of the alcoholic beverages laws” for
 20 consistency with other similar provisions of this article.

21 In subsection (d) of this section, the reference to the requirement to “take the
 22 oath required by Article I, § 9 of the Maryland Constitution” is substituted for
 23 the former reference to the requirement to “make oath faithfully to perform
 24 the duties entrusted to them, as provided in Article I, § 9 of the Maryland
 25 Constitution” for brevity.

26 In subsection (e)(1) of this section, the reference to a “penalty” bond is added
 27 for clarity.

28 Also in subsection (e)(1) of this section, the reference to the inspector and
 29 part–time inspector “faithfully perform[ing] the duties of office” is substituted
 30 for the former reference to the inspector and part–time inspector “well and
 31 faithfully execut[ing] their offices in all things pertaining to them” for brevity
 32 and clarity.

33 Defined terms: “Alcoholic beverage” § 1–101

34 “Board” § 32–101

1 “County” § 32–101

2 “State” § 1–101

3 **32–206. DISPOSITION OF LICENSE FEES.**

4 **THE COUNTY COUNCIL SHALL PAY THE SALARIES AND EXPENSES OF THE**
5 **BOARD.**

6 REVISOR’S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 10–204(x).

8 Defined term: “Board” § 32–101

9 **32–207. ENFORCEMENT AND REGULATIONS.**

10 **(A) ENFORCEMENT.**

11 **THE BOARD SHALL COORDINATE THE ENFORCEMENT OF ALL ALCOHOLIC**
12 **BEVERAGES LICENSING LAWS FOR THE COUNTY.**

13 **(B) REGULATIONS.**

14 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, §§ 15–112(x)(3) and 16–301(a), as they related to
17 the authority of the Board to adopt regulations.

18 In subsection (b) of this section, the defined term “Board” is substituted for
19 the former reference to “the board of license commissioners from any county
20 or Baltimore City, respectively” because this section applies only to the Board
21 of License Commissioners for Wicomico County.

22 Also in subsection (b) of this section, the reference to the Board “adopt[ing]
23 regulations to carry out this article” is substituted for the former reference to
24 the Board “hav[ing] full power and authority to adopt such reasonable rules
25 and regulations as they may deem necessary to enable them effectively to
26 discharge the duties imposed upon them by” this article for brevity.

27 Also in subsection (b) of this section, the former phrase “[i]n addition to the
28 powers otherwise provided by this article,” is deleted as surplusage.

29 Former Art. 2B, § 15–112(x)(1), which stated that former Art. 2B, § 15–112(x)
30 applied only in Wicomico County, is deleted as unnecessary in light of the
31 organization of this article.

1 Defined terms: "Board" § 32-101

2 "County" § 32-101

3 **SUBTITLE 3. LIQUOR CONTROL BOARD.**

4 **32-301. DEFINITIONS.**

5 **(A) IN GENERAL.**

6 **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

7 REVISOR'S NOTE: This subsection is new language added as the standard
8 introductory language to a definition section.

9 **(B) DISPENSARY.**

10 **"DISPENSARY" MEANS A STORE ESTABLISHED AND MAINTAINED BY THE**
11 **LIQUOR CONTROL BOARD FOR THE SALE OF ALCOHOLIC BEVERAGES.**

12 REVISOR'S NOTE: This subsection is new language added to provide a convenient
13 reference to a store established and maintained by the Liquor Control Board.

14 Defined terms: "Alcoholic beverage" § 1-101

15 "Liquor Control Board" § 32-301

16 **(C) LIQUOR CONTROL BOARD.**

17 **"LIQUOR CONTROL BOARD" MEANS THE LIQUOR CONTROL BOARD FOR THE**
18 **COUNTY.**

19 REVISOR'S NOTE: This subsection is new language added to provide a convenient
20 reference to the Liquor Control Board for the County.

21 Defined term: "County" § 32-101

22 **32-302. ESTABLISHED.**

23 **THERE IS A LIQUOR CONTROL BOARD FOR WICOMICO COUNTY.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, §§ 15-201(a) and, as it related to Wicomico
26 County, 15-210.

27 **32-303. MEMBERSHIP.**

1 **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

2 **THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE LIQUOR CONTROL**
3 **BOARD WITH THE ADVICE AND CONSENT OF THE SENATE.**

4 **(B) QUALIFICATIONS.**

5 **EACH MEMBER OF THE LIQUOR CONTROL BOARD SHALL BE:**

6 **(1) A RESIDENT AND VOTER IN THE COUNTY; AND**

7 **(2) AN INDIVIDUAL OF HIGH CHARACTER, INTEGRITY, AND**
8 **RECOGNIZED BUSINESS CAPACITY.**

9 **(C) RESTRICTIONS.**

10 **(1) A MEMBER OF THE LIQUOR CONTROL BOARD MAY NOT:**

11 **(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE**
12 **MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

13 **(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF**
14 **ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE**
15 **DISCHARGE OF THE DUTIES OF THE OFFICE.**

16 **(2) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A**
17 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
18 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

19 **(D) TENURE.**

20 **THE TERM OF A MEMBER IS 2 YEARS AND BEGINS ON JULY 1.**

21 **(E) VACANCIES.**

22 **IF A VACANCY OCCURS, IT SHALL BE FILLED FOR THE UNEXPIRED TERM IN**
23 **THE SAME MANNER AS THE ORIGINAL APPOINTMENT.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, §§ 15-201(b)(1)(i) and (ii), (c)(1), (d)(4), (e)(1),
26 (j)(1), and the first sentence of (f) and, as it related to membership in a liquor
27 control board, 15-208(a).

1 In subsection (d) of this section, the former obsolete reference to “July 1, 1977”
2 as the starting date for the initial members of the Liquor Control Board is
3 deleted.

4 In subsection (e) of this section, the former phrase “[e]xcept as provided in
5 paragraph (2) of this subsection” is deleted as unnecessary because former
6 paragraph (2) did not apply to the County.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “County” § 32–101

9 “Liquor Control Board” § 32–301

10 “Person” § 1–101

11 **32–304. CHAIR.**

12 **THE LIQUOR CONTROL BOARD SHALL ELECT A CHAIR FROM AMONG ITS**
13 **MEMBERS.**

14 REVISOR’S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 15–201(g).

16 The reference to electing a chair “from among its members” is added for clarity
17 and consistency within the Code. *See, e.g.*, CP § 16–301(e).

18 The former reference requiring a liquor control board to “organize by” electing
19 a chair is deleted for clarity and brevity and as unnecessary.

20 Defined term: “Liquor Control Board” § 32–301

21 **32–305. MEETINGS; SALARIES; STAFF.**

22 **(A) MEETINGS.**

23 **THE LIQUOR CONTROL BOARD SHALL MEET AS OFTEN AS NECESSARY FOR**
24 **THE PUBLIC BUSINESS.**

25 **(B) SALARIES.**

26 **(1) THE CHAIR OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN**
27 **ANNUAL SALARY OF \$6,000.**

28 **(2) THE OTHER MEMBERS OF THE LIQUOR CONTROL BOARD SHALL**
29 **RECEIVE AN ANNUAL SALARY OF \$5,000.**

30 **(C) STAFF.**

1 **(1) THE LIQUOR CONTROL BOARD SHALL APPOINT EMPLOYEES**
 2 **NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE**
 3 **COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF**
 4 **EMPLOYEE DUTIES.**

5 **(2) (I) AN EMPLOYEE OF THE LIQUOR CONTROL BOARD MAY NOT:**

6 **1. HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN**
 7 **THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

8 **2. DERIVE PROFIT OR REMUNERATION FROM THE SALE**
 9 **OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE**
 10 **DISCHARGE OF THE DUTIES OF THE OFFICE.**

11 **(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A**
 12 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
 13 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, §§ 15–205(a)(1)(i), 15–201(h)(6) and (i)(1), and, as
 16 it related to employees of the Liquor Control Board, 15–208(a).

17 In subsection (b) of this section, the references to the “salary” of Liquor Control
 18 Board members are substituted for the former reference to “compensation” for
 19 the members for clarity and consistency within this revised article.

20 In subsection (c)(1) of this section, the former reference to the duties “of the ...
 21 position, as herein prescribed or authorized” is deleted as surplusage.

22 In subsection (c)(2)(ii) of this section, the reference to the defined term
 23 “person” who performs specific prohibited acts is substituted for the former
 24 reference to “any employee of said board” who performs specific prohibited acts
 25 for clarity and brevity.

26 Defined terms: “Alcoholic beverage” § 1–101

27 “Dispensary” § 32–301

28 “Liquor Control Board” § 32–301

29 “Person” § 1–101

30 **32–306. MONOPOLY CONTROL.**

31 **SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD HAS A**
 32 **MONOPOLY ON THE SALE AND DISTRIBUTION IN THE COUNTY OF:**

1 **(1) WINE THAT CONTAINS MORE THAN 15.5% ALCOHOL BY VOLUME;**
2 **AND**

3 **(2) LIQUOR.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 15-204(a).

6 The references to "wine that contains more than 15.5% alcohol by volume" and
7 "liquor" are substituted for the former reference to "particular alcoholic
8 beverages which elsewhere in this subtitle it is empowered to sell" to state
9 expressly what was only implicit in the former law. *See* § 32-309(d) of this
10 subtitle.

11 Defined terms: "County" § 32-101
12 "Liquor Control Board" § 32-301
13 "Wine" § 1-101

14 **32-307. BORROWING POWER.**

15 **(A) LIMITATION.**

16 **(1) THE COUNTY MAY LOAN MONEY TO THE LIQUOR CONTROL**
17 **BOARD TO PROVIDE THE LIQUOR CONTROL BOARD WITH ADEQUATE WORKING**
18 **CAPITAL TO ACQUIRE, ESTABLISH, AND OPERATE THE DISPENSARY SYSTEM AND**
19 **WAREHOUSE FACILITIES.**

20 **(2) THE COUNTY MAY FINANCE A LOAN UNDER THIS SUBSECTION BY**
21 **ISSUING NOTES, CERTIFICATES OF INDEBTEDNESS, OR BONDS AS THE COUNTY**
22 **FINDS NECESSARY.**

23 **(3) (I) THE LIQUOR CONTROL BOARD MAY BORROW MONEY FROM**
24 **A BANKING INSTITUTION ON THE LIQUOR CONTROL BOARD'S OWN CREDIT; BUT**

25 **(II) THE AGGREGATE SUM ADVANCED TO OR BORROWED BY THE**
26 **LIQUOR CONTROL BOARD MAY NOT EXCEED \$500,000.**

27 **(B) INTEREST RATE.**

28 **(1) MONEY SHALL BEAR INTEREST AT THE LOWEST RATE POSSIBLE,**
29 **NOT EXCEEDING 6% A YEAR THAT, UNDER THIS SUBTITLE IS:**

30 **(I) LOANED TO THE LIQUOR CONTROL BOARD BY THE**
31 **COUNTY;**

1 (II) BORROWED BY THE COUNTY; OR

2 (III) BORROWED BY THE LIQUOR CONTROL BOARD.

3 (2) MONEY LOANED OR BORROWED, AND THE INTEREST ON IT, SHALL
4 BE REPAID FROM THE RECEIPTS FROM SALES MADE AT THE DISPENSARIES.

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 15–202(a), (b)(1) and (2)(ii), and (c)(2).

7 Wicomico County adopted a charter form of government in 1964, replacing the
8 Wicomico County Board of Commissioners with the Wicomico County
9 Executive and County Council. In each instance in this section where “county
10 commissioners” is used in the source law, “County” is substituted.

11 In subsection (a)(1) and (3)(i) of this section, the former phrase “from time to
12 time” is deleted as surplusage. Similarly, in subsection (a)(1) and (2) of this
13 section, the references stating that the County “may” loan or finance a loan
14 are substituted for the former references stating that a county “is hereby
15 authorized and empowered” to loan or finance a loan for brevity.

16 In subsection (a)(1) of this section, the reference authorizing a county to “loan”
17 money to a county dispensary is substituted for the former reference
18 authorizing a county to “advance” money to a county dispensary for clarity.

19 Also in subsection (a)(1) of this section, the former reference to “branch
20 dispensaries” is deleted as included in the reference to the “dispensary
21 system”. Similarly, in subsection (b)(2) of this section, the reference to the
22 “dispensaries” is substituted for the former reference to the “county liquor
23 dispensary, or branch dispensaries”.

24 Also in subsection (a)(1) of this section, the former reference to dispensary
25 system and warehouse facilities “as found necessary under this subtitle” is
26 deleted as surplusage.

27 Also in subsection (a)(1) of this section, the former reference to “a sum of”
28 money is deleted as unnecessary.

29 In subsection (a)(2) of this section, the reference authorizing a county to
30 “finance a loan under this subsection” is substituted for the former reference
31 authorizing a county to “borrow upon the credit of the county” to advance
32 money to a liquor control board for clarity, brevity, and because the source law
33 being substituted for is implicit in the reference to the issuance of county debt
34 instruments.

1 Defined terms: "County" § 32-101
2 "Dispensary" § 32-301
3 "Liquor Control Board" § 32-301

4 **32-308. OTHER POWERS.**

5 **SUBJECT TO § 1-309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD MAY:**

6 **(1) PURCHASE FROM A HOLDER OF A WHOLESALER'S LICENSE OR**
7 **MANUFACTURER'S LICENSE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL**
8 **BOARD IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY §**
9 **5-102 OF THE TAX - GENERAL ARTICLE IS PAID;**

10 **(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR**
11 **NONRESIDENT DEALER'S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES**
12 **THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL; AND**

13 **(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX**
14 **IS PAID;**

15 **(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES**
16 **THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**

17 **(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN**
18 **THE JUDGMENT OF THE LIQUOR CONTROL BOARD, IS NOT SUITABLE TO PURCHASE**
19 **OR CONSUME THE ALCOHOLIC BEVERAGES;**

20 **(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC**
21 **BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER**
22 **AT OR DURING ANY TIME;**

23 **(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY**
24 **OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

25 **(7) SELL AND SHIP OUTSIDE THE COUNTY A CONTAINER OR PACKAGE**
26 **OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED**
27 **BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**

28 **(8) SUBJECT TO THE APPROVAL OF THE COUNTY, RENT, LEASE, OR**
29 **PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**

30 **(9) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF**
31 **WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–205(b), (c), (d), (f), (g), (h), and (e)(1).

3 In the introductory language of this section, the reference stating that the
4 Liquor Control Board “may” perform certain functions is substituted for the
5 former reference stating that the liquor control board “shall have full power
6 and authority” to perform these functions for clarity and brevity.

7 Also in the introductory language of this section, the former reference to the
8 liquor control board “of each county” is deleted as unnecessary, since this
9 section applies only to the Liquor Control Board for Wicomico County.

10 In item (1) of this section, the former reference to authorizing the purchase of
11 “any sparkling or fortified wine” is deleted as included in the reference
12 authorizing the purchase of “alcoholic beverages”.

13 In item (2)(i) of this section, the reference to the resale of alcoholic beverages
14 “that the Liquor Control Board is authorized to sell” is added to state expressly
15 what was only implied in the former law.

16 Also in item (2)(i) of this section, the former reference to the sale of alcoholic
17 beverages “as hereinafter provided” is deleted as surplusage. Similarly, in
18 item (3) of this section, the former reference to the sale of alcoholic beverages
19 “as above provided” is deleted.

20 In item (3) of this section, the reference to the defined term “dispensaries” is
21 substituted for the former reference to “stores” in the county for consistency
22 within this subtitle.

23 Also in item (3) of this section, the former phrase “in the said county” is deleted
24 as included in the defined term “dispensar[ies]”.

25 In item (5) of this section, the reference to restricting the sale of alcoholic
26 beverages “during” any time is substituted for the former reference to any
27 “given ... period” for brevity.

28 Also in item (5) of this section, the former reference to the authority of the
29 Liquor Control Board to “limit” the sale of alcoholic beverages is deleted as
30 included in the reference to the authority of the Liquor Control Board to
31 “restrict” the sale of alcoholic beverages.

32 Also item (5) of this section, the former reference to a “system” of restricting
33 the sale of alcoholic beverages is deleted as included in the reference to a
34 “method” of restricting the sale of alcoholic beverages.

35 Also in item (5) of this section, the former reference to a method of restricting
36 the sale of alcoholic beverages “as may be prescribed by the liquor control

1 board” is deleted as implicit in the authority of the Liquor Control Board to
2 restrict alcoholic beverages sales.

3 In item (6) of this section, the references to the authority of the Liquor Control
4 Board to “enter” a contract or “adopt” a regulation are substituted for the
5 former reference to the authority of the Liquor Control Board to “make” a
6 contract or regulation for clarity and to conform to the terminology used
7 elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS
8 § 4–606.

9 Also in item (6) of this section, the former reference to “rules” is deleted as
10 included in the reference to “regulations”.

11 Also in item (6) of this section, the former reference to “the powers conferred
12 upon [the Liquor Control Board] by” this article is deleted as unnecessary.

13 In item (7) of this section, the former reference to a prohibited act “applicable”
14 by law in a specified place is deleted as unnecessary.

15 In item (9) of this section, the reference authorizing a liquor control board to
16 “establish” hours of sale for county dispensaries is substituted for the former
17 reference authorizing a liquor control board to “fix” hours of sale for county
18 dispensaries for clarity.

19 Also in item (9) of this section, the reference to hours “of sale” is substituted
20 for the former reference to hours “for opening and closing” for clarity.

21 Also in item (9) of this section, the former reference prohibiting the sale of
22 alcoholic beverages at specific times is deleted as implicit in the establishment
23 of hours of sale.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Consumer” § 1–101

26 “County” § 32–101

27 “Dispensary” § 32–301

28 “License holder” § 1–101

29 “Liquor Control Board” § 32–301

30 “Manufacturer’s license” § 1–101

31 “Person” § 1–101

32 “Wholesaler’s license” § 1–101

33 **32–309. DISPENSARIES.**

34 **(A) ESTABLISHED.**

1 **THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN STORES**
2 **KNOWN AS “DISPENSARIES”.**

3 **(B) AUTHORITY.**

4 **A DISPENSARY:**

5 **(1) MAY SELL SPARKLING OR FORTIFIED WINE OR OTHER ALCOHOLIC**
6 **BEVERAGES CONTAINING MORE THAN 14% ALCOHOL BY VOLUME; AND**

7 **(2) SHALL SELL THE ALCOHOLIC BEVERAGES IN SEALED PACKAGES**
8 **OR CONTAINERS.**

9 **(C) AUTHORIZED SALE ITEMS.**

10 **A DISPENSARY MAY SELL CHILLED AND NONCHILLED BEER, WINE, LIQUOR,**
11 **ICE, OR BOTTLED WATER.**

12 **(D) MONOPOLY SALES.**

13 **ALL ALCOHOLIC BEVERAGES OTHER THAN BEER AND WINE SHALL BE**
14 **PURCHASED FROM THE LIQUOR CONTROL BOARD.**

15 **(E) SALE OF LIQUOR TO LICENSE HOLDERS.**

16 **A DISPENSARY SHALL SELL LIQUOR AT WHOLESALE TO A BEER, WINE, AND**
17 **LIQUOR LICENSE HOLDER:**

18 **(1) FOR A CLASS A, B, OR C LICENSE, AT A MARKUP NOT EXCEEDING**
19 **15% ABOVE THE OPERATING COST TO THE DISPENSARY; OR**

20 **(2) FOR A CLASS D LICENSE, AT A MARKUP NOT EXCEEDING 15%**
21 **ABOVE THE WHOLESALE COST TO THE DISPENSARY.**

22 **(F) WINE TASTING AND SAMPLING.**

23 **(1) THE LIQUOR CONTROL BOARD MAY HOLD WINE TASTING AND**
24 **SAMPLING PROMOTIONAL EVENTS IN DISPENSARIES IN ACCORDANCE WITH THIS**
25 **SUBSECTION.**

26 **(2) THE LIQUOR CONTROL BOARD:**

1 **(I) MAY NOT SERVE TO AN INDIVIDUAL MORE THAN 1 OUNCE**
2 **FROM EACH BRAND AT AN EVENT;**

3 **(II) MAY NOT ALLOW MORE THAN SIX WINE BOTTLES TO BE OPEN**
4 **AT ANY ONE TIME AT AN EVENT;**

5 **(III) MAY NOT CONDUCT EVENTS IN THE COUNTY ON MORE THAN**
6 **10 DAYS IN ANY 12-MONTH PERIOD;**

7 **(IV) SHALL MARK EACH WINE BOTTLE USED FOR AN EVENT,**
8 **ONCE OPENED, THAT IT IS TO BE USED ONLY FOR TASTING OR SAMPLING;**

9 **(V) MAY NOT MIX THE CONTENTS OF A WINE BOTTLE WITH THE**
10 **CONTENTS OF ANOTHER WINE BOTTLE;**

11 **(VI) SHALL DESTROY ALL EMPTY WINE BOTTLES;**

12 **(VII) SHALL ALLOW ON-PREMISES CONSUMPTION AT AN EVENT;**
13 **AND**

14 **(VIII) MAY NOT CONDUCT WINE TASTING AND SAMPLING USING A**
15 **DRIVE-THROUGH WINDOW.**

16 **(G) PROHIBITED ACTS.**

17 **A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED**
18 **CONTAINER OR PACKAGE ON THE PREMISES OF THE DISPENSARY WHERE SOLD.**

19 **(H) ISSUANCE OR DENIAL OF LICENSE PROVISIONS NOT APPLICABLE.**

20 **TITLE 4, SUBTITLE 2 OF THIS ARTICLE DOES NOT APPLY TO THIS SECTION.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, §§ 6-401(x)(2)(vii) and (3)(vi), 9-102(e),
23 15-203(a)(1) and (e-1), 15-204(d), and 15-205(m).

24 In subsection (f)(2)(iv), (v), and (vi) of this section, the references to a "wine"
25 bottle are added for clarity.

26 In subsection (f)(2)(iv) of this section, the reference to "tasting or sampling" is
27 substituted for the former reference to "that purpose" for clarity.

28 In subsection (g) of this section, the phrase "of the dispensary" is added for
29 clarity.

1 Defined terms: “Alcoholic beverage” § 1–101

2 “Beer” § 1–101

3 “County” § 32–101

4 “Dispensary” § 32–301

5 “License” § 1–101

6 “Liquor Control Board” § 32–301

7 “Person” § 1–101

8 “Wine” § 1–101

9 **32–310. DISTRIBUTION OF PROCEEDS.**

10 **(A) DEBT REPAYMENT.**

11 **THE LIQUOR CONTROL BOARD SHALL APPLY PROCEEDS DERIVED FROM THE**
12 **OPERATION OF DISPENSARIES FIRST TOWARD THE REPAYMENT OF MONEY LOANED**
13 **TO OR BORROWED BY THE LIQUOR CONTROL BOARD.**

14 **(B) RESERVE FUND.**

15 **AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE LIQUOR**
16 **CONTROL BOARD, SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL, MAY**
17 **CREATE AND MAINTAIN A RESERVE FUND TO:**

18 **(1) PROVIDE ADEQUATE WORKING CAPITAL; AND**

19 **(2) COVER ANY LOSSES SUSTAINED BY THE LIQUOR CONTROL BOARD**
20 **IN OPERATING THE DISPENSARIES.**

21 **(C) PAYMENT TO COUNTY.**

22 **THE LIQUOR CONTROL BOARD SHALL PAY ANY REMAINING NET PROCEEDS**
23 **TO THE COUNTY ON JANUARY 1, APRIL 1, AUGUST 1, AND OCTOBER 1 OF EACH**
24 **YEAR.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 15–207(g)(2), (3), and (4).

27 In subsection (a) of this section, the reference to “proceeds” is substituted for
28 the former reference to “net profits” to conform to the terminology used
29 throughout this article.

30 Also in subsection (a) of this section, the reference to proceeds “derived” from
31 sales is substituted for the former reference to proceeds “arising” from sales

1 for clarity and consistency with other similar provisions relating to
2 dispensaries.

3 Also in subsection (a) of this section, the reference to the repayment of “money”
4 advanced or borrowed is substituted for the former reference to repayment of
5 “sums” advanced or borrowed for clarity.

6 Former Art. 2B, § 15–207(g)(1), which stated that former Art. 2B, §
7 15–207(g) applied only in Wicomico County, is deleted as unnecessary in light
8 of the organization of this revised article.

9 Defined terms: “County” § 32–101
10 “Dispensary” § 32–301
11 “Liquor Control Board” § 32–301

12 **32–311. REPORTS.**

13 **(A) MONTHLY SUBMISSION.**

14 **(1) THE LIQUOR CONTROL BOARD SHALL:**

15 **(I) KEEP ACCURATE RECORDS OF:**

16 **1. ALL PURCHASES OF ALCOHOLIC BEVERAGES; AND**

17 **2. A COMPLETE STATEMENT OF THE BUSINESS**
18 **CONDUCTED BY THE LIQUOR CONTROL BOARD AND THE OPERATIONAL**
19 **ACHIEVEMENTS OF THE DISPENSARY SYSTEM; AND**

20 **(II) SUBMIT ANNUAL AND MONTHLY REPORTS TO THE COUNTY**
21 **COUNCIL.**

22 **(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE**
23 **COMPTROLLER DURING REGULAR BUSINESS HOURS.**

24 **(B) ANNUAL REPORT.**

25 **THE LIQUOR CONTROL BOARD SHALL PUBLISH AN ANNUAL REPORT**
26 **SUBMITTED TO THE COUNTY ON JUNE 30 OF EACH YEAR IN A NEWSPAPER OF**
27 **FREQUENT AND GENERAL CIRCULATION THAT IS PUBLISHED IN THE COUNTY.**

28 **REVISOR’S NOTE:** This section is new language derived without substantive
29 change from former Art. 2B, § 15–206(a) and (c).

1 In subsection (b) of this section, the reference requiring the Liquor Control
2 Board to “publish” a specific report in a newspaper is substituted for the
3 former reference that the report be “printed” in a newspaper for clarity and
4 consistency with similar provisions of the Code. *See, e.g.*, HS §§ 4–213(d)(4)
5 and 4–230(b).

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Comptroller” § 1–101

8 “County” § 32–101

9 “Dispensary” § 32–301

10 “Liquor Control Board” § 32–301

11 **32–312. STALE MALT BEVERAGES.**

12 **(A) AGREEMENT TO REPLACE MALT BEVERAGES AUTHORIZED.**

13 **A SUPPLIER MAY ENTER INTO AN AGREEMENT WITH A WHOLESALER OR**
14 **AUTHORIZED REPRESENTATIVE OF A WHOLESALER TO REPLACE, DIRECTLY OR**
15 **INDIRECTLY, STALE OR OUT–OF–DATE MALT BEVERAGE PRODUCTS ON RETAIL**
16 **LICENSED PREMISES:**

17 **(1) ON A CASE FOR CASE BASIS;**

18 **(2) AT THE SUPPLIER’S EXPENSE; AND**

19 **(3) UNDER A PLAN THAT THE COMPTROLLER APPROVES.**

20 **(B) UNILATERAL REPLACEMENT PLAN.**

21 **(1) IF A WHOLESALER REFUSES TO REPLACE STALE OR**
22 **OUT–OF–DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES UNDER**
23 **THE PLAN DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION, THE SUPPLIER MAY**
24 **UNILATERALLY SUBMIT A REPLACEMENT PLAN TO THE COMPTROLLER FOR**
25 **APPROVAL.**

26 **(2) THE REPLACEMENT PLAN THAT THE SUPPLIER UNILATERALLY**
27 **SUBMITS TO THE COMPTROLLER MAY INCLUDE THE DESIGNATION OF AN**
28 **AUTHORIZED REPRESENTATIVE OR WHOLESALER OUTSIDE THE TERRITORY OF THE**
29 **WHOLESALER WHO REFUSES TO PARTICIPATE IN THE PLAN.**

30 REVISOR’S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 12–102(c)(2) through (4).

32 In the introductory language of subsection (a) and in subsection (b)(2) of this
33 section, the former phrase “[n]otwithstanding any other provision of this

1 section” is deleted as unnecessary in light of the organization of this revised
2 article.

3 In subsection (a)(3) of this section, the former reference to a plan “submitted
4 to” the Comptroller is deleted as included in the reference to a plan that the
5 Comptroller “approves”.

6 Former Art. 2B, § 12–102(c)(1), which stated that former Art. 2B, §
7 12–102(c) applied “only to those counties whose liquor control boards establish
8 and maintain county liquor dispensaries” is deleted as unnecessary in light of
9 the organization of this revised article.

10 Defined terms: “Comptroller” § 1–101
11 “Wholesaler” § 1–101

12 **SUBTITLE 4. MANUFACTURER’S LICENSES.**

13 **32–401. APPLICATION OF GENERAL PROVISIONS.**

14 **(A) WITHOUT EXCEPTION OR VARIATION.**

15 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S**
16 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
17 **EXCEPTION OR VARIATION:**

- 18 **(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
19 **(2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
20 **(3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
21 **(4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
22 **(5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
23 **(6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
24 **(7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
25 **(8) § 2–211 (“RESIDENCY REQUIREMENT”);**
26 **(9) § 2–212 (“ADDITIONAL LICENSES”);**
27 **(10) § 2–213 (“ADDITIONAL FEES”);**

1 (11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

2 (12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
3 PROHIBITED”);

4 (13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
5 AND RETAILERS”);

6 (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
7 PROHIBITED PRACTICES”); AND

8 (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
9 RETAILERS — PROHIBITED”).

10 (B) EXCEPTION.

11 SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF
12 THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

13 (C) VARIATIONS.

14 THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S
15 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

16 (1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO §
17 32-403 OF THIS SUBTITLE; AND

18 (2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §
19 32-404 OF THIS SUBTITLE.

20 REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to
21 incorporate by reference general provisions relating to the issuance of
22 manufacturer’s licenses.

23 Subsection (b) of this section is new language derived without substantive
24 change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only
25 implicit in the former law, that a limited distillery license may not be issued
26 in the County.

27 Defined terms: “County” § 32-101
28 “Manufacturer’s license” § 1-101

29 32-402. HOURS AND DAYS OF SALE OR DELIVERY.

1 **A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER**
 2 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
 3 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

4 REVISOR’S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 11–101(b)(15).

6 Defined terms: “Alcoholic beverage” § 1–101
 7 “Manufacturer’s license” § 1–101

8 **32–403. CLASS 6 PUB–BREWERY LICENSE.**

9 **(A) APPLICATION OF SECTION.**

10 **THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE**
 11 **COUNTY.**

12 **(B) REQUIRED NOTICE.**

13 **BEFORE THE COMPTROLLER MAY ISSUE A CLASS 6 PUB–BREWERY LICENSE**
 14 **IN THE COUNTY, THE COMPTROLLER SHALL FORWARD A COPY OF THE APPLICATION**
 15 **TO THE BOARD.**

16 **(C) REVIEW.**

17 **THE BOARD SHALL:**

18 **(1) REVIEW THE APPLICATION;**

19 **(2) HOLD A PUBLIC HEARING ON THE APPLICATION; AND**

20 **(3) RECOMMEND TO THE COMPTROLLER WHETHER OR NOT TO ISSUE**
 21 **THE LICENSE.**

22 REVISOR’S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 2–207(i)(2), and, as it related to the availability
 24 of a Class 6 pub–brewery license in Wicomico County, the introductory
 25 language of (a)(4).

26 In subsection (b) of this section, the former reference to the “Office of the”
 27 Comptroller “of this State” is deleted as unnecessary. Correspondingly, in
 28 subsection (c) of this section, the reference to the “Comptroller” is substituted
 29 for the former reference to the “Office”.

1 Former Art. 2B, § 2–207(i)(1), which provided that former Art. 2B, § 2–207(i)
2 applied only in Wicomico County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Board” § 32–101

5 “Comptroller” § 1–101

6 “County” § 32–101

7 “License” § 1–101

8 **32–404. CLASS 7 MICRO–BREWERY LICENSE.**

9 **A HOLDER OF A CLASS 7 MICRO–BREWERY LICENSE MAY NOT COLLECTIVELY**
10 **BREW, BOTTLE, OR CONTRACT FOR MORE THAN 45,000 BARRELS OF MALT**
11 **BEVERAGES EACH CALENDAR YEAR.**

12 REVISOR’S NOTE: This section is new language derived without substantive change
13 from former Art. 2B, § 2–208(b)(2)(xxiii) and (c)(1)(i)5B.

14 **32–405. ADDITIONAL PUB–BREWERY OR MICRO–BREWERY LICENSE.**

15 **(A) IN ENTERPRISE ZONE.**

16 **THE COMPTROLLER MAY ISSUE ONE CLASS 6 PUB–BREWERY LICENSE OR ONE**
17 **CLASS 7 MICRO–BREWERY LICENSE, BUT NOT BOTH, FOR A LOCATION IN AN**
18 **ENTERPRISE ZONE, TO A PERSON THAT HOLDS NOT MORE THAN FIVE CLASS B BEER,**
19 **WINE, AND LIQUOR LICENSES.**

20 **(B) CLASS A LICENSE HOLDERS.**

21 **A HOLDER OF A CLASS A LICENSE MAY ALSO HOLD A CLASS 7**
22 **MICRO–BREWERY LICENSE AND NOT MORE THAN FIVE CLASS B BEER, WINE, AND**
23 **LIQUOR LICENSES.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 12–104(e)(5)(ii), (iii), and (iv).

26 In subsection (b) of this section, the former phrase “[n]otwithstanding
27 subsection (b)(1) of this section” is deleted as unnecessary in light of the
28 organization of this revised article.

29 Former Art. 2B, § 12–104(e)(5)(i), which stated that former Art. 2B, §
30 12–104(e)(5) applied only in Wicomico County, is deleted as unnecessary in
31 light of the organization of this revised article.

32 **SUBTITLE 5. WHOLESALER’S LICENSES.**

1 **32-501. APPLICATION OF GENERAL PROVISIONS.**

2 (A) **WITHOUT EXCEPTION OR VARIATION.**

3 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
4 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
5 **EXCEPTION OR VARIATION:**

6 (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);

7 (2) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);

8 (3) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);

9 (4) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);

10 (5) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);

11 (6) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);

12 (7) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM
13 WHOLESALER’S VEHICLE”);

14 (8) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);

15 (9) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);

16 (10) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);

17 (11) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF
18 LICENSE OR PERMIT”);

19 (12) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER
20 PROHIBITED”);

21 (13) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND
22 RETAILERS”);

23 (14) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
24 PROHIBITED PRACTICES”); AND

1 **(15) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS**
2 **AND RETAILERS — PROHIBITED”).**

3 **(B) VARIATIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
5 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO §**
6 **32-504 OF THIS SUBTITLE:**

7 **(1) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S**
8 **LICENSE”); AND**

9 **(2) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”).**

10 REVISOR’S NOTE: This section is new language added to incorporate by reference
11 general provisions relating to the issuance of wholesaler’s licenses.

12 Defined terms: “County” § 32-101
13 “Wholesaler’s license” § 1-101

14 **32-502. HOURS AND DAYS OF SALE OR DELIVERY.**

15 **EXCEPT AS PROVIDED IN § 32-503 OF THIS SUBTITLE, A HOLDER OF A**
16 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
17 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
18 **SUNDAY.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 11-102(a).

21 Defined terms: “Alcoholic beverage” § 1-101
22 “Wholesaler’s license” § 1-101

23 **32-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

24 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

25 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
26 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
27 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
28 **RETURNS ON THE SAME DAY.**

29 **(B) DISPENSING OF DRAFT BEER — AGREEMENT REQUIRED.**

1 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
 2 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
 3 **REQUIRED TO DISPENSE DRAFT BEER.**

4 REVISOR'S NOTE: This section is new language derived without substantive
 5 change from former Art. 2B, § 11–102(b).

6 In subsection (a) of this section, the reference to a “per diem” license is
 7 substituted for the former reference to a “special 1–day” license to conform to
 8 the terminology used throughout this article.

9 Also in subsection (a) of this section, the reference to a per diem license issued
 10 “under Subtitle 13 of this title” is substituted for the former reference to a
 11 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
 12 of material relating to per diem licenses in titles for each applicable
 13 jurisdiction in this revision.

14 Also in subsection (a) of this section, the reference to delivery of beer on the
 15 “effective date of the per diem license” is substituted for the former reference
 16 to delivery on the “effective day of the license” for clarity.

17 Also in subsection (a) of this section, the former reference to accepting returns
 18 on the same day “of delivery” is deleted as surplusage.

19 In subsection (b) of this section, the language that the “agreement entered into
 20 under subsection (a) of this section shall include [the type of equipment to
 21 dispense draft beer]” is substituted for the former language that the “parties
 22 shall agree upon [the type of equipment to dispense draft beer]” for clarity.

23 Defined terms: “Beer” § 1–101

24 “Wholesaler’s license” § 1–101

25 **32–504. RESTRICTION ON SALES.**

26 **A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR OR CLASS 2 WINE AND**
 27 **LIQUOR WHOLESALER’S LICENSE MAY NOT SELL OR DELIVER LIQUOR IN THE**
 28 **COUNTY FOR RESALE EXCEPT TO A COUNTY DISPENSARY.**

29 REVISOR'S NOTE: This section is new language added to incorporate the
 30 restrictions in Subtitle 3 of this title regarding the sale of alcoholic beverages
 31 by wholesalers in Wicomico County.

32 Defined terms: “County” § 32–101

33 “Wholesaler’s license” § 1–101

34 **SUBTITLE 6. BEER LICENSES.**

1 **32-601. CLASS A BEER LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS A BEER LICENSE.

4 (B) SCOPE OF AUTHORIZATION.

5 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER
6 AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.

7 (2) A LICENSE MAY NOT BE ISSUED FOR A PREMISES HAVING A
8 DIRECT OR INDIRECT CONNECTION WITH A DRUG OR PHARMACEUTICAL BUSINESS
9 OR OTHER BUSINESS ESTABLISHMENT OF A TYPE COMMONLY KNOWN AS A
10 DRUGSTORE.

11 (3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED
12 PACKAGE OR CONTAINER.

13 (4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS
14 CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.

15 (C) FEES.

16 THE ANNUAL LICENSE FEES ARE:

17 (1) \$175 FOR A 6-DAY LICENSE; AND

18 (2) \$275 FOR A 7-DAY LICENSE.

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 3-101(a)(1) and (x)(2) through (4).

21 In subsection (a) of this section, the former reference to a license being "issued
22 by the license issuing authority of the county in which the place of business is
23 located" is deleted as surplusage.

24 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
25 as implicit in the word "sell".

26 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
27 deleted as surplusage.

1 In subsection (b)(2) of this section, the phrase “[a] license may not be issued”
 2 is substituted for the former phrase “[a] person may not hold a license” to
 3 conform to other similar provisions of this article.

4 Also in subsection (b)(2) of this section, the former phrase “referred to as” is
 5 deleted as surplusage.

6 In subsection (b)(3) of this section, the reference to “sell[ing]” is substituted for
 7 the former reference to “deliver[ing]” for clarity and accuracy.

8 Former Art. 2B, § 3–101(x)(1), which stated that former Art. 2B, § 3–101(x)
 9 applied in Wicomico County, is deleted as unnecessary in light of the
 10 organization of this revised article.

11 Defined terms: “Beer” § 1–101

12 “Consumer” § 1–101

13 “7–day license” § 1–101

14 “6–day license” § 1–101

15 **32–602. CLASS B BEER LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS B BEER LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
 20 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR**
 21 **RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND**
 22 **OFF-PREMISES CONSUMPTION.**

23 **(2) (I) A LICENSE MAY BE ISSUED ONLY FOR A HOTEL OR**
 24 **RESTAURANT WHOSE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR**
 25 **EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF**
 26 **ALCOHOLIC BEVERAGES.**

27 **(II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE**
 28 **SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY**
 29 **NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

30 **(C) FEE.**

31 **THE ANNUAL LICENSE FEE IS \$275.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 3-201(x) and (a)(1).

3 In subsection (a) of this section, the former reference to a license being "issued
4 by the license issuing authority of the county in which the place of business is
5 located" is deleted as surplusage.

6 In subsection (b)(1) of this section, the reference to "on- and off-premises
7 consumption" is substituted for the former reference to "consumption on the
8 premises or elsewhere" for clarity.

9 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
10 deleted as implicit in the word "sell".

11 Defined terms: "Alcoholic beverage" § 1-101

12 "Beer" § 1-101

13 "Hotel" § 1-101

14 "Restaurant" § 1-101

15 **32-603. CLASS C BEER LICENSE.**

16 **(A) ESTABLISHED.**

17 **THERE IS A CLASS C BEER LICENSE.**

18 **(B) SCOPE OF AUTHORIZATION.**

19 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
20 **TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE**
21 **LICENSE FOR ON-PREMISES CONSUMPTION.**

22 **(C) FEE.**

23 **THE ANNUAL LICENSE FEE IS \$75.**

24 REVISOR'S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 3-301(x) and (a)(1).

26 In subsection (a) of this section, the former reference to a license being "issued
27 by the local licensing authority of the county in which the place of business is
28 located" is deleted as surplusage.

29 In subsection (b) of this section, the former phrase "keep for sale" is deleted as
30 implicit in the word "sell".

1 Also in subsection (b) of this section, the former reference to “bona fide”
2 members is deleted as surplusage.

3 Defined terms: “Beer” § 1–101
4 “Club” § 1–101

5 **32–604. CLASS D BEER LICENSE.**

6 (A) ESTABLISHED.

7 THERE IS A CLASS D BEER LICENSE.

8 (B) SCOPE OF AUTHORIZATION.

9 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE
10 AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE
11 DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.

12 (2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.

13 (C) FEE.

14 THE ANNUAL LICENSE FEE IS \$275.

15 REVISOR’S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 3–401(x) and (a)(1).

17 In subsection (a) of this section, the former reference to a license being “issued
18 by the license issuing authority of the county in which the place of business is
19 located” is deleted as surplusage.

20 In subsection (b)(1) of this section, the reference to “on– and off–premises”
21 consumption is substituted for the former reference to consumption “on the
22 premises or elsewhere” for clarity.

23 Also in subsection (b)(1) of this section, the former phrase “keep for sale” is
24 deleted as implicit in the word “sell”.

25 Defined term: “Beer” § 1–101

26 **SUBTITLE 7. WINE LICENSES.**

27 **32–701. CLASS A WINE LICENSE.**

28 (A) ESTABLISHED.

1 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

2 **(B) AUTHORIZED HOLDER.**

3 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY**
4 **LICENSE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
7 **RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE**
8 **WINERY.**

9 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
10 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

11 **(D) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$50.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 4-201(a)(20), (b)(1), (c)(1), and (d)(1).

15 Throughout this section, the references to "wine" are substituted for the
16 former references to "light wine" to reflect that license holders in the County
17 may sell wine with an alcohol content of 22%, which is above the traditional
18 maximum level of 15.5% for light wine.

19 In subsection (b) of this section, the reference to a "Class 4 limited winery
20 license" is substituted for the former reference to a "Class 4 manufacturer's
21 license" to conform to the terminology used throughout this article.

22 Also in subsection (b) of this section, the former reference to a license being
23 issued "by the license issuing authority of the county in which the place of
24 business is located" is deleted as surplusage.

25 In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted
26 as implicit in the word "sell".

27 Also in subsection (c)(1) of this section, the former phrase "in any quantity to
28 any consumer" is deleted as surplusage.

1 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
2 former reference to “delivered” to conform to the terminology used throughout
3 this article.

4 Defined terms: “County” § 32–101
5 “Wine” § 1–101

6 **SUBTITLE 8. BEER AND WINE LICENSES.**

7 **32–801. CLASS A BEER AND WINE LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS:**

10 **(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND**

11 **(2) A CLASS A BEER AND WINE 7–DAY LICENSE.**

12 **(B) SCOPE OF AUTHORIZATION.**

13 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
14 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

15 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
16 **SEALED PACKAGE OR CONTAINER.**

17 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
18 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
19 **SOLD.**

20 **(C) DRUGSTORE PROHIBITION.**

21 **A PERSON MAY NOT HOLD THE LICENSE FOR USE BY AN ESTABLISHMENT WITH**
22 **A DIRECT OR INDIRECT CONNECTION WITH A DRUGSTORE.**

23 **(D) FEES.**

24 **THE ANNUAL LICENSE FEES ARE:**

25 **(1) \$275 FOR A 6–DAY LICENSE; AND**

26 **(2) \$350 FOR A 7–DAY LICENSE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 5–101(a)(1) and (x)(2) through (4).

3 In this section and throughout this subtitle, the references to “wine” are
4 substituted for the former references to “light wine” to reflect that license
5 holders in the County may sell wine with an alcohol content of 22%, which is
6 above the traditional maximum level of 15.5% for light wine.

7 Subsection (a) of this section is revised in standard language used throughout
8 this article to establish a license.

9 In subsection (a) of this section and throughout this subtitle, the former
10 references to the license being “issued by the license issuing authority of the
11 county in which the place of business is located” are deleted as surplusage.

12 In subsection (b)(1) of this section and throughout this subtitle, the former
13 references to “keep[ing] for sale” are deleted as implicit in the references to
14 “sell[ing]”.

15 In subsection (b)(1) of this section, the former reference to selling beer and
16 wine “in any quantity to any consumers” is deleted as surplusage.

17 In subsection (b)(2) of this section, the word “sell” is substituted for the former
18 word “deliver” to conform to the terminology used throughout this article.

19 In subsection (c) of this section, the reference to “a drugstore” is substituted
20 for the former reference to “any drug or pharmaceutical, or other business
21 establishments of a type commonly known as or referred to as drugstore” for
22 brevity.

23 Former Art. 2B, § 5–101(x)(1), which stated that former Art. 2B, § 5–101(x)
24 applied only in Wicomico County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Defined terms: “Beer” § 1–101
27 “Person” § 1–101
28 “7–day license” § 1–101
29 “6–day license” § 1–101
30 “Wine” § 1–101

31 **32–802. CLASS B BEER AND WINE LICENSE.**

32 **(A) ESTABLISHED.**

33 **THERE IS A CLASS B BEER AND WINE LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
 3 **LICENSE MAY BE ISSUED FOR USE BY A HOTEL OR RESTAURANT IF, FOR EACH**
 4 **MONTH, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD EXCEED THE**
 5 **AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

6 **(II) FOODSTUFF IN A MIXED DRINK MAY NOT BE CONSIDERED AS**
 7 **FOOD WHEN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

8 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
 9 **AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN**
 10 **THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

11 **(C) FEE.**

12 **THE ANNUAL LICENSE FEE IS \$400.**

13 REVISOR'S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 5-201(x) and (a)(1).

15 Subsection (a) of this section is revised in standard language used throughout
 16 this article to establish a license.

17 In subsection (b)(2) of this section, the reference to "on- and off-premises
 18 consumption" is substituted for the former reference to "consumption on the
 19 premises or elsewhere" for clarity.

20 Defined terms: "Beer" § 1-101

21 "Hotel" § 1-101

22 "Restaurant" § 1-101

23 "Wine" § 1-101

24 **32-803. CLASS C BEER AND WINE LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A CLASS C BEER AND WINE LICENSE.**

27 **(B) SCOPE OF AUTHORIZATION.**

28 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
 29 **A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE**
 30 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

1 **(C) FEE.**

2 **THE ANNUAL LICENSE FEE IS \$125.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 5-301(x) and (a)(1).

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (b) of this section, the former reference to consumption "only" on
8 the premises is deleted as surplusage.

9 Also in subsection (b) of this section, the former reference to a "bona fide"
10 member is deleted as surplusage.

11 Defined terms: "Beer" § 1-101

12 "Club" § 1-101

13 "Wine" § 1-101

14 **32-804. CLASS D BEER AND WINE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS:**

17 **(1) A CLASS D BEER AND WINE 6-DAY LICENSE; AND**

18 **(2) A CLASS D BEER AND WINE 7-DAY LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
21 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
22 **OFF-PREMISES CONSUMPTION.**

23 **(C) DRUGSTORE PROHIBITION.**

24 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

25 **(D) FEES.**

26 **THE ANNUAL LICENSE FEES ARE:**

1 **(1) \$275 FOR A 6-DAY LICENSE; AND**

2 **(2) \$400 FOR A 7-DAY LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 5-401(a)(1) and (x)(2) and (3).

5 Subsection (a) of this section is revised in standard language used throughout
6 this article to establish a license.

7 In subsection (b) of this section, the reference to "on- and off-premises
8 consumption" is substituted for the former reference to "consumption on the
9 premises or elsewhere" for clarity.

10 Former Art. 2B, § 5-401(x)(1), which stated that former Art. 2B, § 5-401(x)
11 applied only in Wicomico County, is deleted as unnecessary in light of the
12 organization of this revised article.

13 Former Art. 2B, § 5-401(x)(4), which stated that the days and times for sales
14 of beer and light wine under each license are as provided under former Art.
15 2B, § 11-523(c)(3) through (8) of this article, is deleted as unnecessary in light
16 of the organization of this revised article.

17 Defined terms: "Beer" § 1-101
18 "7-day license" § 1-101
19 "6-day license" § 1-101
20 "Wine" § 1-101

21 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

22 **32-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

25 **(B) AUTHORIZED HOLDER.**

26 **(1) A LICENSE MAY BE ISSUED ONLY TO AN ESTABLISHMENT THAT**
27 **HAS BEEN:**

28 **(I) ISSUED A CLASS B LICENSE; AND**

29 **(II) CONTINUALLY OPERATING AS A RESTAURANT IN THE**
30 **COUNTY SINCE AT LEAST 3 MONTHS BEFORE THE APPLICATION FOR THE LICENSE.**

1 **(2) THE BOARD MAY NOT ISSUE A LICENSE TO AN ESTABLISHMENT**
2 **THAT IS A CORPORATION OR LIMITED LIABILITY COMPANY UNLESS THE LICENSE**
3 **APPLICANT OWNS 75% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION**
4 **OR THE LIMITED LIABILITY COMPANY.**

5 **(3) THE BOARD MAY ISSUE NOT MORE THAN THREE LICENSES IN THE**
6 **COUNTY.**

7 **(C) SCOPE OF AUTHORIZATION.**

8 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
9 **AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL**
10 **AT THE PLACE DESCRIBED IN THE APPLICATION, FOR OFF-PREMISES**
11 **CONSUMPTION.**

12 **(2) THE PLACE DESCRIBED IN THE APPLICATION:**

13 **(I) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN**
14 **THE OPERATION OF THE RESTAURANT BUSINESS; AND**

15 **(II) SHALL BE CONTIGUOUS TO AND ADJOIN THE RESTAURANT**
16 **ESTABLISHMENT.**

17 **(D) DRUGSTORE PROHIBITION; EXCEPTION.**

18 **THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE**
19 **APPLICANT:**

20 **(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN**
21 **THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR**
22 **THE LICENSE;**

23 **(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1**
24 **YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION**
25 **APPLIED FOR; OR**

26 **(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT**
27 **LEAST 3 YEARS.**

28 **(E) LIQUOR PURCHASES FROM COUNTY DISPENSARY.**

1 **(1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL**
2 **SALE FROM A COUNTY DISPENSARY.**

3 **(2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15%**
4 **ABOVE THE WHOLESALE OPERATING COST TO THE DISPENSARY.**

5 **(F) FEE.**

6 **THE ANNUAL LICENSE FEE IS \$4,400 AND IS IN ADDITION TO THE FEE PAID**
7 **FOR THE CLASS B LICENSE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, §§ 6–101(a)(1) and (3) and (x)(2) through (6) and
10 9–101(h).

11 Subsection (a) of this section is revised in standard language used throughout
12 this article to establish a license.

13 In subsection (b)(1)(ii) of this section, the reference to “since at least” 3 months
14 is substituted for the former reference to “for” 3 months for clarity.

15 In subsection (b)(3) of this section, the reference to the maximum number of
16 licenses “in the County” is added for clarity.

17 In subsection (c)(1) of this section, the phrase “to sell” is substituted for the
18 former phrase “to keep for sale and to sell” for brevity.

19 In subsection (d)(2) of this section, the phrase “at least 1 year before the date
20 of the application for the license” is substituted for the former phrase “that
21 length of time” for clarity.

22 In subsection (d)(3) of this section, the former reference to “actually” engaged
23 is deleted as surplusage.

24 In subsection (e)(1) of this section, the phrase “for retail sale” is added for
25 clarity.

26 Also in subsection (e)(1) of this section, the requirement that the “license
27 holder shall purchase liquor” from a County dispensary is substituted for the
28 former language stating that “[a]ll alcoholic beverages other than beer and
29 light wine shall be purchased from the Liquor Control Board” to clarify what
30 particular alcoholic beverage the license holder is required to purchase from
31 the Liquor Control Board.

32 Also in subsection (e)(1) of this section, the reference to a “County dispensary”
33 is substituted for the former reference to the “Liquor Control Board for

1 Wicomico County” to conform to the terminology used in subsection (e)(2) of
2 this section and § 29–902(e) of this subtitle.

3 Former Art. 2B, § 6–101(x)(1), which stated that former Art. 2B, § 6–101(x)
4 applied only in Wicomico County, is deleted as unnecessary in light of the
5 organization of this revised article.

6 Defined terms: “Beer” § 1–101

7 “Board” § 32–101

8 “County” § 32–101

9 “Restaurant” § 1–101

10 “Wine” § 1–101

11 **32–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

12 **(A) ESTABLISHED.**

13 **THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

14 **(B) AUTHORIZED HOLDER.**

15 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

16 **(1) A HOTEL THAT HAS:**

17 **(I) AT LEAST 25 ROOMS;**

18 **(II) A LOBBY WITH REGISTRATION, MAIL DESK, AND SEATING**
19 **FACILITIES; AND**

20 **(III) A DINING ROOM THAT SERVES FULL-COURSE MEALS AT**
21 **LEAST TWICE DAILY; OR**

22 **(2) (I) A RESTAURANT THAT:**

23 **1. HAS A PROPER AND ADEQUATE DINING ROOM WITH**
24 **FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

25 **2. NOT COUNTING SEATING AT A BAR OR COUNTER, HAS**
26 **TABLE SEATING FOR AT LEAST 40 INDIVIDUALS; AND**

27 **3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF**
28 **FOOD, NOT COUNTING FOODSTUFF CONTAINED IN A MIXED DRINK, THAT EACH**

1 MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC
2 BEVERAGES.

3 (II) THE SEATING REQUIREMENT IN ITEM (I)1 OF THIS ITEM
4 DOES NOT APPLY TO A CLASS B BEER, WINE, AND LIQUOR LICENSE HOLDER WHO
5 HELD THE LICENSE ON JULY 1, 1978.

6 (C) SCOPE OF AUTHORIZATION.

7 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
8 LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE
9 LICENSE, FOR ON-PREMISES CONSUMPTION.

10 (D) LOUNGE AREA RESTRICTIONS.

11 (1) IN THIS SUBSECTION, "LOUNGE AREA" MEANS AN AREA THAT
12 INCLUDES:

13 (I) A BAR WHERE ALCOHOLIC BEVERAGES ARE SERVED; AND

14 (II) AN ENTERTAINMENT FACILITY IN THE SAME AREA AS THE
15 BAR.

16 (2) THE LICENSE HOLDER MAY:

17 (I) PROHIBIT AN INDIVIDUAL UNDER THE LEGAL DRINKING
18 AGE FROM ENTERING THE LOUNGE AREA AFTER 9 P.M. UNLESS THE INDIVIDUAL IS
19 ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO IS OF THE LEGAL DRINKING
20 AGE; AND

21 (II) CHARGE AN ENTERTAINMENT FEE FOR EACH INDIVIDUAL
22 WHO IS PRESENT WHILE LIVE ENTERTAINMENT IS IN PROGRESS IN THE LOUNGE
23 AREA.

24 (E) PURCHASE OF LIQUOR FROM COUNTY DISPENSARY.

25 (1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL
26 SALE FROM A COUNTY DISPENSARY.

27 (2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15%
28 ABOVE THE WHOLESALE OPERATING COST TO THE COUNTY DISPENSARY.

29 (F) FEES.

1 **THE ANNUAL LICENSE FEES ARE:**

2 **(1) \$1,980 FOR A HOTEL; AND**

3 **(2) \$1,320 FOR A RESTAURANT.**

4 **(G) WINE PERMIT.**

5 **(1) THE BOARD MAY ISSUE A WINE PERMIT TO A HOLDER OF THE**
6 **LICENSE FOR USE BY A RESTAURANT THAT:**

7 **(I) AT LEAST 5 DAYS PER WEEK, OFFERS FOR SALE AND**
8 **DESCRIBES IN A PRINTED MENU:**

9 **1. BREAKFAST AND LUNCH;**

10 **2. BREAKFAST AND DINNER; OR**

11 **3. LUNCH AND DINNER; AND**

12 **(II) HAS AN AREA USED FOR THE PREPARATION AND**
13 **CONSUMPTION OF FOOD AND BEVERAGES THAT IS AT LEAST 80% OF THE AREA OF**
14 **THE PREMISES.**

15 **(2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS SHALL BE**
16 **INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF**
17 **ALCOHOLIC BEVERAGES UNDER § 32-901(C)(2)(I)3 OF THIS SUBTITLE.**

18 **(3) THE WINE PERMIT AUTHORIZES THE LICENSE HOLDER TO SELL,**
19 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:**

20 **(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES**
21 **CONSUMPTION; AND**

22 **(II) WINE FOR OFF-PREMISES CONSUMPTION.**

23 **(4) THE TERM OF THE WINE PERMIT IS THE SAME AS THE TERM OF**
24 **THE CLASS B LICENSE.**

25 **(5) IF THE PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT, THE**
26 **HOURS AND DAYS OF SALE FOR THE WINE PERMIT ARE:**

1 **(I) 10 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY; AND**

2 **(II) 12:30 P.M. TO MIDNIGHT ON SUNDAY.**

3 **(6) WINE SOLD UNDER THE WINE PERMIT MAY NOT HAVE AN**
4 **ALCOHOL CONTENT GREATER THAN 15.5%.**

5 **(7) AN APPLICANT FOR THE WINE PERMIT SHALL COMPLETE THE**
6 **FORM THAT THE BOARD PROVIDES.**

7 **(8) ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING**
8 **REQUIREMENTS FOR THE WINE PERMIT ARE THE SAME AS THOSE FOR CLASS B**
9 **LICENSES.**

10 **(9) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS**
11 **SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF WINE PERMITS TO BE**
12 **GRANTED.**

13 **(10) THE ANNUAL PERMIT FEE IS \$1,500.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 6-201(a)(1) and (x)(2) and (4).

16 Subsection (a) of this section is revised in standard language used throughout
17 this article to establish a license.

18 In subsection (b)(1) of this section, the former reference to "an establishment
19 for the accommodation of the public providing services ordinarily found in
20 hotels" is deleted in light of the defined term "hotel".

21 Also in subsection (b)(1) of this section, the former reference to a "bona fide"
22 hotel is deleted as vague.

23 In subsection (b)(2)(i)2 of this section, the former reference to patrons "seated
24 comfortably and adequately" is deleted as surplusage.

25 Also in subsection (b)(2)(i)2 of this section, the former requirement that a
26 restaurant "meet the minimum requirements of the fire code applicable to the
27 jurisdiction where the restaurant is located" is deleted as an unnecessary
28 statement of common practice.

29 In subsection (b)(2)(i)3 of this section, the phrase "not counting foodstuff
30 contained in a mixed drink" is substituted for the former phrase "[i]n
31 calculating average daily receipts from the sale of food, an allocation of
32 foodstuff contained in any mixed drink".

1 In subsection (b)(2)(ii) of this section, the word “apply” is substituted for the
2 former word “affect” for clarity.

3 In subsection (c) of this section, the reference to the place described “in the
4 license” is added for clarity.

5 Also in subsection (c) of this section, the reference to “beer, wine, and liquor”
6 is substituted for the former reference to “all alcoholic beverages” for clarity.

7 Also in subsection (c) of this section, the reference to “on-premises
8 consumption” is substituted for the former language providing that a hotel
9 license “does not permit sales for consumption off the premises” and that the
10 license “requires the sale of alcoholic beverages for consumption only on the
11 inside of the restaurant premises” for brevity.

12 Also in subsection (c) of this section, the former phrase “to keep for sale” is
13 deleted as included in the phrase “to sell”.

14 Also in subsection (c) of this section, the former prohibition against a person
15 entering or leaving the premises while in possession of any alcoholic beverages
16 is deleted as possibly misleading in light of provisions in this article that allow,
17 under certain circumstances, patrons to bring their own bottles of wine to a
18 restaurant and leaving with bottles of wine whose contents are only partially
19 consumed.

20 In the introductory language of subsection (d)(1) of this section, the former
21 reference to a “room” is deleted as redundant in light of the reference to an
22 “area”.

23 In subsection (d)(2)(i) of this section, the former reference to the legal drinking
24 age “in the State” is deleted as surplusage.

25 In subsection (e)(1) of this section, the phrase “for retail sale” is added for
26 clarity.

27 In subsection (g) of this section, the references to a “wine permit” are
28 substituted for the former reference to a “Class B special wine (B-SWL)
29 (off-sale) license” to conform to terminology used throughout this article,
30 which classifies as a permit an authorization that does not stand alone but
31 may be granted only if another authorization has already been issued. In this
32 case, a wine permit may be granted only if a Class B beer, wine, and liquor
33 license has been issued.

34 In subsection (g)(1)(i) of this section, the former reference to “meals” is deleted
35 as unnecessary in light of the references to “breakfast and lunch”, “breakfast
36 and dinner”, and “lunch and dinner”.

1 In subsection (g)(1)(ii) of this section, the former reference to “total square
2 foot” area is deleted as surplusage.

3 In the introductory language of subsection (g)(3) of this section, the phrase “at
4 retail, at the place described in the license” is added to conform to the
5 terminology used throughout this article.

6 In subsection (g)(4) of this section, the language stating that “[t]he term of the
7 wine permit is the same as the term of the Class B license” is substituted for
8 the former reference to a permit “under this paragraph that is issued to a
9 successful applicant shall be the same as that of the Class B beer, wine and
10 liquor license held by the applicant” for brevity.

11 Former Art. 2B, § 6–201(x)(1), which stated that former Art. 2B, § 6–201(x)
12 applied only in Wicomico County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Defined terms: “Alcoholic beverage” § 1–101

15 “Beer” § 1–101

16 “Board” § 32–101

17 “County” § 32–101

18 “Hotel” § 1–101

19 “Off–sale” § 1–101

20 “Restaurant” § 1–101

21 “Wine” § 1–101

22 **32–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

23 **(A) ESTABLISHED.**

24 **THERE IS:**

25 **(1) A 6–DAY CLASS C BEER, WINE, AND LIQUOR LICENSE; AND**

26 **(2) A 7–DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.**

27 **(B) AUTHORIZED HOLDER.**

28 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT FRATERNAL,**
29 **SOCIAL, OR VETERANS’ CLUB THAT:**

30 **(1) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS IMMEDIATELY**
31 **BEFORE THE APPLICATION FOR THE LICENSE IS MADE;**

1 **(2) IS IN A CLUBHOUSE OR PREMISES THAT IS USED PRINCIPALLY FOR**
2 **CLUB PURPOSES;**

3 **(3) DURING THE YEAR IMMEDIATELY BEFORE THE FILING OF THE**
4 **APPLICATION:**

5 **(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, HAS AT**
6 **LEAST 100 DUES-PAYING MEMBERS; OR**

7 **(II) IF THE CLUB IS COMPOSED ONLY OF MEMBERS WHO SERVED**
8 **IN THE ARMED FORCES OF THE UNITED STATES, HAS AT LEAST 50**
9 **DUES-PAYING MEMBERS; AND**

10 **(4) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE**
11 **PREMISES TO MEMBERS AND GUESTS.**

12 **(C) SCOPE OF AUTHORIZATION.**

13 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
14 **LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES**
15 **CONSUMPTION.**

16 **(D) PURCHASE OF ALCOHOLIC BEVERAGES.**

17 **(1) A LICENSE HOLDER SHALL PURCHASE ALCOHOLIC BEVERAGES**
18 **FOR RETAIL SALE, EXCEPT BEER AND WINE, FROM THE LIQUOR CONTROL BOARD.**

19 **(2) A LICENSE HOLDER MAY PURCHASE A BOTTLE FROM THE LIQUOR**
20 **CONTROL BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT IS STAMPED**
21 **OR OTHERWISE DESIGNATED "ON-SALE ONLY" BY THE LIQUOR CONTROL BOARD.**

22 **(E) FEES.**

23 **(1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE, DEPENDING**
24 **ON THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:**

25 **(I) \$275, FOR A MEMBERSHIP OF 50 TO 399;**

26 **(II) \$550, FOR A MEMBERSHIP OF 400 TO 599; AND**

27 **(III) \$825, FOR A MEMBERSHIP OF AT LEAST 600.**

1 **(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE, DEPENDING**
 2 **ON THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:**

3 **(I) \$400, FOR A MEMBERSHIP OF 50 TO 399;**

4 **(II) \$675, FOR A MEMBERSHIP OF 400 TO 599; AND**

5 **(III) \$950, FOR A MEMBERSHIP OF AT LEAST 600.**

6 **(3) A LICENSE FEE SHALL BE ESTABLISHED ON THE MAXIMUM**
 7 **NUMBER OF DUES-PAYING MEMBERS DURING THE CALENDAR YEAR IMMEDIATELY**
 8 **BEFORE THE FILING OF THE APPLICATION FOR THE LICENSE.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 6-301(x)(2) through (4) and the first sentence
 11 of (a)(1).

12 Subsection (a) of this section is revised in standard language used throughout
 13 this title to establish a license.

14 In the introductory language of subsection (b) of this section, the former
 15 reference to a "bona fide" club is deleted as surplusage. Similarly, in
 16 subsections (b)(3)(i) and the introductory language of (e)(1) and (2) of this
 17 section, the former references to "bona fide" members are deleted.

18 In subsection (b)(1) of this section, the reference to the application "for the
 19 license" is added for clarity.

20 In subsection (b)(2) of this section, the former requirement that the club be
 21 "neither directly nor indirectly operated as a public business" is deleted as
 22 unnecessary because the organization or club is nonprofit.

23 In subsection (b)(3)(ii) of this section, the former statement that 50 members
 24 "is sufficient" is deleted as surplusage.

25 In subsection (c) of this section, the phrase "at a club at the place described in
 26 the license," is added for consistency with other similar provisions regarding
 27 clubs in this article.

28 In subsection (d)(1) of this section, the reference to alcoholic beverages "for
 29 retail sale" is substituted for the former reference to alcoholic beverages "sold"
 30 for clarity.

31 In subsection (d)(2) of this section, the reference to "[a] license holder" is added
 32 for clarity.

1 In subsection (e)(3) of this section, the reference to the “filing of the”
2 application for a license is added for clarity.

3 Former Art. 2B, § 6–301(x)(1), which stated that former Art. 2B, § 6–301(x)
4 applied only in Wicomico County, is deleted as unnecessary in light of the
5 organization of this revised article.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Beer” § 1–101

8 “Board” § 32–101

9 “Club” § 1–101

10 “On–sale” § 1–101

11 “7–day license” § 1–101

12 “6–day license” § 1–101

13 “Wine” § 1–101

14 **32–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

17 **(B) AUTHORIZED HOLDER.**

18 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A TAVERN THAT, NOT**
19 **INCLUDING THE DANCE FLOOR OR BAR AREA, HAS SEATING FOR AT LEAST 140**
20 **INDIVIDUALS.**

21 **(C) SCOPE OF AUTHORIZATION.**

22 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
23 **LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES**
24 **CONSUMPTION 7 DAYS A WEEK.**

25 **(D) INDIVIDUALS UNDER LEGAL DRINKING AGE EXCLUDED.**

26 **AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY NOT ENTER THE**
27 **LICENSED PREMISES.**

28 **(E) DRUGSTORE PROHIBITION.**

29 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

30 **(F) FEE.**

1 **THE ANNUAL LICENSE FEE IS \$2,200.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 6–401(a)(1) and (x)(2)(i) through (vi).

4 In subsection (b) of this section, the phrase “seating for at least” 140
5 individuals is substituted for the former reference to “minimum seating
6 capacity of” to conform to the terminology used throughout this article.

7 Also in subsection (b) of this section, the reference to “individuals” is
8 substituted for the former reference to “persons” because this subsection
9 applies only to human beings.

10 Also in subsection (b) of this section, the former requirement that a tavern
11 meet the minimum requirements of the fire code applicable to the jurisdiction
12 in which the premises is located is deleted as an unnecessary statement of
13 common practice.

14 In subsection (c) of this section, the reference to the place described in “the
15 license” is substituted for the former reference to the place described in “it” for
16 clarity.

17 In subsection (d) of this section, the former phrase “for the consumption of
18 alcohol in the State” is deleted as surplusage.

19 Former Art. 2B, § 6–401(x)(1), which stated that former Art. 2B, § 6–401(x)
20 applied only in Wicomico County, is deleted as unnecessary in light of the
21 organization of this revised article.

22 Defined terms: “Beer” § 1–101

23 “Board” § 32–101

24 “Wine” § 1–101

25 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

26 **32–1001. CONFERENCE CENTER LICENSE.**

27 **(A) ESTABLISHED.**

28 **THERE IS A CLASS B–CONFERENCE CENTER LICENSE.**

29 **(B) AUTHORIZED HOLDER.**

30 **THE BOARD MAY ISSUE A LICENSE FOR USE BY A CONFERENCE CENTER THAT**
31 **HAS:**

1 **(1) A MINIMUM CAPACITY OF 500 INDIVIDUALS;**

2 **(2) A KITCHEN;**

3 **(3) DINING SPACE; AND**

4 **(4) MEETING SPACE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
7 **LIQUOR FOR ON-PREMISES CONSUMPTION TO INDIVIDUALS ATTENDING A**
8 **CONFERENCE CENTER EVENT.**

9 **(D) EXISTING LICENSE MAY BE AMENDED.**

10 **AN EXISTING CLASS B LICENSE MAY BE AMENDED TO ONE FOR CONFERENCE**
11 **CENTER USE.**

12 **(E) HOURS AND DAYS OF SALE.**

13 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
14 **HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE**
15 **UNDER § 32-2005 OF THIS TITLE.**

16 **(F) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$1,500.**

18 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
19 language derived without substantive change from former Art. 2B, §
20 6-201(x)(3).

21 Subsection (e) of this section is new language added to provide a
22 cross-reference to the hours and days of sale provision that applies to a Class
23 B beer, wine, and liquor license in Wicomico County.

24 In the introductory language of subsection (b) of this section, the reference to
25 "[t]he Board" is added to state expressly what was only implicit in the former
26 law, that the Board is the license issuing authority.

27 Also in the introductory language of subsection (b) of this section, the former
28 phrase "the following facilities" is deleted as redundant in light of the
29 organization of this section.

1 In subsections (b) and (c) of this section, the references to “individuals” are
2 substituted for the former, broader references to “persons” because this section
3 refers only to human beings.

4 Defined terms: “Beer” § 1–101

5 “Board” § 32–101

6 “Wine” § 1–101

7 **32–1002. ENTERTAINMENT AND AMUSEMENT LICENSE.**

8 **(A) ESTABLISHED.**

9 **THERE IS A CLASS D BEER, WINE, AND LIQUOR ENTERTAINMENT AND**
10 **AMUSEMENT LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **(1) THE BOARD MAY ISSUE THE LICENSE FOR AN ENTERTAINMENT**
13 **AMUSEMENT CENTER THAT:**

14 **(I) IS A BUSINESS ESTABLISHMENT THAT ACCOMMODATES THE**
15 **PUBLIC;**

16 **(II) HAS A MINIMUM SEATING CAPACITY OF 140 INDIVIDUALS,**
17 **NOT INCLUDING THE BAR AREA OR DANCING FLOOR AREA;**

18 **(III) MEETS THE MINIMUM REQUIREMENTS OF THE FIRE CODE**
19 **APPLICABLE FOR THE JURISDICTION IN WHICH THE PREMISES IS LOCATED;**

20 **(IV) IS EQUIPPED WITH AN ADEQUATE DINING ROOM WITH**
21 **FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

22 **(V) HAS AN INITIAL CAPITAL INVESTMENT OF AT LEAST**
23 **\$300,000, EXCLUDING THE COST OF THE LAND AND BUILDING; AND**

24 **(VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, HAS**
25 **MORE THAN 50% OF ITS FLOOR SPACE DEDICATED TO OR OCCUPIED BY EQUIPMENT**
26 **FOR FOOSBALL, BILLIARDS, DARTS, VIRTUAL REALITY SIMULATION GAMES, AND**
27 **OTHER GAMES THAT THE BOARD APPROVES THAT REQUIRE THE ACTIVE PHYSICAL**
28 **PARTICIPATION OF ONE OR MORE PLAYERS.**

29 **(2) UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION:**

1 **(I) FLOOR SPACE MAY NOT BE DEDICATED TO OR OCCUPIED BY**
2 **EQUIPMENT FOR KENO, A CARD GAME, A PINBALL MACHINE, OR A BAR GAME; AND**

3 **(II) THE FLOOR SPACE REQUIREMENT MAY NOT BE MET BY**
4 **FLOOR SPACE OCCUPIED BY:**

5 1. **A JUKEBOX OR SIMILAR PASSIVE ENTERTAINMENT**
6 **DEVICE; OR**

7 2. **THE KITCHEN.**

8 **(C) SCOPE OF AUTHORIZATION.**

9 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND**
10 **LIQUOR 7 DAYS A WEEK FOR ON-PREMISES CONSUMPTION.**

11 **(D) AGE REQUIREMENT FOR ENTRY.**

12 **AN INDIVIDUAL WHO IS:**

13 **(1) UNDER THE AGE OF 21 YEARS MAY NOT ENTER OR REMAIN ON THE**
14 **LICENSED PREMISES AFTER 9 P.M.; AND**

15 **(2) UNDER THE AGE OF 17 YEARS MAY NOT ENTER THE LICENSED**
16 **PREMISES WITHOUT A PARENT OR GUARDIAN.**

17 **(E) HOURS AND DAYS OF SALE.**

18 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
19 **HOURS AND DAYS AS SET OUT FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE**
20 **UNDER § 32-2005 OF THIS TITLE.**

21 **(F) FEE.**

22 **THE ANNUAL LICENSE FEE IS \$4,000.**

23 REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new
24 language derived without substantive change from former Art. 2B, §
25 6-401(x)(3)(i) through (v) and (vii).

26 Subsection (e) of this section is new language added to provide a
27 cross-reference to the hours and days of sale provision that applies to a Class
28 D beer, wine, and liquor license in Wicomico County.

1 In subsection (b)(1)(ii) of this section, the reference to “individuals” is
 2 substituted for the former reference to “persons” because this section refers
 3 only to human beings.

4 In subsection (b)(1)(iv) of this section, the former reference to “fully” equipped
 5 is deleted as surplusage.

6 Also in subsection (b)(1)(iv) of this section, the former reference to “proper” is
 7 deleted as unnecessary in light of the reference to “adequate”.

8 Former Art. 2B, § 6–401(x)(3)(viii), which stated that “[t]he Board may adopt
 9 regulations to carry out this paragraph”, is deleted as unnecessary because
 10 the Board has power to adopt regulations under § 32–207 of this title.

11 Defined terms: “Beer” § 1–101

12 “Board” § 32–101

13 “Wine” § 1–101

14 **32–1003. GOLF COURSE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS B BEER, WINE, AND LIQUOR (GOLF COURSE) LICENSE.**

17 **(B) AUTHORIZED HOLDER.**

18 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
 19 **OF LICENSE COMMISSIONERS MAY ISSUE THE LICENSE FOR THE USE OF A GOLF**
 20 **COURSE OR ORGANIZATION THAT:**

21 **(I) IS OPEN TO THE PUBLIC;**

22 **(II) IS OPERATED FOR PROFIT;**

23 **(III) OWNS REAL ESTATE IN THE COUNTY; AND**

24 **(IV) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

25 **(2) (I) THE LICENSE MAY BE ISSUED FOR A GOLF COURSE THAT**
 26 **HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH THAT**
 27 **EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
 28 **BEVERAGES.**

1 **(II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE**
2 **SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY**
3 **NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **(1) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR**
6 **CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE,**
7 **USED FOR GOLFING PURPOSES.**

8 **(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

9 **(3) (I) ALCOHOLIC BEVERAGES OTHER THAN BEER AND WINE**
10 **THAT ARE SOLD OR OFFERED FOR SALE SHALL BE PURCHASED FROM THE LIQUOR**
11 **CONTROL BOARD.**

12 **(II) EACH BOTTLE CONTAINING ALCOHOLIC BEVERAGES SHALL**
13 **BE STAMPED OR OTHERWISE DESIGNATED “ON-SALE ONLY” BY THE LIQUOR**
14 **CONTROL BOARD.**

15 **(D) HOURS AND DAYS OF SALE.**

16 **A HOLDER OF THE LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

17 **(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE**
18 **FOLLOWING DAY; AND**

19 **(2) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT.**

20 **(E) FEE.**

21 **THE ANNUAL LICENSE FEE IS \$2,200.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, §§ 8-506(b) through (i) and 11-523(c)(7).

24 In the introductory language of subsection (b)(1) of this section, the reference
25 to the authority of the “Board of License Commissioners” to issue the license
26 is added to state expressly what was previously implied by the former law,
27 that the Board is the agency that issues the license.

28 In subsection (c)(3)(ii) of this section, the phrase “containing alcoholic
29 beverages” is added for clarity.

1 Former Art. 2B, § 8–506(a), which stated that the provisions of former Art.
2 2B, § 8–506 applied only in Wicomico County, is deleted as unnecessary in
3 light of the organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Beer” § 1–101

6 “County” § 32–101

7 “Wine” § 1–101

8 **32–1004. STADIUM LICENSE.**

9 **(A) ESTABLISHED.**

10 **THERE IS A CLASS B (STADIUM) BEER AND WINE LICENSE.**

11 **(B) AUTHORIZED HOLDER.**

12 **(1) THE BOARD MAY ISSUE THE LICENSE:**

13 **(I) TO THE OWNER OF A PROFESSIONAL BASEBALL TEAM**
14 **FRANCHISE, REGARDLESS OF WHETHER THE FRANCHISE IS A PARTNERSHIP OR**
15 **CORPORATION; AND**

16 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONLY**
17 **FOR A STADIUM THAT HAS THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD**
18 **FOR EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF**
19 **ALCOHOLIC BEVERAGES.**

20 **(2) AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK**
21 **MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

22 **(C) SCOPE OF AUTHORIZATION.**

23 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE:**

24 **(1) FOR ON–PREMISES CONSUMPTION;**

25 **(2) IN PLASTIC, STYROFOAM, PAPER, OR ALUMINUM CONTAINERS ON**
26 **THE STADIUM PREMISES, EXCEPT THAT GLASS CONTAINERS MAY BE USED IN AN**
27 **ENCLOSED DINING PREMISES IN WHICH THE PATRONS ARE SEATED; AND**

28 **(3) TO AN INDIVIDUAL PRESENT AT ANY EVENT HELD AT THE**
29 **STADIUM.**

1 **(D) CARRYING ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED**
2 **PREMISES.**

3 **THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC**
4 **BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

5 **(E) HOURS AND DAYS OF SALE.**

6 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE**
7 **HOLDER MAY SELL BEER AND WINE:**

8 **(I) ON MONDAY THROUGH SATURDAY, FROM NOON TO 9 P.M.;**
9 **AND**

10 **(II) ON SUNDAY, FROM 1 P.M. TO 5 P.M.**

11 **(2) DURING A BASEBALL GAME, A HOLDER OF A STADIUM BEER AND**
12 **WINE LICENSE MAY NOT SELL BEER OR WINE:**

13 **(I) AFTER THE BEGINNING OF THE EIGHTH INNING; OR**

14 **(II) DURING A DOUBLEHEADER, AFTER THE BEGINNING OF THE**
15 **SIXTH INNING OF THE SECOND GAME.**

16 **(F) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$2,000.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, §§ 8–223(b) through (f) and 11–523(c)(8).

20 Throughout this section, the references to “wine” are substituted for the
21 former references to “light wine” to avoid confusion. In Wicomico County, wine
22 that is sold under a retail license with a wine privilege may have an alcohol
23 content above the traditional maximum level of 15.5% for light wine.

24 In subsection (b)(2) of this section, the former phrase “[i]n calculating average
25 daily receipts from the sale of food” is deleted as surplusage.

26 In subsections (c)(3) and (d) of this section, the references to an “individual”
27 are substituted for the former references to “persons” and “person” because
28 these subsections apply only to human beings.

29 In subsection (c)(3) of this section, the phrase “at any event held at the
30 stadium” is substituted for the former phrases “[a]t the baseball game in

1 which the licensee's team is playing" and "[a]t other events that are held at
2 the stadium" for brevity.

3 In subsection (d) of this section, the former phrase "[e]xcept for a distributor
4 of beer who is conducting business with the licensee for the purposes of this
5 section" is deleted as surplusage.

6 In subsection (e) of this section, the reference to the authority of the "license
7 holder" to "sell beer and wine" is substituted for the former references to
8 "hours and days for sale specified in § 11-523(c)(8) of this article" and the
9 "days and hours for the sale of alcoholic beverages are" for clarity and
10 consistency with similar provisions on the hours and days of sale in this
11 article.

12 Former Art. 2B, § 8-223(a), which stated that former Art. 2B, § 8-223 applied
13 only in Wicomico County, is deleted as unnecessary in light of the organization
14 of this revised article.

15 Defined terms: "Alcoholic beverage" § 1-101

16 "Beer" § 1-101

17 "Board" § 32-101

18 "Wine" § 1-101

19 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

20 **32-1101. APPLICATION OF GENERAL PROVISIONS.**

21 **(A) WITHOUT EXCEPTION OR VARIATION.**

22 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 ("ADDITIONAL LICENSE**
23 **PRIVILEGES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
24 **EXCEPTION OR VARIATION:**

25 **(1) § 4-1102 ("CORKAGE — CONSUMING WINE NOT PURCHASED**
26 **FROM LICENSE HOLDER ON LICENSED PREMISES"); AND**

27 **(2) § 4-1103 ("REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
28 **FROM LICENSED PREMISES").**

29 **(B) EXCEPTION.**

30 **SECTION 4-1105 ("REFILLABLE CONTAINER PERMIT — WINE") OF DIVISION**
31 **I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

32 **(C) VARIATION.**

1 **SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF**
2 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 32-1102 OF**
3 **THIS SUBTITLE.**

4 REVISOR’S NOTE: This section is new language added to incorporate by reference
5 general provisions relating to additional privileges of license holders.

6 Defined terms: “Beer” § 1-101

7 “County” § 32-101

8 “License” § 1-101

9 “License holder” § 1-101

10 “Wine” § 1-101

11 **32-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

12 **(A) AUTHORIZED HOLDER.**

13 **THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER**
14 **TO A HOLDER OF ANY LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE,**
15 **CLASS D LICENSE, CLASS B-CONFERENCE CENTER LICENSE, AND CLASS**
16 **B-STADIUM LICENSE.**

17 **(B) APPLICATION FORM.**

18 **AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE**
19 **BOARD PROVIDES.**

20 **(C) HOURS OF SALE.**

21 **THE HOURS OF SALE FOR THE PERMIT:**

22 **(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING**
23 **LICENSE; AND**

24 **(2) END AT MIDNIGHT.**

25 **(D) CALCULATION OF AVERAGE DAILY RECEIPTS.**

26 **RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE**
27 **CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**
28 **BEVERAGES UNDER A CLASS B RESTAURANT LICENSE, CLASS B HOTEL LICENSE,**
29 **AND CLASS B GOLF COURSE LICENSE.**

1 **(E) FEE.**

2 **THE ANNUAL PERMIT FEE IS \$500.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 7–101(w)(3)(i), (iv)1, (vi), and (vii).

5 In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

6 In subsection (c)(1) of this section, the reference to the “underlying license” is
7 substituted for the former reference to the “license already held by the person
8 to whom the refillable container permit is issued” for brevity.

9 Former Art. 2B, § 7–101(w)(3)(ii), (iii), (iv)2, (v), and (viii) are deleted as
10 unnecessary because they merely repeated provisions concerning refillable
11 container permits that appear in § 4–1104 of this article.

12 Former Art. 2B, § 7–101(w)(4), which authorized the Board to adopt
13 regulations to carry out this section, is deleted as unnecessary because the
14 Board has the power to adopt regulations under § 32–206 of this title.

15 Defined terms: “Board” § 32–101

16 “License” § 1–101

17 **SUBTITLE 12. CATERER'S LICENSES.**

18 **32–1201. LOCAL CATERER'S LICENSE.**

19 **(A) ESTABLISHED.**

20 **THERE IS A LOCAL CATERER'S LICENSE.**

21 **(B) AUTHORIZED HOLDER.**

22 **THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

23 **(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE**
24 **LICENSE; OR**

25 **(2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND**
26 **LIQUOR LICENSE.**

27 **(C) SCOPE OF AUTHORIZATION.**

28 **THE LICENSE AUTHORIZES A HOLDER TO:**

1 **(1) (I) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF**
2 **THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL**
3 **(ON-SALE) BEER AND WINE LICENSE IS ISSUED; OR**

4 **(II) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS**
5 **HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR**
6 **HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

7 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
8 **HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER’S CLASS B LICENSE.**

9 **(D) FOOD REQUIREMENT.**

10 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
11 **CATERED EVENT.**

12 **(E) FEE.**

13 **THE ANNUAL LICENSE FEE IS \$550.**

14 **(F) EFFECT OF SECTION.**

15 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
16 **HOTEL (ON-SALE) BEER AND WINE LICENSE OR A CLASS B RESTAURANT OR HOTEL**
17 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER’S**
18 **LICENSE UNDER THIS SECTION FOR CATERING ON THE PREMISES FOR WHICH THE**
19 **CLASS B LICENSE IS ISSUED.**

20 REVISOR’S NOTE: Subsection (a) of this section is new language added to state
21 expressly what was only implied in the former law, that a local caterer’s
22 license exists in Wicomico County.

23 Subsections (b) through (f) of this section are new language derived without
24 substantive change from former Art. 2B, §§ 6–710(b) through (g) and
25 9–102(m).

26 In subsections (b)(1), (c)(1)(i), and (f) of this section, the references to “wine”
27 are substituted for the former references to “light wine” to reflect that license
28 holders in the County may sell wine with an alcohol content of not more than
29 22%, which is above the traditional maximum level of 15.5% for light wine.

30 In subsection (c)(2) of this section, the reference to the “holder’s” license is
31 substituted for the former reference to the “underlying” license for clarity.

1 Also in subsection (c)(2) of this section, the former phrase “under this article”
2 is deleted as surplusage.

3 In subsection (d) of this section, the former reference to providing food “as well
4 as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1)
5 of this section.

6 In subsection (f) of this section, the reference to a “local” caterer’s license is
7 added for clarity.

8 Also in subsection (f) of this section, the former reference to an “existing”
9 license is deleted as surplusage.

10 Former Art. 2B, § 6–710(a)(1), which stated that former Art. 2B, § 6–710
11 applied only in Wicomico County, is deleted as unnecessary in light of the
12 organization of this revised article.

13 Former Art. 2B, § 6–710(a)(2), which defined “Board”, is deleted as redundant
14 of the definition of “Board” in § 32–101 of this title.

15 Defined terms: “Beer” § 1–101
16 “Board” § 32–101
17 “Hotel” § 1–101
18 “On–sale” § 1–101
19 “Restaurant” § 1–101
20 “Wine” § 1–101

21 **SUBTITLE 13. TEMPORARY LICENSES.**

22 **PART I. IN GENERAL.**

23 **32–1301. APPLICATION OF GENERAL PROVISIONS.**

24 **(A) WITHOUT EXCEPTION OR VARIATION.**

25 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
26 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
27 **EXCEPTION OR VARIATION:**

28 **(1) § 4–1202 (“PER DIEM LICENSES”);**

29 **(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER**
30 **AND WINE LICENSES”);**

1 (3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR
2 LICENSE”);

3 (4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

4 (5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

5 (6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

6 (7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

7 (B) EXCEPTION.

8 SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT
9 APPLY IN THE COUNTY AND IS SUPERSEDED BY § 32-1311 OF THIS SUBTITLE.

10 REVISOR’S NOTE: This section is new language added to incorporate by reference
11 the general provisions relating to local temporary licenses.

12 Defined term: “County” § 32-101

13 **32-1302. RESERVED.**

14 **32-1303. RESERVED.**

15 **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

16 **32-1304. BEER FESTIVAL LICENSE.**

17 (A) ESTABLISHED.

18 **THERE IS A BEER FESTIVAL LICENSE.**

19 (B) AUTHORIZED HOLDER.

20 (1) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 5
21 BREWERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY
22 LICENSE, OR CLASS 8 FARM BREWERY LICENSE.

23 (2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER
24 FESTIVAL SHALL OBTAIN A BEER FESTIVAL LICENSE.

25 (C) SCOPE OF AUTHORIZATION.

1 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER OWNED**
 2 **AND MANUFACTURED BY THE LICENSE HOLDER.**

3 **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

4 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

5 **(1) AT RETAIL FOR ON-PREMISES CONSUMPTION; AND**

6 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

7 **(E) TIME AND LOCATION OF FESTIVAL.**

8 **(1) THE BOARD MAY DESIGNATE THE NUMBER OF TIMES DURING A**
 9 **CALENDAR YEAR THAT THE LICENSE MAY BE ISSUED.**

10 **(2) THE FESTIVAL SHALL BE HELD AT A LOCATION THAT IS NOT**
 11 **ALREADY LICENSED.**

12 **(F) DURATION OF LICENSE.**

13 **THE LICENSE MAY BE IN EFFECT FOR NOT MORE THAN 3 CONSECUTIVE DAYS.**

14 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

15 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
 16 **OR NATURE.**

17 **(H) FEE.**

18 **THE LICENSE FEE IS \$50 PER DAY.**

19 REVISOR'S NOTE: This section is new language derived without substantive
 20 change from former Art. 2B, § 8-804(c) through (i) and (j)(2).

21 Throughout this section, the former references to a "special" beer festival
 22 license are deleted as surplusage.

23 Subsection (a) of this section is revised in standard language used throughout
 24 this article to establish a license.

25 In subsection (b)(1) of this section, the former reference to an "existing" license
 26 is deleted as surplusage.

1 Also in subsection (b)(1) of this section, the former phrase “[n]otwithstanding
2 any other provision in this article,” is deleted as unnecessary in light of the
3 organization of this revised article.

4 In subsection (c) of this section, the reference to the license “authoriz[ing] the
5 holder to display and sell beer” owned and manufactured by the license holder
6 is substituted for the former reference to the requirement that the “products
7 displayed and sold by a special beer festival license shall be products” owned
8 and manufactured by the license holder for clarity and consistency with
9 terminology used throughout this article.

10 In subsection (e)(2) of this section, the reference to a location that “is not
11 already licensed” is substituted for the former reference to “nonlicensed
12 premises” for clarity.

13 In subsection (e)(2) of this section, the former phrase “located in Wicomico
14 County” is deleted as surplusage.

15 In subsection (f) of this section, the reference to “not more than 3 consecutive
16 days” is substituted for the former reference to “a period not exceeding 3 days”
17 for clarity.

18 In subsection (g) of this section, the reference to a license holder who “may
19 hold” another license is substituted for the former statement that “[t]his
20 section does not prohibit a ... licensee from holding” another license for clarity.

21 Former Art. 2B, § 8–804(a), which defined the term “Board”, is deleted as
22 redundant in light of the defined term “Board” in § 32–101 of this title.

23 Former Art. 2B, § 8–804(b), which stated that former Art. 2B, § 8–804 applied
24 only in Wicomico County, is deleted as unnecessary in light of the organization
25 of this revised article.

26 Former Art. 2B, § 8–804(j)(1), which stated that the Board may adopt
27 regulations to implement this section, is deleted as unnecessary because the
28 Board has the power to adopt regulations under § 32–207 of this title.

29 Defined terms: “Beer” § 1–101
30 “Board” § 32–101

31 **32–1305. WINE FESTIVAL LICENSE.**

32 **(A) “FESTIVAL” DEFINED.**

33 **IN THIS SECTION, “FESTIVAL” MEANS THE WICOMICO COUNTY WINE**
34 **FESTIVAL.**

1 **(B) ESTABLISHED.**

2 **THERE IS A WICOMICO COUNTY WINE FESTIVAL (WCWF) LICENSE.**

3 **(C) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
5 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

6 **(D) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

8 **(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

9 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**
10 **FILED.**

11 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

12 **THE LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

13 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

14 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

15 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

16 **THE BOARD SHALL:**

17 **(1) CHOOSE ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,**
18 **EACH YEAR FOR THE FESTIVAL;**

19 **(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

20 **(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE**
21 **PROMOTION OF MARYLAND WINE.**

22 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

23 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
24 **OR NATURE.**

1 **(H) INVOICING AND DELIVERY.**

2 **WINE DISPLAYED AND SOLD SHALL BE:**

3 **(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3**
4 **WINERY, OR CLASS 4 LIMITED WINERY; AND**

5 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
6 **THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

7 **(I) DELIVERY AGREEMENT.**

8 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
9 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A WCWF LICENSE**
10 **TO:**

11 **(1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
12 **EFFECTIVE DATE OF THE LICENSE; AND**

13 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
14 **EXPIRATION DATE OF THE LICENSE.**

15 **(J) FEE.**

16 **THE LICENSE FEE IS \$50 PER DAY.**

17 **(K) REGULATIONS.**

18 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 8-313.2(c) through (j) and (a)(1) and (3).

21 Throughout this section, the former references to a "special" WCWF license
22 are deleted as surplusage.

23 Subsection (b) of this section is revised in standard language used throughout
24 this article to establish a license.

25 In subsection (c) of this section, the reference to a "retail" license is substituted
26 for the former reference to an "existing State retail alcoholic beverages" license
27 for brevity.

1 Also in subsection (c) of this section, the former phrase “[n]otwithstanding any
2 other provision of this article,” is deleted as unnecessary in light of the
3 organization of this revised article.

4 In the introductory language of subsection (d) of this section, the reference to
5 the license “authoriz[ing] the holder” to display and sell is substituted for the
6 former reference to the requirement that the “holder of a special WCWF
7 license shall” display and sell for clarity and consistency with terminology
8 used throughout this article.

9 In subsection (d) of this section, the former requirement that wine must be
10 “[p]rice filed in accordance with regulations adopted by the Comptroller” is
11 deleted as obsolete. *See* General Revisor’s Note to Division II.

12 In subsection (f)(2) of this section, the reference to a location that is not
13 “already licensed” is substituted for the former reference to a location that is
14 not “licensed currently under this article” for consistency with terminology
15 used throughout this article.

16 Also in subsection (f)(2) of this section, the former reference to a location “for
17 the Festival” is deleted as surplusage.

18 Also in subsection (f)(2) of this section, the former reference to a location “in
19 the county” is deleted as surplusage.

20 In subsection (g) of this section, the reference to a license holder who “may
21 hold” another license is substituted for the former statement that “[t]his
22 section does not prohibit the holder” from holding another license for clarity.

23 In the introductory language of subsection (h) of this section, the reference to
24 “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

25 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
26 winery, or Class 4 limited winery” is substituted for the former reference to a
27 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
28 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
29 or Class 4 limited winery” is substituted for the former reference to a
30 “wholesaler, winery, or limited winery” and in the introductory language of
31 subsection (i) of this section, the reference to a “holder of a wholesale, Class 3
32 winery, or Class 4 limited winery license” is substituted for the former
33 reference to a “holder of a wholesale, winery, or limited winery license”.

34 In the introductory language of subsection (i) of this section, the former phrase
35 “[w]henver a special WCWF license is issued,” is deleted as surplusage.

36 In subsection (i)(1) of this section, the reference to delivery “not earlier than”
37 2 days before the effective date is added for clarity. Similarly, in subsection

1 (i)(2) of this section, the reference to accepting returns “not later than” 2 days
2 after the expiration date is added.

3 Former Art. 2B, § 8–313.2(a)(2), which defined “Board” to mean the Wicomico
4 County Board of License Commissioners, is deleted as redundant of the
5 defined term “Board” in § 32–101 of this title.

6 Former Art. 2B, § 8–313.2(b), which stated that former Art. 2B, § 8–313.2
7 applied only in Wicomico County, is deleted in light of the organization of this
8 revised article.

9 Defined terms: “Board” § 32–101

10 “State” § 1–101

11 “Wholesaler” § 1–101

12 “Wine” § 1–101

13 **32–1306. BEER TASTING LICENSE.**

14 (A) **ESTABLISHED.**

15 **THERE IS A BEER TASTING (BT) LICENSE.**

16 (B) **AUTHORIZED HOLDER.**

17 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND**
18 **WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

19 (C) **SCOPE OF AUTHORIZATION.**

20 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON–PREMISES**
21 **CONSUMPTION OF BEER.**

22 (D) **APPLICATION PROCESS.**

23 (1) **AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD**
24 **AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

25 (2) **THE BOARD MAY ISSUE A LICENSE WITHOUT A HEARING.**

26 (3) **IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY**
27 **REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

28 (4) **RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A**
29 **BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS**
30 **RENEWED.**

1 **(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

2 **A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS**
3 **BEFORE A BEER TASTING EVENT.**

4 **(F) LIMIT ON SERVINGS.**

5 **THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT MORE**
6 **THAN 3 OUNCES OF BEER FROM EACH OFFERING FOR TASTING.**

7 **(G) OPEN BOTTLES.**

8 **(1) A MAXIMUM OF SIX CONTAINERS OF BEER MAY BE OPEN AT ONE**
9 **TIME AT A BEER TASTING EVENT.**

10 **(2) ONCE OPENED, EACH CONTAINER SHALL BE MARKED THAT IT IS**
11 **TO BE USED FOR THE BEER TASTING ONLY.**

12 **(3) ONCE EMPTY, ALL CONTAINERS SHALL BE DESTROYED.**

13 **(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

14 **THE DAYS DURING WHICH A BEER TASTING EVENT IS HELD MAY NOT EXCEED**
15 **50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

16 **(I) FEE.**

17 **THE ANNUAL LICENSE FEE IS \$150.**

18 **(J) PROHIBITED ACTS.**

19 **(1) THE CONTENTS OF A CONTAINER MAY NOT BE MIXED WITH ANY**
20 **OTHER CONTAINER.**

21 **(2) BEER TASTING MAY NOT BE CONDUCTED FROM A**
22 **DRIVE-THROUGH WINDOW.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 8-412(c)(1)(i) and (2), (d)(1), (e), (f)(1)(ii) and (6),
25 and (g)(1) and, as they related to the beer tasting license, (f)(2)(ii), (3), (4), and
26 (5) and (g)(2).

1 Throughout this section, the former references to “sampling” are deleted as
2 redundant of the references to “tasting”.

3 Subsection (a) of this section is revised in standard language used throughout
4 this article to establish a license.

5 In subsection (c) of this section, the reference to the license “authoriz[ing] the
6 holder to allow” the consumption of beer is added for clarity and consistency
7 with the terminology used throughout this article.

8 In subsection (f) of this section, the reference to each “offering” is substituted
9 for the former reference to each “brand” for clarity.

10 In subsection (g)(2) of this section, the reference to “the beer tasting” is
11 substituted for the former reference to “that purpose” for clarity.

12 In subsection (h) of this section, the former reference to the “total number of”
13 days is deleted as surplusage.

14 Former Art. 2B, § 8–412(a), which defined the term “license”, to mean a beer
15 tasting (BT) license, a wine tasting (WT) license, or a beer/wine tasting (BWT)
16 license is deleted as unnecessary because each of these licenses is treated
17 separately in this subtitle.

18 Former Art. 2B, § 8–412(b), which stated that former Art. 2B, § 8–412 applied
19 only in Wicomico County, is deleted as unnecessary in light of the organization
20 of this revised article.

21 Former Art. 2B, § 8–412(h), which stated that the Board may adopt
22 regulations to carry out this section, is deleted as unnecessary because the
23 Board has the power to adopt regulations under § 32–207 of this title.

24 Defined terms: “Beer” § 1–101

25 “Board” § 32–101

26 “Wine” § 1–101

27 **32–1307. WINE TASTING LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS A WINE TASTING (WT) LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

31 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND**
32 **WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

1 **(C) SCOPE OF AUTHORIZATION.**

2 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES**
3 **CONSUMPTION OF WINE.**

4 **(D) APPLICATION PROCESS.**

5 **(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD**
6 **AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

7 **(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

8 **(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY**
9 **REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

10 **(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A**
11 **BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS**
12 **RENEWED.**

13 **(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

14 **A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS**
15 **BEFORE A WINE TASTING EVENT.**

16 **(F) LIMIT ON SERVINGS.**

17 **THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT MORE**
18 **THAN 1 OUNCE OF WINE FROM EACH OFFERING FOR TASTING.**

19 **(G) OPEN BOTTLES.**

20 **(1) A MAXIMUM OF SIX BOTTLES OF WINE MAY BE OPEN AT ONE TIME**
21 **AT A WINE TASTING EVENT.**

22 **(2) ONCE OPENED, EACH BOTTLE SHALL BE MARKED THAT IT IS TO**
23 **BE USED FOR THE WINE TASTING EVENT ONLY.**

24 **(3) ONCE EMPTY, EACH BOTTLE SHALL BE DESTROYED.**

25 **(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

1 **THE DAYS DURING WHICH A WINE TASTING EVENT IS HELD MAY NOT EXCEED**
2 **50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

3 **(I) FEE.**

4 **THE ANNUAL LICENSE FEE IS \$150.**

5 **(J) PROHIBITED ACTS.**

6 **(1) THE CONTENTS OF A BOTTLE MAY NOT BE MIXED WITH THAT OF**
7 **ANY OTHER BOTTLE.**

8 **(2) WINE TASTING MAY NOT BE CONDUCTED FROM A**
9 **DRIVE-THROUGH WINDOW.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 8-412(c)(1)(ii) and (2), (d)(2), (e), (f)(1)(i) and (6),
12 and (g)(1) and, as they related to the wine tasting license, (f)(2)(i), (3), (4), and
13 (5) and (g)(2).

14 Throughout this section, the former references to "sampling" are deleted as
15 redundant of the references to "tasting".

16 Subsection (a) of this section is revised in standard language used throughout
17 this article to establish a license.

18 In subsection (c) of this section, the reference to the license "authoriz[ing] the
19 holder to allow" the consumption of wine is added for clarity and consistency
20 with the terminology used throughout this article.

21 In subsection (f) of this section, the reference to each "offering" is substituted
22 for the former reference to each "brand" for clarity.

23 In subsection (g)(2) of this section, the reference to "the wine tasting event" is
24 substituted for the former reference to "that purpose" for clarity.

25 In subsection (h) of this section, the former reference to the "total number of"
26 days is deleted as surplusage.

27 Defined terms: "Beer" § 1-101

28 "Board" § 32-101

29 "License" § 1-101

30 "License holder" § 1-101

31 "Wine" § 1-101

32 **32-1308. BEER AND WINE TASTING LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

3 **(B) AUTHORIZED HOLDER.**

4 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND**
5 **WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

6 **(C) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES**
8 **CONSUMPTION OF BEER OR WINE.**

9 **(D) APPLICATION PROCESS.**

10 **(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD**
11 **AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

12 **(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

13 **(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY**
14 **REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

15 **(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A**
16 **BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS**
17 **RENEWED.**

18 **(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

19 **A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS**
20 **BEFORE A BEER AND WINE TASTING EVENT.**

21 **(F) LIMIT ON SERVINGS.**

22 **THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL, FOR TASTING, A QUANTITY**
23 **OF NOT MORE THAN:**

24 **(1) 1 OUNCE OF WINE FROM EACH OFFERING; OR**

25 **(2) 3 OUNCES OF BEER FROM EACH OFFERING.**

26 **(G) OPEN BOTTLES.**

1 **(1) A MAXIMUM OF SIX BOTTLES OF WINE AND SIX CONTAINERS OF**
2 **BEER MAY BE OPEN AT ONE TIME AT A BEER AND WINE TASTING EVENT.**

3 **(2) ONCE OPENED, EACH BOTTLE OR CONTAINER SHALL BE MARKED**
4 **THAT IT IS TO BE USED FOR THE BEER AND WINE TASTING EVENT ONLY.**

5 **(3) ONCE EMPTY, EACH BOTTLE AND CONTAINER SHALL BE**
6 **DESTROYED.**

7 **(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

8 **THE DAYS DURING WHICH BEER AND WINE TASTING EVENTS ARE HELD MAY**
9 **NOT EXCEED 50 IN ANY PERIOD FOR WHICH THE LICENSE IS IN EFFECT.**

10 **(I) FEE.**

11 **THE ANNUAL LICENSE FEE IS \$250.**

12 **(J) PROHIBITED ACTS.**

13 **(1) THE CONTENTS OF A BOTTLE OR CONTAINER MAY NOT BE MIXED**
14 **WITH THAT OF ANY OTHER BOTTLE OR CONTAINER.**

15 **(2) BEER AND WINE TASTING MAY NOT BE CONDUCTED FROM A**
16 **DRIVE-THROUGH WINDOW.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 8-412(c)(1)(iii) and (2), (d)(3), (e), (f)(1) and (6),
19 and (g)(1) and, as they related to the beer and wine tasting license, (f)(2)
20 through (5) and (g)(2).

21 Throughout this section, the former references to "sampling" are deleted as
22 redundant of the references to "tasting".

23 Subsection (a) of this section is revised in standard language used throughout
24 this article to establish a license.

25 In subsection (c) of this section, the reference to the license "authoriz[ing] the
26 holder to allow" the consumption of beer or wine is added to conform to the
27 terminology used throughout this article.

28 In subsection (f) of this section, the references to each "offering" are
29 substituted for the former references to each "brand" for clarity.

1 In subsection (g)(2) of this section, the reference to “the beer and wine tasting
2 event” is substituted for the former reference to “that purpose” for clarity.

3 In subsection (h) of this section, the former reference to the “total number of”
4 days is deleted as surplusage.

5 Defined terms: “Beer” § 1–101
6 “Board” § 32–101
7 “License” § 1–101
8 “License holder” § 1–101
9 “Wine” § 1–101

10 **32–1309. RESERVED.**

11 **32–1310. RESERVED.**

12 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

13 **32–1311. LICENSE FEES.**

14 **(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE**
15 **LICENSES.**

16 **THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM**
17 **BEER AND WINE LICENSE IS \$30 PER DAY.**

18 **(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

19 **THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$45**
20 **PER DAY.**

21 **REVISOR’S NOTE:** This section is new language derived without substantive
22 change from former Art. 2B, § 7–101(b)(13) and (d)(14).

23 **32–1312. CLASS C MULTIPLE EVENT ENTERTAINMENT LICENSE FOR FIRE**
24 **DEPARTMENTS.**

25 **(A) ESTABLISHED.**

26 **THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER LICENSE, BEER**
27 **AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE.**

28 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE**
2 **CONFERRED BY THE LICENSE AT AN ENTERTAINMENT EVENT HELD BY A FIRE**
3 **DEPARTMENT.**

4 **(C) LICENSE FORM.**

5 **(1) THE LICENSE APPLICATION SHALL BE IN THE FORM THAT THE**
6 **BOARD PROVIDES.**

7 **(2) THE APPLICANT SHALL SIGN THE FORM.**

8 **(D) LIMITATIONS.**

9 **A LICENSE HOLDER:**

10 **(1) MAY USE ONLY ONE MULTIPLE EVENT LICENSE IN A LICENSE**
11 **YEAR; AND**

12 **(2) MAY NOT USE THE LICENSE FOR MORE THAN 40 DAYS IN A**
13 **CALENDAR YEAR.**

14 **(E) NOTICE TO BOARD.**

15 **THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7**
16 **DAYS BEFORE EACH DAY THAT THE LICENSE IS TO BE USED.**

17 **(F) PER DIEM LICENSE AVAILABLE.**

18 **A FIRE DEPARTMENT IS NOT PREVENTED FROM OBTAINING A CLASS C PER**
19 **DIEM LICENSE UNDER § 4-1202 OF THIS ARTICLE.**

20 **(G) FEES.**

21 **THE ANNUAL FEE FOR A LICENSE IS:**

22 **(1) \$400 FOR NOT MORE THAN 10 DAYS;**

23 **(2) \$800 FOR AT LEAST 11 BUT NOT MORE THAN 20 DAYS;**

24 **(3) \$1,000 FOR AT LEAST 21 BUT NOT MORE THAN 30 DAYS; AND**

25 **(4) \$1,100 FOR AT LEAST 31 BUT NOT MORE THAN 40 DAYS.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 7-101(w)(2).

3 In subsection (b) of this section, the former reference to a "bona fide"
4 entertainment event is deleted as surplusage.

5 Also in subsection (b) of this section, the former reference to a fire department
6 "in the county" is deleted as surplusage.

7 Former Art. 2B, § 7-101(w)(1), which stated that former Art. 2B, § 7-101(w)
8 applied only in Wicomico County, is deleted as unnecessary in light of the
9 organization of this revised article.

10 Defined terms: "Board" § 32-101
11 "License holder" § 1-101

12 SUBTITLE 14. APPLICATIONS FOR LICENSES.

13 32-1401. APPLICATION OF GENERAL PROVISIONS.

14 (A) WITHOUT EXCEPTION OR VARIATION.

15 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR
16 LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
17 WITHOUT EXCEPTION OR VARIATION:

18 (1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING
19 BOARD");

20 (2) § 4-105 ("APPLICATION ON BEHALF OF LIMITED LIABILITY
21 COMPANY");

22 (3) § 4-106 ("PAYMENT OF NOTICE EXPENSES");

23 (4) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");

24 (5) § 4-110 ("REQUIRED INFORMATION ON APPLICATION —
25 PETITION OF SUPPORT");

26 (6) § 4-111 ("PAYMENT OF LICENSE FEES");

27 (7) § 4-112 ("DISPOSITION OF LICENSE FEES");

28 (8) § 4-113 ("REFUND OF LICENSE FEES"); AND

1 **(9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

2 **(B) VARIATIONS.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
4 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

5 **(1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT**
6 **TO § 32-1403 OF THIS SUBTITLE;**

7 **(2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
8 **IN ADDITION TO § 32-1406 OF THIS SUBTITLE;**

9 **(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §**
10 **32-1402 OF THIS SUBTITLE; AND**

11 **(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
12 **GENERAL”), IN ADDITION TO § 32-1404 OF THIS SUBTITLE.**

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to applications for local licenses.

15 Defined term: “County” § 32-101

16 **32-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

17 **THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF**
18 **EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10-103(b)(13)(vii)2A.

21 The reference to “criminal history record information” is substituted for the
22 former reference to “criminal records” to conform to the terminology used in
23 CP § 10-201.

24 Former Art. 2B, § 10-103(b)(13)(vii)1, which stated that former Art. 2B, §
25 10-103(b)(13)(vii) applied only in Wicomico County, is deleted as unnecessary
26 in light of the organization of this revised article.

27 Defined terms: “Board” § 32-101

28 “Central Repository” § 1-101

29 “License” § 1-101

1 **32-1403. APPLICATION MADE ON BEHALF OF PARTNERSHIP.**

2 (A) CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY AS
3 PARTNER.

4 IF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IS A
5 PARTNER OF A PARTNERSHIP APPLYING FOR A LICENSE, THE APPLICATION SHALL
6 STATE:

7 (1) THE NAME OF EACH OWNER OF MORE THAN 33% OF THE STOCK IN
8 THE CORPORATE PARTNER;

9 (2) THE NAME OF EACH OWNER OF MORE THAN 33% OF OWNERSHIP
10 INTEREST OF THE PARTNERSHIP PARTNER; OR

11 (3) THE NAME OF EACH MEMBER WITH MORE THAN A 33% INTEREST
12 IN THE LIMITED LIABILITY COMPANY PARTNER.

13 (B) STADIUM BEER AND WINE LICENSES.

14 (1) AN APPLICATION FOR A STADIUM BEER AND WINE LICENSE FOR A
15 PARTNERSHIP SHALL BE MADE BY AND THE LICENSE ISSUED TO THREE
16 INDIVIDUALS WHO:

17 (I) SHALL BE AUTHORIZED IN WRITING TO APPLY FOR AND
18 HOLD THE LICENSE ON BEHALF OF THE PARTNERSHIP; BUT

19 (II) ARE NOT REQUIRED TO BE PARTNERS.

20 (2) ONE OF THE THREE INDIVIDUALS WHO APPLIES FOR A LICENSE
21 SHALL:

22 (I) HAVE BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2
23 YEARS BEFORE THE APPLICATION IS FILED; AND

24 (II) HAVE BEEN A REGISTERED VOTER OF THE COUNTY FOR AT
25 LEAST 1 YEAR IMMEDIATELY BEFORE THE APPLICATION IS FILED.

26 (3) THE NAME OF EACH PARTNER SHALL BE STATED ON THE
27 APPLICATION.

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 9-101(a)(7)(ii) and (iii).

1 In the introductory language of subsection (b)(1) of this section, the reference
 2 to “wine” is substituted for the former reference to “light wine” to avoid
 3 confusion. In Wicomico County, wine that is sold under a retail license with
 4 any wine privilege may have an alcohol content above the traditional
 5 maximum level of 15.5% for light wine.

6 In subsection (b)(1)(i) of this section, the reference to three individuals who
 7 are authorized “to apply for and hold the license on behalf of the partnership”
 8 is substituted for the former reference to individuals authorized “to act for the
 9 partnership by making application for and becoming holders of the license for
 10 the partnership” for clarity.

11 Former Art. 2B, § 9–101(a)(7)(i), which stated that the provisions of former
 12 Art. 2B, § 9–101(a)(7) applied only in Wicomico County, is deleted as
 13 unnecessary in light of the organization of this revised article.

14 The Alcoholic Beverages Article Review Committee notes, for consideration by
 15 the General Assembly, that the requirements that an applicant reside and be
 16 a registered voter in the County in subsection (b)(2) of this section may violate
 17 the equal protection guarantees of the Fourteenth Amendment to the United
 18 States Constitution and Article 24 of the Maryland Declaration of Rights.
 19 Maryland courts look unfavorably on legislation that classifies persons by
 20 geography, which may be accomplished by residency or registration
 21 requirements, if the primary purpose of the legislation is economic. *See Verzi*
 22 *v. Baltimore County*, 333 Md. 411 (1994).

23 Defined terms: “County” § 32–101
 24 “License” § 1–101

25 **32–1404. STATEMENTS REQUIRED IN APPLICATION.**

26 **AN APPLICANT SHALL INCLUDE A STATEMENT IN THE APPLICATION THAT:**

27 **(1) THE APPLICANT CONSENTS TO AN INVESTIGATION BY THE BOARD**
 28 **OF THE APPLICANT’S CRIMINAL RECORD; AND**

29 **(2) (I) THE APPLICANT IS AT LEAST 21 YEARS OLD; OR**

30 **(II) IF THERE IS MORE THAN ONE APPLICANT, AT LEAST ONE OF**
 31 **THE APPLICANTS IS AT LEAST 21 YEARS OLD.**

32 REVISOR’S NOTE: This section is new language derived without substantive
 33 change from former Art. 2B, §§ 10–104(x)(3) and 10–103(b)(9)(iii), as it related
 34 to Wicomico County.

35 Defined term: “Board” § 32–101

1 **32-1405. RESIDENCY REQUIREMENTS FOR LICENSE.**

2 (A) **ISSUANCE OF LICENSE RESTRICTED.**

3 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
 4 **NOT ISSUE A LICENSE TO A CORPORATION OR LIMITED LIABILITY COMPANY UNLESS**
 5 **THE INDIVIDUAL QUALIFYING UNDER THIS ARTICLE:**

6 (1) **HAS BEEN A REGISTERED VOTER, TAXPAYER, AND RESIDENT OF**
 7 **THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE SUBMISSION OF THE**
 8 **APPLICATION; AND**

9 (2) **OWNS AT LEAST 20% OF THE TOTAL ISSUED CAPITAL STOCK OF**
 10 **THE CORPORATION OR 20% OF THE TOTAL INTERESTS OF THE LIMITED LIABILITY**
 11 **COMPANY.**

12 (B) **NO EFFECT ON ALREADY ISSUED LICENSE.**

13 **THIS SECTION DOES NOT AFFECT A LICENSE THAT HAS ALREADY BEEN**
 14 **ISSUED.**

15 REVISOR'S NOTE: This section is new language derived without substantive
 16 change from former Art. 2B, § 9-102(l).

17 In subsection (a) of this section, the phrase "the Board may not issue" is added
 18 for clarity.

19 In subsection (b) of this section, the phrase "[t]his section does not affect" is
 20 substituted for the former phrase "[p]rovided, however, that any license
 21 currently issued shall not be affected" for brevity.

22 The Alcoholic Beverages Article Review Committee notes, for consideration by
 23 the General Assembly, that the requirement in subsection (a)(1) of this section
 24 that an applicant be a registered voter in, taxpayer in, and resident of the
 25 County may violate the equal protection guarantees of the Fourteenth
 26 Amendment to the United States Constitution and Article 24 of the Maryland
 27 Declaration of Rights. Maryland courts look unfavorably on legislation that
 28 classifies persons by geography, which may be accomplished by residency or
 29 registration requirements, if the primary purpose of the legislation is
 30 economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

31 Defined term: "County" § 32-101

32 **32-1406. INDICATION OF FINANCIAL INTEREST BY CLUB OFFICERS NOT REQUIRED.**

1 **IF THREE OFFICERS OF A CLUB ACTING AS INDIVIDUALS APPLY FOR A CLASS**
2 **C CLUB LICENSE, THE APPLICANTS ARE NOT REQUIRED TO FILE A STATEMENT**
3 **INDICATING A FINANCIAL INTEREST IN THE BUSINESS TO BE CONDUCTED UNDER**
4 **THE LICENSE.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 10-104(x)(2).

7 Defined terms: "Club" § 1-101
8 "License" § 1-101

9 **32-1407. APPLICATION FEE.**

10 **(A) AMOUNT OF FEE.**

11 **IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN APPLICATION**
12 **FEE OF \$75 SHALL BE CHARGED FOR AN APPLICATION FOR A NEW LICENSE, MADE**
13 **PAYABLE TO THE COUNTY COLLECTING AGENT.**

14 **(B) APPLICATION FEE NOT REFUNDABLE.**

15 **THE APPLICATION FEE IS NONREFUNDABLE WHETHER THE LICENSE IS**
16 **ISSUED OR DENIED.**

17 **(C) NOT APPLICABLE TO LICENSE RENEWAL OR TRANSFER.**

18 **THE APPLICATION FEE DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF**
19 **A LICENSE FOR THE SAME PREMISES.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from the first, second, and fourth sentences of former Art. 2B, §
22 10-104(x)(5).

23 In subsection (a) of this section, the former reference to a new license "of any
24 class" is deleted as surplusage.

25 Former Art. 2B, § 10-104(x)(1), which stated that former Art. 2B, §
26 10-104(x) applied only to Wicomico County, is deleted as unnecessary in light
27 of the organization of this revised article.

28 The third sentence of former Art. 2B, § 10-104(x)(5), which stated that the
29 application fee must be used by the Board to cover the expenses of the Board
30 in connection with its functions, is deleted as obsolete.

1 Defined terms: "County" § 32-101
2 "License" § 1-101

3 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

4 **32-1501. APPLICATION OF GENERAL PROVISIONS.**

5 **(A) WITHOUT EXCEPTION OR VARIATION.**

6 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
7 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
8 **WITHOUT EXCEPTION OR VARIATION:**

9 **(1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**

10 **(2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

11 **(3) § 4-207 ("LICENSES ISSUED TO MINORS");**

12 **(4) § 4-209 ("HEARING");**

13 **(5) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**

14 **(6) § 4-213 ("REPLACEMENT LICENSES"); AND**

15 **(7) § 4-214 ("WAITING PERIODS AFTER DENIAL OF LICENSE**
16 **APPLICATIONS").**

17 **(B) VARIATIONS.**

18 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL**
19 **OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

20 **(1) § 4-203 ("PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
21 **TO INDIVIDUAL OR FOR USE OF ENTITY"), SUBJECT TO §§ 32-1502 AND 32-1506 OF**
22 **THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**

23 **(2) § 4-204 ("PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
24 **FOR SAME PREMISES"), SUBJECT TO §§ 32-1502 AND 32-1506 OF THIS SUBTITLE**
25 **AND SUBTITLE 13, PART III OF THIS TITLE;**

26 **(3) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE"),**
27 **SUBJECT TO § 32-1503 OF THIS SUBTITLE;**

1 **(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
 2 **SUBJECT TO § 32-1507 OF THIS SUBTITLE;**

3 **(5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”),**
 4 **SUBJECT TO § 32-1508 OF THIS SUBTITLE; AND**

5 **(6) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 32-1509 OF**
 6 **THIS SUBTITLE.**

7 REVISOR’S NOTE: This section is new language added to incorporate by reference
 8 general provisions relating to the issuance of local licenses.

9 Defined terms: “County” § 32-101

10 “License” § 1-101

11 “Local licensing board” § 1-101

12 **32-1502. PROHIBITION AGAINST ISSUANCE OF MULTIPLE LICENSES —**
 13 **EXCEPTIONS.**

14 **THE PROHIBITIONS AGAINST ONE PERSON BEING ISSUED MORE THAN ONE**
 15 **LICENSE UNDER § 4-203 OF THIS ARTICLE DO NOT APPLY TO:**

16 **(1) A CLASS 6 PUB-BREWERY LICENSE ISSUED UNDER § 2-208 OF**
 17 **THIS ARTICLE OR A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER § 2-209 OF**
 18 **THIS ARTICLE; OR**

19 **(2) A CLASS B BEER, WINE, AND LIQUOR LICENSE ISSUED UNDER §**
 20 **32-902 OF THIS ARTICLE IF:**

21 **(I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE**
 22 **COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND**

23 **(II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS**
 24 **AT LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE OF AT LEAST**
 25 **\$200,000.**

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 9-102(k).

28 In the introductory language of this section, the reference to the “prohibitions
 29 against one person being issued more than one license under § 4-230 of this
 30 article” is substituted for the former reference to “[t]he provisions of
 31 subsections (a) and (a-1) of this section” for clarity.

1 In item (1) of this section, the references to “a Class 6 pub–brewery license”
2 and “a Class 7 micro–brewery license” are added for clarity.

3 Defined terms: “County” § 32–101

4 “License” § 1–101

5 “Person” § 1–101

6 **32–1503. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

7 **SECTION 4–205 OF THIS ARTICLE DOES NOT APPLY TO A LICENSE ISSUED**
8 **UNDER:**

9 **(1) § 2–208 OR § 2–209 (REGARDING PUB–BREWERY AND**
10 **MICRO–BREWERY LICENSES) OF THIS ARTICLE; OR**

11 **(2) § 32–902 (REGARDING CLASS B BEER, WINE, AND LIQUOR**
12 **LICENSES) OF THIS ARTICLE IF:**

13 **(I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE**
14 **COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND**

15 **(II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS**
16 **AT LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE OF AT LEAST**
17 **\$200,000.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 9–102(k).

20 Defined term: “License” § 1–101

21 **32–1504. MARRIED COUPLE CONSIDERED TO BE ONE PERSON.**

22 **FOR PURPOSES OF THIS SUBTITLE, A MARRIED COUPLE IS CONSIDERED TO BE**
23 **ONE PERSON.**

24 REVISOR’S NOTE: This section is new language derived without substantive
25 change from former Art. 2B, § 9–102(g).

26 The reference to a “married couple” is substituted for the former reference to
27 a “man and wife” for consistency with FL § 2–201, as enacted by Ch. 2 of the
28 Acts of 2012.

29 Defined term: “Person” § 1–101

30 **32–1505. LICENSE FOR INCOMPLETE, REMODELED, OR RENOVATED BUILDING.**

1 **(A) TENTATIVE APPROVAL BY BOARD.**

2 **THE BOARD MAY GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN**
3 **ESTABLISHMENT THAT IS NOT COMPLETED OR THAT IS TO BE REMODELED OR**
4 **RENOVATED, BASED ON THE BUILDING PLANS AND SPECIFICATIONS THAT**
5 **ACCOMPANY THE APPLICATION.**

6 **(B) FINAL APPROVAL BY BOARD.**

7 **THE BOARD MAY GIVE FINAL APPROVAL OF A LICENSE APPLICATION UNDER**
8 **THIS SECTION ON COMPLETION OF THE CONSTRUCTION, REMODELING, OR**
9 **RENOVATION IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10-104(x)(4).

12 In subsection (a) of this section, the former phrases "or portion of it" are
13 deleted as included in the reference to a "building".

14 In subsection (b) of this section, the reference to final approval "of a license
15 application under this section" is added for clarity.

16 Also in subsection (b) of this section, the reference to the "construction,
17 remodeling, or renovation" is substituted for the former reference to the
18 "construction or remodeling" for consistency with subsection (a) of this section.

19 Former Art. 2B, § 10-104(x)(1), which stated that former Art. 2B, §
20 10-104(x) applied only to Wicomico County, is deleted as unnecessary in light
21 of the organization of this revised article.

22 Defined terms: "Board" § 32-101
23 "License" § 1-101

24 **32-1506. BOWLING ESTABLISHMENTS.**

25 **MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN**
26 **INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION,**
27 **AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

28 **(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE**
29 **LICENSES; AND**

30 **(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT**
31 **LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 9-102(b-1)(1)(i).

3 In item (1) of this section, the reference to "Class D beer or Class D beer and
4 wine licenses" is substituted for the former reference to licenses issued
5 "[u]nder § 3-401 or § 5-401 of this article" for clarity.

6 In item (2) of this section, the former reference to the premises "operated as"
7 a bowling establishment is deleted as surplusage.

8 Defined terms: "Beer" § 1-101

9 "License" § 1-101

10 "Wine" § 1-101

11 **32-1507. POSTING OF NOTICE OF APPLICATIONS TO BE HEARD.**

12 **(A) AT LOCATION DESCRIBED IN THE LICENSE.**

13 **IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS**
14 **ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE**
15 **AT THE LOCATION DESCRIBED IN AN APPLICATION FOR AT LEAST 10 DAYS BEFORE**
16 **THE APPLICATION HEARING.**

17 **(B) CONTENTS.**

18 **A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR**
19 **WHICH THE APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE**
20 **BOARD FOR AN APPLICATION HEARING.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10-202(b)(1)(ii) and (i)9.

23 In subsection (a) of this section, the reference to the "location" is substituted
24 for the former reference to the "premises" for consistency with terminology
25 used throughout this article.

26 Also in subsection (a) of this section, the reference to "post[ing] a suitable
27 notice ... for" at least 10 days is substituted for the former reference to
28 "caus[ing] a suitable sign or notice to be posted and to remain posted for a
29 period of" at least 10 days for brevity.

30 Also in subsection (a) of this section, the reference to an "application hearing"
31 is substituted for the former reference to "action upon the application" for
32 consistency with subsection (b) of this section.

1 In subsection (b) of this section, the reference to the “date” for an application
2 hearing is added for clarity.

3 Defined terms: “Board” § 32–101
4 “License” § 1–101

5 **32–1508. OTHER FACTORS IN DECIDING WHETHER TO ISSUE LICENSE.**

6 **(A) INSPECTION.**

7 **THE BOARD SHALL MAKE A PHYSICAL INSPECTION OF THE LOCATION**
8 **DESCRIBED IN THE APPLICATION BEFORE ISSUING A LICENSE.**

9 **(B) OTHER FACTORS.**

10 **BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND**
11 **DETERMINE AS SUITABLE:**

12 **(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE**
13 **APPLICANT;**

14 **(2) THE APPROPRIATENESS OF THE LOCATION DESCRIBED IN THE**
15 **APPLICATION, TAKING INTO CONSIDERATION THE NUMBER OF EXISTING LICENSES;**
16 **AND**

17 **(3) THE GENERAL FITNESS OF THE APPLICANT TO ENGAGE IN THE**
18 **BUSINESS AUTHORIZED BY THE LICENSE.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–202(k).

21 In subsection (a) of this section, the reference to inspection of the “location
22 described in the application” is substituted for the former reference to
23 inspection of the “proposed licensed premises” for consistency with
24 terminology used throughout this article.

25 In the introductory language of subsection (b) of this section, the requirement
26 that the Board “consider and determine as suitable” specified factors before
27 issuing a license is substituted for the former requirement that the Board
28 “satisfy themselves” of specified factors before issuing a license for clarity.

29 In subsection (b)(2) of this section, the reference to the location “described in
30 the application” is substituted for the former reference to the location “where
31 such licensed business is to be conducted” for consistency with terminology
32 used throughout this article.

1 Defined terms: "Board" § 32-101
 2 "License" § 1-101

3 **32-1509. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

4 **A LICENSE IS NOT SUBJECT TO:**

5 **(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE**
 6 **HOLDER; OR**

7 **(2) A DISTRAINT FOR RENT.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 10-501(f).

10 Defined terms: "License" § 1-101
 11 "License holder" § 1-101

12 **GENERAL REVISOR'S NOTE TO SUBTITLE**

13 Former Art. 2B, § 15-111(a), which stated exceptions to former Art. 2B, § 15-111, is
 14 deleted as unnecessary in light of the organization of this revised article.

15 Former Art. 2B, § 15-111(b), which stated that former Art. 2B, § 15-111 applied to
 16 Wicomico County, is deleted as unnecessary in light of the organization of this
 17 revised article.

18 Former Art. 2B, § 15-111(c)(1), which stated that the Board of License
 19 Commissioners shall issue licenses for which provision is made in this article, is
 20 deleted as included in § 3-402 of this article, which authorizes a local licensing board
 21 to issue licenses in its jurisdiction.

22 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

23 **PART I. LICENSING CONDITIONS.**

24 **32-1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

25 **(A) IN GENERAL.**

26 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
 27 **BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500**
 28 **FEET OF A PLACE OF WORSHIP OR A PUBLIC OR PRIVATE ELEMENTARY OR**
 29 **SECONDARY SCHOOL.**

1 **(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF**
2 **WORSHIP OR THE PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL IS TO**
3 **BE THE DISTANCE THAT AN INDIVIDUAL COULD WALK DIRECTLY FROM THE MAIN**
4 **ENTRANCE OF THE ESTABLISHMENT TO THE MAIN ENTRANCE OF THE PLACE OF**
5 **WORSHIP OR SCHOOL.**

6 **(B) EXCEPTIONS.**

7 **(1) A PERSON MAY APPLY FOR A LICENSE WITHIN 6 MONTHS**
8 **FOLLOWING THE TERMINATION OF A LICENSE AT AN EXISTING LOCATION THAT**
9 **FALLS WITHIN THE RESTRICTION IMPOSED BY SUBSECTION (A) OF THIS SECTION.**

10 **(2) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION**
11 **(A) OF THIS SECTION DOES NOT APPLY TO:**

12 **(I) A TEMPORARY LICENSE; OR**

13 **(II) THE DOWNTOWN PLAZA OF SALISBURY THAT:**

14 **1. IS WITHIN THE AREA STARTING FROM THE**
15 **INTERSECTION OF CAMDEN AVENUE AND CARROLL STREET, EASTWARD ALONG**
16 **CARROLL STREET TO U.S. ROUTE 13, THEN NORTHWARD TO U.S. ROUTE 50, THEN**
17 **WESTWARD TO MILL STREET, AND THEN SOUTHWARD TO THE POINT OF ORIGIN; BUT**

18 **2. DOES NOT INCLUDE BUSINESSES LOCATED ON THE**
19 **OPPOSITE SIDES OF THE STREETS LISTED IN ITEM 1 OF THIS ITEM.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 9-223(c), (d), (e), and (b)(3), (4), and (5).

22 In subsection (a)(1) of this section, the former definition of "school", used only
23 once in the former law, is revised as part of the substantive provisions of
24 subsection (a)(1) of this section for concision. Similarly, in subsections (a)(2)
25 and (b)(2)(ii) of this section, the former definitions of "measurement" and
26 "Downtown Plaza" are revised as substantive provisions.

27 Also in subsection (a)(1) of this section, the former reference to a license "to
28 sell alcoholic beverages" is deleted as included in the defined term "license".

29 Also in subsection (a)(1) of this section, the former reference to a "church" is
30 deleted as included in the reference to a "place of worship".

1 In subsection (a)(2) of this section, the reference to “an individual” is
2 substituted for the former reference to “a person” because only human beings
3 are capable of walking from an establishment to a place of worship or school.

4 Also in subsection (a)(2) of this section, the former reference to the main
5 entrance of the “building that is the proposed” establishment “for which the
6 license is requested” is deleted as surplusage.

7 In subsection (b)(2)(i) of this section, the former reference to a “special” license
8 is deleted as unnecessary in light of the reference to a “temporary” license.

9 Former Art. 2B, § 9–223(a), which stated that former Art. 2B, § 9–223 applied
10 only in Wicomico County, is deleted as unnecessary in light of the organization
11 of this revised article.

12 Former Art. 2B, § 9–223(b)(1), which stated that “[i]n this section the following
13 words have the meanings indicated”, is deleted as unnecessary since the
14 defined terms contained in former § 9–223(b) have been included in the
15 substantive provisions of this section or repealed.

16 Former Art. 2B, § 9–223(b)(2), which defined “church”, is deleted as
17 unnecessary since the word “church” is not used in this section.

18 The Alcoholic Beverages Article Review Committee notes, for consideration by
19 the General Assembly, that the distance restriction established under former
20 Art. 2B, § 9–223(c), revised in subsection (a)(1) of this section, applies only to
21 an elementary or a secondary school, and not to a middle school.

22 Defined terms: “Board” § 32–101

23 “License” § 1–101

24 “Person” § 1–101

25 **32–1602. RESERVED.**

26 **32–1603. RESERVED.**

27 **PART II. MULTIPLE LICENSING PLANS.**

28 **32–1604. RESERVED.**

29 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

30 **32–1701. APPLICATION OF GENERAL PROVISIONS.**

31 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
2 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
3 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

4 **(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
5 **AND**

6 **(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
7 **REQUIRED”).**

8 **(B) EXCEPTION.**

9 **SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF**
10 **DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED**
11 **BY § 32–1704 OF THIS SUBTITLE.**

12 **(C) VARIATIONS.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
14 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
15 **APPLY IN THE COUNTY:**

16 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
17 **LICENSE AND INVENTORY”), SUBJECT TO § 32–1702 OF THIS SUBTITLE; AND**

18 **(2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO §**
19 **32–1703 OF THIS SUBTITLE.**

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to the transfer of licenses and the substitution of
22 the names of officers on licenses.

23 Defined terms: “County” § 32–101

24 “License” § 1–101

25 **32–1702. WAIVER OF PUBLICATION NOTICE AUTHORIZED.**

26 **THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED UNDER §**
27 **4–302(B)(4) OF THIS ARTICLE FOR THE TRANSFER OF A CLASS C CLUB LICENSE IF:**

28 **(1) THE PERSON WHOSE NAME APPEARS ON THE LICENSE BECOMES**
29 **INELIGIBLE; AND**

1 **(2) A NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS**
2 **PROPERLY FILED WITH THE BOARD WITHIN 10 DAYS AFTER THE PERSON BECOMES**
3 **INELIGIBLE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10-503(x)(2).

6 Former Art. 2B, § 10-503(x)(1), which stated that former Art. 2B, §
7 10-503(x) applied only in Wicomico County, is deleted as unnecessary in light
8 of the organization of this revised article.

9 Defined terms: "Board" § 32-101

10 "Club" § 1-101

11 "Person" § 1-101

12 **32-1703. FEE.**

13 **THE FEE FOR A TRANSFER OF A LICENSE IS \$75, IN ADDITION TO THE COSTS**
14 **OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED.**

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 10-503(x)(3).

17 The former reference to an "assignment" is deleted as included in the reference
18 to a "transfer".

19 Defined term: "License" § 1-101

20 **32-1704. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

21 **(A) CONDITIONS FOR SUBSTITUTION.**

22 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A**
23 **LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER**
24 **MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE**
25 **NAME OF ANY OFFICER WHO:**

26 **(I) HAS DIED;**

27 **(II) HAS RETIRED; OR**

28 **(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR**
29 **CLUB.**

1 **(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY**
2 **THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL**
3 **OFFICER.**

4 **(B) AFFIDAVIT REQUIRED.**

5 **THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT**
6 **CONTAINS:**

7 **(1) THE SUBSTITUTION OF THE OFFICER; AND**

8 **(2) AN EXPLANATION FOR THE SUBSTITUTION.**

9 **(C) CORRECTED LICENSE TO BE ISSUED.**

10 **ON RECEIPT OF THE AFFIDAVIT BY THE BOARD AND PAYMENT OF A \$50 FEE**
11 **TO THE COUNTY TREASURER, THE BOARD SHALL:**

12 **(1) AMEND ITS RECORDS; AND**

13 **(2) ISSUE A CORRECTED LICENSE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from the first, second, third, and fifth sentences of former Art. 2B, §
16 10-301(h)(1), as they related to Wicomico County.

17 In subsection (a) of this section, the former reference to an officer who has
18 "been removed from office" is deleted as included in the reference to an officer
19 who "no longer holds an office in the corporation or club".

20 In the introductory language of subsection (a)(1) of this section, the reference
21 to "any officer who" is substituted for the former reference to "the deleted
22 officer" for clarity.

23 Also in the introductory language of subsection (a)(1) of this section, the
24 former reference to any "class of alcoholic beverage" license is deleted as
25 surplusage.

26 Also in the introductory language of subsection (a)(1) of this section, the
27 former phrase "during any license year" is deleted as surplusage.

28 Also in the introductory language of subsection (a)(1) of this section, the
29 former phrase "notwithstanding any other provision of this article" is deleted
30 as surplusage.

1 In subsection (a)(2) of this section, the reference to requirements “applicable
2 to the original officer” is substituted for the former reference to requirements
3 “the substitute would have to meet if the substitute were named in the original
4 application” for brevity.

5 Also in subsection (a)(2) of this section, the former reference to a “fit”
6 individual is deleted as implicit in the requirement that the individual be
7 approved by the Board and meet the requirements applicable to the original
8 officer.

9 In subsection (b)(1) of this section, the former reference to “officers” is deleted
10 in light of the reference to “officer” and GP § 1–202, which provides that the
11 singular generally includes the plural.

12 In subsection (c)(2) of this section, the reference to a “corrected license” is
13 substituted for the former reference to a “new license with the corrected names
14 on it” for brevity.

15 Defined terms: “Board” § 32–101

16 “Club” § 1–101

17 “County” § 32–101

18 “License” § 1–101

19 “License holder” § 1–101

20 **SUBTITLE 18. RENEWAL OF LICENSES.**

21 **32–1801. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
24 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
25 **EXCEPTION OR VARIATION:**

26 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

27 **(2) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”);**

28 **(3) § 4–406 (“PROTESTS”);**

29 **(4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**

30 **(5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**

31 **(6) § 4–409 (“MULTIPLE LICENSES”); AND**

1 (7) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

2 (B) VARIATIONS.

3 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL
4 LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

5 (1) § 4-403 (“RENEWAL APPLICATION”), SUBJECT TO § 32-1802 OF
6 THIS SUBTITLE; AND

7 (2) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §
8 32-1803 OF THIS SUBTITLE.

9 REVISOR’S NOTE: This section is new language added to incorporate by reference
10 general provisions relating to the renewal of local licenses.

11 Defined terms: “County” § 32-101
12 “License” § 1-101

13 **32-1802. RENEWAL APPLICATION FEE.**

14 AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION
15 FEE OF \$50 TO THE LOCAL COLLECTING AGENT IN ADDITION TO THE LICENSE FEE.

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 10-301(k)(3).

18 The reference to “a renewal application fee ... in addition to the license fee” is
19 substituted for the former reference to “an additional renewal application fee”
20 to state expressly that which only was implied in the former law.

21 The former reference to a license “issued by the Board” is deleted as
22 unnecessary.

23 Former Art. 2B, § 10-301(k)(1), which stated that former Art. 2B, §
24 10-301(k) applied only to Wicomico County, is deleted as unnecessary in light
25 of the organization of this revised article.

26 Former Art. 2B, § 10-301(k)(2), which defined “Board”, is deleted as
27 redundant of the defined term “Board” in § 32-101 of this title.

28 Defined terms: “License” § 1-101
29 “Local collecting agent” § 1-101

1 **32-1803. PAYMENT OF TAXES.**

2 **THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER**
3 **PRESENTS THE BOARD WITH A CERTIFICATE OF RECEIPT ISSUED BY THE COUNTY**
4 **FINANCE DEPARTMENT SHOWING THAT THERE ARE NO UNPAID TAXES ON THE**
5 **INVENTORY AND PERSONAL PROPERTY OF THE RENEWAL APPLICANT DUE TO THE**
6 **COUNTY OR STATE.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 10-301(k)(4).

9 The reference to a "renewal" applicant is added for clarity.

10 The reference to a certificate of receipt "issued by" the County Finance
11 Department is substituted for the former reference to a certificate of receipt
12 "from" that Department for clarity.

13 The reference to the County Finance "Department" is substituted for the
14 former reference to the County Finance "Office" for accuracy.

15 Defined terms: "Board" § 32-101
16 "County" § 32-101
17 "License" § 1-101
18 "License holder" § 1-101
19 "State" § 1-101

20 **GENERAL REVISOR'S NOTE TO SUBTITLE**

21 The seventh sentence of former Art. 2B, § 10-301(h)(1), which applied to an
22 application for renewal of a restaurant license in Wicomico County, is deleted as
23 unnecessary.

24 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

25 **32-1901. APPLICATION OF GENERAL PROVISIONS.**

26 **(A) WITHOUT EXCEPTION OR VARIATION.**

27 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL**
28 **LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
29 **WITHOUT EXCEPTION OR VARIATION:**

30 **(1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**

1 (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED
2 PREMISES”);

3 (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);

4 (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND

5 (5) § 4-508 (“DISPLAY OF LICENSE”).

6 (B) VARIATIONS.

7 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL
8 LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

9 (1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT
10 TO § 32-1902 OF THIS SUBTITLE; AND

11 (2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §
12 32-1903 OF THIS SUBTITLE.

13 REVISOR’S NOTE: This section is new language added to incorporate by reference
14 general provisions relating to the conduct of local license holders.

15 Defined terms: “Alcoholic beverage” § 1-101

16 “County” § 32-101

17 “License” § 1-101

18 “License holder” § 1-101

19 **32-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

20 AN INDIVIDUAL WHO IS AT LEAST 16 YEARS OLD AND HAS A WORK PERMIT MAY
21 BE EMPLOYED AT A LICENSED PREMISES TO STOCK ALCOHOLIC BEVERAGES OR
22 CLEAR TABLES AND BAR AREAS.

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 12-302(b)(13).

25 Defined term: “Alcoholic beverage” § 1-101

26 **32-1903. ALCOHOL AWARENESS PROGRAM.**

27 (A) SCOPE OF SECTION.

28 THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS C LICENSE.

1 **(B) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED**
2 **PREMISES ALLOWED.**

3 **(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE**
4 **LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

5 **(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS**
6 **PROGRAM; AND**

7 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN**
9 **WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

10 **(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH**
11 **(1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A**
12 **PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR**
13 **NOT MORE THAN 2 HOURS.**

14 **(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A**
15 **LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY**
16 **ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE**
17 **ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

18 **(C) PENALTY.**

19 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

20 **(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

21 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500**
22 **OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

23 REVISOR'S NOTE: This section is new language derived without substantive
24 change from former Art. 2B, § 13-101(d) and (c)(2)(iii) and (iv)4 and, as they
25 related to Wicomico County, (ii), (i)7, and (iv)1.

26 In subsection (b) of this section, the references to an "individual" are
27 substituted for the former references to a "person" because this section applies
28 only to human beings.

29 In subsection (b)(1)(ii) of this section, the reference to being present "on the
30 licensed premises" is added for clarity.

1 Also in subsection (b)(1)(ii) of this section, the defined term “alcoholic
2 beverage[s]” is substituted for the former reference to “alcohol” to conform to
3 the terminology used throughout this article.

4 In subsection (b)(2) of this section, the former reference to a “bona fide”
5 personal or business reason is deleted as surplusage.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Board” § 32–101

8 “License holder” § 1–101

9 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

10 **32–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

11 **(A) IN GENERAL.**

12 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
13 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
14 **PREMISES LICENSED UNDER THIS TITLE.**

15 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
16 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
17 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

18 **(B) PENALTY.**

19 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
20 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 11–304(a)(1) and, as it related to Wicomico
23 County, (2).

24 In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided
25 under this title” is added for clarity.

26 Also in subsection (a)(1) of this section, the reference to an “individual” is
27 substituted for the former reference to a “person” because the prohibition
28 against consumption applies only to human beings.

29 Also in subsection (a)(1) of this section, the reference to “a premises licensed
30 under this title” is substituted for the former reference to “any premises open
31 to the general public, any place of public entertainment, or any place at which
32 setups or other component parts of mixed alcoholic drinks are sold under any

1 license issued under the provisions of the Business Regulation Article” for
2 brevity.

3 In subsection (a)(2) of this section, the reference to “a premises licensed under
4 this title” is substituted for the former reference to “the premises” for
5 consistency with the terminology used in subsection (a)(1) of this section.

6 In subsection (b) of this section, the reference to a person who “violates this
7 section” is substituted for the former reference to a person who is “found
8 consuming any alcoholic beverage on any premises open to the general public,
9 and any owner, operator or manager of those premises or places who
10 knowingly permits consumption between the hours provided by this section”
11 for brevity.

12 Also in subsection (b) of this section, the former phrase “[e]xcept as provided
13 in this section” is deleted as unnecessary in light of the organization of this
14 revised article.

15 Also in subsection (b) of this section, the former reference to a fine “not less
16 than \$5” is deleted to conform to the statement of legislative policy in §
17 14–102 of the Criminal Law Article, which sets forth the general rule that,
18 notwithstanding a statutory minimum penalty, a court may impose a lesser
19 penalty of the same character.

20 Defined terms: “Alcoholic beverage” § 1–101
21 “Person” § 1–101

22 **32–2002. BEER LICENSES.**

23 **(A) CLASS A BEER LICENSE.**

24 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER UNDER:**

25 **(1) A 6–DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6**
26 **A.M. TO MIDNIGHT; OR**

27 **(2) A 7–DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M.**
28 **TO MIDNIGHT.**

29 **(B) CLASS B BEER LICENSE.**

30 **(1) A HOLDER OF A CLASS B (HOTEL AND RESTAURANT) BEER**
31 **LICENSE MAY SELL BEER:**

1 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO**
2 **MIDNIGHT; AND**

3 **(II) FOR ON-PREMISES CONSUMPTION:**

4 **1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
5 **A.M. THE FOLLOWING DAY; AND**

6 **2. ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO**
7 **CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.**

8 **(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER**
9 **ON SUNDAY.**

10 **(C) CLASS C BEER LICENSE.**

11 **(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON**
12 **MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

13 **(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER**
14 **ON SUNDAY.**

15 **(D) CLASS D BEER LICENSE.**

16 **A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER FROM 6 A.M. TO**
17 **MIDNIGHT.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, §§ 11-301(f), (a)(1), (c)(1), and (d)(1),
20 11-403(a)(1)(ii), and 11-523(c)(3).

21 Former Art. 2B, § 11-523(a), which stated that former § 11-523 applied only
22 in Wicomico County, is deleted as unnecessary in light of the organization of
23 this revised article.

24 Defined term: "Beer" § 1-101

25 **32-2003. BEER AND WINE LICENSES.**

26 **(A) CLASS A BEER AND WINE LICENSE.**

27 **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE**
28 **UNDER:**

1 **(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6**
2 **A.M. TO MIDNIGHT; OR**

3 **(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M.**
4 **TO MIDNIGHT.**

5 **(B) CLASS B BEER AND WINE LICENSE.**

6 **(1) A HOLDER OF A CLASS B (HOTEL AND RESTAURANT) BEER AND**
7 **WINE LICENSE MAY SELL BEER AND WINE:**

8 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO**
9 **MIDNIGHT; AND**

10 **(II) FOR ON-PREMISES CONSUMPTION:**

11 **1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
12 **A.M. THE FOLLOWING DAY; AND**

13 **2. ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO**
14 **CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.**

15 **(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR**
16 **COUNTER ON SUNDAY.**

17 **(C) CLASS C BEER AND WINE LICENSE.**

18 **A HOLDER OF A CLASS C BEER AND WINE (ON-SALE) LICENSE MAY SELL BEER**
19 **AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

20 **(D) CLASS D BEER AND WINE LICENSE.**

21 **(1) A HOLDER OF A 6-DAY CLASS D BEER AND WINE LICENSE MAY**
22 **SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:**

23 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO**
24 **MIDNIGHT; AND**

25 **(II) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
26 **THE FOLLOWING DAY.**

27 **(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY**
28 **SELL BEER AND WINE:**

1 **(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH**
 2 **SUNDAY, FROM 6 A.M. TO MIDNIGHT; AND**

3 **(II) FOR ON-PREMISES CONSUMPTION:**

4 **1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
 5 **A.M. THE FOLLOWING DAY; AND**

6 **2. EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
 7 **SUBSECTION, ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT FOR CUSTOMERS WHO**
 8 **ARE SEATED.**

9 **(3) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE ISSUED**
 10 **FOR A BOWLING ALLEY MAY SELL BEER AND WINE ON SUNDAY FROM NOON TO**
 11 **MIDNIGHT.**

12 REVISOR'S NOTE: This section is new language derived without substantive
 13 change from former Art. 2B, §§ 11-302(f), (a)(1), (c)(1), and (d)(1) and (7),
 14 11-523(c)(4) through (6), and, as it related to the Class B license,
 15 11-403(a)(1)(ii).

16 In this section, the references to a "beer and wine license" are substituted for
 17 the former references to a "beer and light wine license" to avoid confusion.
 18 Traditionally, wines were divided according to their amount of alcoholic
 19 content into two groups: light wines (containing up to 15.5% alcohol by
 20 volume) and fortified wines (containing above 15.5%). However, in former Art.
 21 2B, § 4-101(x), "light wine" was defined in the County as a fermented beverage
 22 containing up to 22% of alcohol by volume – a maximum amount sufficient to
 23 include fortified wines, thus rendering meaningless the traditional division of
 24 wines into light wines and fortified wines.

25 Defined terms: "Beer" § 1-101

26 "Wine" § 1-101

27 **32-2004. BEER, WINE, AND LIQUOR LICENSES.**

28 **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

29 **A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
 30 **WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

31 **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

1 **(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE)**
2 **LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

3 **(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M.**
4 **THE FOLLOWING DAY; AND**

5 **(II) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO**
6 **CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.**

7 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
8 **A BAR OR COUNTER ON SUNDAY.**

9 **(C) CLASS B-SWL LICENSE.**

10 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF**
11 **A CLASS B-SWL LICENSE MAY SELL WINE FOR OFF-PREMISES CONSUMPTION:**

12 **(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO**
13 **MIDNIGHT; AND**

14 **(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT.**

15 **(2) A HOLDER OF A CLASS B-SWL LICENSE MAY EXERCISE THE**
16 **PRIVILEGES UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE LICENSED**
17 **PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT.**

18 **(D) CLASS C CLUB BEER, WINE, AND LIQUOR LICENSE.**

19 **(1) A HOLDER OF A CLASS C CLUB BEER, WINE, AND LIQUOR LICENSE**
20 **MAY SELL BEER, WINE, AND LIQUOR:**

21 **(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M.**
22 **THE FOLLOWING DAY; AND**

23 **(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT, ONLY TO**
24 **CUSTOMERS WHO ARE SEATED ON THE PREMISES.**

25 **(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT**
26 **A BAR OR COUNTER ON SUNDAY.**

27 **(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

1 **A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
2 **WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE**
3 **FOLLOWING DAY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 6-201(x)(4)(i), (xi), and (xii), 11-403(a)(1)(ii),
6 11-523(c)(1) and (2), and 11-303(a)(1) and the first sentence of (d)(6).

7 In subsection (a) of this section, the reference to "Monday through Saturday"
8 is substituted for the former reference to "every day except Sunday" to conform
9 to the terminology used throughout this subtitle.

10 Defined terms: "Beer" § 1-101
11 "Wine" § 1-101

12 **32-2005. HOURS OF SALE ON JANUARY 1.**

13 **THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL**
14 **STOP SELLING ALCOHOLIC BEVERAGES ON THE MORNING OF JANUARY 1,**
15 **REGARDLESS OF THE DAY ON WHICH JANUARY 1 FALLS.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 11-402(x)(2).

18 Former Art. 2B, § 11-402(x)(1), which stated that former § 11-402(x) applied
19 only in Wicomico County, is deleted as unnecessary in light of the organization
20 of this revised article.

21 Defined terms: "Alcoholic beverage" § 1-101
22 "Board" § 32-101
23 "License holder" § 1-101

24 **32-2006. CONSUMPTION ALLOWED FOR 30 MINUTES AFTER HOURS OF SALE.**

25 **WHEN THE HOURS OF SALE FOR CONSUMPTION ON THE PREMISES END:**

26 **(1) ALCOHOLIC BEVERAGES MAY CONTINUE TO BE CONSUMED ON**
27 **THE PREMISES FOR 30 MINUTES; AND**

28 **(2) THEREAFTER, EACH TABLE AND BAR AREA SHALL BE CLEARED OF**
29 **ALL ALCOHOLIC BEVERAGES.**

30 REVISOR'S NOTE: This section is new language derived without substantive
31 change from former Art. 2B, § 11-523(b).

1 The second sentence of former Art. 2B, § 11-303(d)(6), which stated that
2 “[w]here sales are permitted until 2 a.m., alcoholic beverages may not be
3 consumed after 2:30 a.m.”, is deleted as included in the broader language of
4 this section.

5 Defined term: “Alcoholic beverage” § 1-101

6 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

7 **32-2101. APPLICATION OF GENERAL PROVISIONS.**

8 **(A) WITHOUT EXCEPTION OR VARIATION.**

9 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
10 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
11 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

12 **(1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**

13 **(2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**

14 **(3) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”).**

15 **(B) VARIATIONS.**

16 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
17 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
18 **COUNTY:**

19 **(1) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”),**
20 **SUBJECT TO § 32-2102 OF THIS SUBTITLE; AND**

21 **(2) § 4-606 (“EFFECTS OF REVOCATION”), SUBJECT TO §**
22 **32-2103 OF THIS SUBTITLE.**

23 REVISOR’S NOTE: This section is new language added to incorporate by reference
24 general provisions relating to the revocation and suspension of local licenses.

25 Former Art. 2B, § 10-405(a)(17), which stated that former Art. 2B,
26 § 10-405, which related to nudity and sexual displays, applied in Wicomico
27 County, is deleted as unnecessary in light of the organization of this revised
28 article.

29 Defined terms: “County” § 32-101

30 “License” § 1-101

1 “Local licensing board” § 1–101

2 **32–2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

3 **IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN §**
4 **4–604 OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A NEW OR**
5 **TRANSFERRED LICENSE:**

6 **(1) IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6**
7 **MONTHS FOLLOWING ITS ISSUANCE OR TRANSFER; OR**

8 **(2) FOR A CONVICTION OF THE LICENSE HOLDER FOR VIOLATING**
9 **STATE GAMBLING LAW IN OR ON THE LICENSED PREMISES.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 10–401(h).

12 In item (1) of this section, the reference to the “issuance or transfer” of a license
13 is substituted for the former reference to the “approval of the Board of the new
14 license or the transfer of the license” for brevity.

15 In item (2) of this section, the former reference to “gaming” is deleted as
16 included in the reference to “gambling”.

17 Defined terms: “Board” § 32–101

18 “License” § 1–101

19 “License holder” § 1–101

20 “State” § 1–101

21 **32–2103. EFFECTS OF REVOCATION — ALCOHOLIC BEVERAGE TAX VIOLATION.**

22 **(A) IN GENERAL.**

23 **IF A LICENSE IS REVOKED BECAUSE THE LICENSE HOLDER IS CONVICTED OF**
24 **VIOLATING THIS ARTICLE OR THE PROVISIONS OF THE TAX – GENERAL ARTICLE**
25 **THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX, A LICENSE MAY NOT BE ISSUED**
26 **TO THE FORMER LICENSE HOLDER WITHIN 1 YEAR AFTER THE REVOCATION.**

27 **(B) 6–MONTH MORATORIUM.**

28 **A PERSON OTHER THAN THE FORMER LICENSE HOLDER MAY NOT OBTAIN A**
29 **LICENSE FOR THE SAME PREMISES UNTIL AFTER 6 MONTHS FOLLOWING THE**
30 **REVOCATION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10–404(e).

3 In subsection (a) of this section, the reference to the “former license holder” is
4 substituted for the former reference to “the same person” for clarity.

5 Also in subsection (a) of this section, the reference to “after the revocation” is
6 substituted for the former reference to “thereafter” for clarity.

7 In subsection (b) of this section, the reference to “[a] person other than the
8 former license holder” is substituted for the former reference to “[n]o other
9 persons” for clarity.

10 Defined terms: “Alcoholic beverage” § 1–101

11 “License” § 1–101

12 “License holder” § 1–101

13 “Person” § 1–101

14 **SUBTITLE 22. EXPIRATION OF LICENSES.**

15 **32–2201. APPLICATION OF GENERAL PROVISIONS.**

16 **TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF**
17 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

18 REVISOR'S NOTE: This section is new language added to incorporate by reference
19 the general provisions relating to the expiration of local licenses.

20 Defined terms: “County” § 32–101

21 “License” § 1–101

22 **32–2202. SEASONAL CLOSING.**

23 **THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR**
24 **NOT MORE THAN 6 MONTHS IF:**

25 **(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS**
26 **SEASONALLY OPERATED; AND**

27 **(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE**
28 **BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF CLOSING.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 10–504(f)(2)(i) and, as it related to Wicomico
31 County, (1).

1 In item (1) of this section, the former phrase “under its jurisdiction” is deleted
2 as surplusage.

3 Defined terms: “Board” § 32–101
4 “License holder” § 1–101

5 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

6 **32–2301. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION.**

8 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE**
9 **HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
10 **EXCEPTION OR VARIATION:**

11 **(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE**
12 **HOLDER”);**

13 **(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

14 **(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND**
15 **RESTRICTION”); AND**

16 **(4) § 4–806 (“REFUND”).**

17 **(B) VARIATION.**

18 **SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR**
19 **CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE**
20 **COUNTY, SUBJECT TO § 32–2302 OF THIS SUBTITLE.**

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to the death of a local license holder.

23 Defined terms: “County” § 32–101
24 “License” § 1–101
25 “License holder” § 1–101

26 **32–2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR**
27 **PARTNERSHIP OR CORPORATION.**

1 **(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR**
 2 **SURVIVING OFFICER.**

3 **(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE**
 4 **HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**
 5 **CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED**
 6 **TO:**

7 **(I) THE SURVIVING SPOUSE;**

8 **(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE**
 9 **PARTNERSHIP; OR**

10 **(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION**
 11 **FOR THE BENEFIT OF THE CORPORATION.**

12 **(2) THE NEW LICENSE SHALL BE ISSUED:**

13 **(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

14 **(II) WITHOUT FURTHER PROCEEDINGS.**

15 **(B) RENEWAL LICENSE.**

16 **A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE**
 17 **QUALIFIED TO HOLD THE LICENSE:**

18 **(1) THE SURVIVING SPOUSE;**

19 **(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

20 **(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE**
 21 **BENEFIT OF THE CORPORATION.**

22 REVISOR'S NOTE: This section is new language derived without substantive
 23 change from former Art. 2B, § 10-506(b)(9).

24 In the introductory language of subsection (a)(1) of this section, the former
 25 phrase "[n]otwithstanding any provisions to the contrary in this article" is
 26 deleted as surplusage.

27 Also in the introductory language of subsection (a)(1) of this section, the
 28 former reference to an application to "the Comptroller ..., as the case may be,
 29 that granted the license" is deleted as surplusage.

1 In subsection (a)(1)(iii) of this section, the reference to the senior surviving
2 officer “of the corporation” is added for clarity.

3 In subsection (a)(2)(i) of this section, the former reference to the “current”
4 license year is deleted as implicit.

5 In subsection (a)(2)(ii) of this section, the former reference to “the necessity of”
6 further proceedings is deleted as surplusage.

7 In the introductory language of subsection (b) of this section, the former
8 reference to being qualified to hold the license “under this article” is deleted
9 as surplusage.

10 In subsection (b)(2) of this section, the reference to the surviving “partners” of
11 a partnership is substituted for the former reference to the surviving
12 “members” of a partnership for accuracy.

13 In subsection (b)(3) of this section, the reference to the “senior surviving officer
14 of a corporation for the benefit of the corporation” is substituted for the former
15 reference to the “surviving members of a ... corporation” for accuracy and for
16 consistency with subsection (a) of this section.

17 Defined terms: “Board” § 32–101
18 “License” § 1–101
19 “License holder” § 1–101

20 **SUBTITLE 24. JUDICIAL REVIEW.**

21 **32–2401. APPLICATION OF GENERAL PROVISIONS.**

22 **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE**
23 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

24 REVISOR’S NOTE: This section is new language added to incorporate by reference
25 general provisions relating to the appeal of the decisions of the Board.

26 Defined term: “County” § 32–101

27 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

28 **32–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

29 **(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
30 **BEVERAGES.**

1 **A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND**
 2 **ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR**
 3 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT**
 4 **ENTERTAINMENT THAT:**

5 **(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

6 **(2) ALLOWS AT ITS LOCATION ANY FORM OF ATTIRE OR SEXUAL**
 7 **DISPLAY PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

8 **(B) PROHIBITION AGAINST OPERATOR.**

9 **A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS**
 10 **NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
 11 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

12 **(C) PENALTY.**

13 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 14 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 15 **NOT EXCEEDING \$10,000 OR BOTH.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 20-112(a), (c), and (d).

18 In subsection (a) of this section, the reference to "adult" entertainment is
 19 substituted for the former references to "public" entertainment for clarity.

20 Also in subsection (a) of this section, the former references to "dispense" are
 21 deleted as included in the references to "serve".

22 In subsection (a)(2) of this section, the reference to "location" is substituted for
 23 the former reference to "premises" to avoid the implication that the
 24 establishment is licensed.

25 Former Art. 2B, § 20-112(b), which provided that former Art. 2B, § 20-112
 26 applied only in Wicomico County, is deleted as unnecessary in light of the
 27 organization of this revised article.

28 Defined terms: "Alcoholic beverage" § 1-101

29 "License" § 1-101

30 "Person" § 1-101

31 **32-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 32 **BEVERAGES IS PROHIBITED.**

1 **(A) PROHIBITION AGAINST INDIVIDUAL.**

2 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
3 **ALCOHOLIC BEVERAGES IN:**

4 **(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

5 **(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

6 **(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
7 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
8 **BUSINESS REGULATION ARTICLE.**

9 **(B) PROHIBITION AGAINST OWNER OR MANAGER.**

10 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
11 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
12 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
13 **THIS SECTION.**

14 **(C) PENALTY.**

15 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
16 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 11-304(a)(1) and the introductory language of
19 (2).

20 In subsections (a)(1) and (b) of this section, the references to an
21 "establishment" are substituted for the former references to "premises" to
22 avoid the implication that the establishment is licensed.

23 In subsection (a) of this section, the former reference to the "general" public is
24 deleted as surplusage.

25 In subsection (b) of this section, the former reference to an "operator" is deleted
26 as included in the reference to a "manager".

27 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
28 to conform to the statement of legislative policy in § 14-102 of the Criminal
29 Law Article, which sets forth the general rule that, notwithstanding a
30 statutory minimum penalty, a court may impose a lesser penalty of the same
31 character.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
2 the General Assembly, that under § 32–2501 of this subtitle, a person who
3 operates an unlicensed business establishment who knowingly allows a
4 customer to bring alcoholic beverages for consumption into the establishment
5 is subject to imprisonment not exceeding 2 years or a fine not exceeding
6 \$10,000 or both, while under this section, an owner or a manager of an
7 unlicensed establishment who allows the consumption of alcoholic beverages
8 in the establishment is subject only to a fine not exceeding \$50.

9 Defined terms: “Alcoholic beverage” § 1–101
10 “Person” § 1–101

11 **SUBTITLE 26. ENFORCEMENT.**

12 **32–2601. APPLICATION OF GENERAL PROVISIONS.**

13 **(A) WITHOUT EXCEPTION OR VARIATION.**

14 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
15 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
16 **VARIATION:**

17 **(1) § 6–202 (“INSPECTIONS”);**

18 **(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND**
19 **QUALITY OF ALCOHOLIC BEVERAGES”);**

20 **(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

21 **(4) § 6–205 (“PEACE OFFICERS”);**

22 **(5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
23 **ALCOHOLIC BEVERAGE”);**

24 **(6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
25 **EVIDENCE OF SALE”);**

26 **(7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF**
27 **ALCOHOL IN PUBLIC PLACES”);**

28 **(8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
29 **CONSUMPTION”); AND**

1 **(9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY**
2 **INTOXICATION LAWS”).**

3 **(B) VARIATION.**

4 **SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE**
5 **APPLIES IN THE COUNTY, SUBJECT TO §§ 32-2612 AND 32-2613 OF THIS SUBTITLE.**

6 REVISOR’S NOTE: This section is new language added to incorporate by reference
7 general provisions relating to enforcement.

8 Defined terms: “Alcoholic beverage” § 1-101

9 “County” § 32-101

10 “State” § 1-101

11 **32-2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

12 **(A) IN GENERAL.**

13 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
14 **ESTABLISHMENT.**

15 **(B) REFUSAL OF SUBPOENA.**

16 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
17 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

18 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
19 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
20 **CASE PENDING BEFORE THE COURT.**

21 REVISOR’S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 16-410(c)(1)(x), (2), and (3).

23 In subsections (a) and (b)(1) of this section, the former references to “papers”
24 are deleted as included in the references to “records” and “record”.

25 In subsection (b)(1) of this section, the phrase “may petition” is substituted for
26 the former phrase “shall report the fact to” for clarity.

27 Also in subsection (b)(1) of this section, the former phrase “for the county” is
28 deleted as surplusage.

29 In subsection (b)(2) of this section, the phrase “may proceed” is substituted for
30 the former phrase “shall proceed” for clarity.

1 Also in subsection (b)(2) of this section, the former phrase “in all respects” is
2 deleted as surplusage.

3 Defined term: “Board” § 32–101

4 **32–2603. SEARCH WARRANTS.**

5 **(A) ISSUANCE OF WARRANT.**

6 **A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE**
7 **OFFICER OR OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

8 **(1) IS SWORN TO BY THE APPLICANT;**

9 **(2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE**
10 **SEARCHED;**

11 **(3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED**
12 **FOR; AND**

13 **(4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT**
14 **ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED**
15 **OF IN VIOLATION OF LAW.**

16 **(B) CONTENTS; REQUIREMENTS.**

17 **A WARRANT ISSUED UNDER THIS SECTION SHALL:**

18 **(1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER**
19 **POLICE OFFICER;**

20 **(2) INCLUDE A COPY OF THE AFFIDAVIT;**

21 **(3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO**
22 **SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT, AND SEIZE ANY:**

23 **(I) ALCOHOLIC BEVERAGES FOUND IN QUANTITIES THAT**
24 **SUGGEST THAT THEY ARE BEING KEPT FOR SALE;**

25 **(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING**
26 **FURNITURE, IMPLEMENTS, AND EQUIPMENT;**

1 (III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS
2 ALCOHOLIC BEVERAGES; AND

3 (IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR
4 THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED
5 OFFENSE; AND

6 (4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH
7 AND MAKE AN IMMEDIATE RETURN ON THE WARRANT.

8 (C) FORM OF AFFIDAVIT, WARRANT, AND REPORT AND RETURN.

9 AN AFFIDAVIT, A WARRANT FOR SEARCH, AND A REPORT AND RETURN SHALL
10 BE SUBSTANTIALLY IN THE FOLLOWING FORM:

11 STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:

12 TO:, OF WICOMICO COUNTY:

13 GREETINGS: WHEREAS, THERE HAS BEEN FILED WITH THE UNDERSIGNED AN
14 AFFIDAVIT, OF WHICH THE FOLLOWING IS A COPY, TO WIT: WHEREAS ON THIS DAY
15 OF, 20.., BEFORE THE SUBSCRIBER, IN AND FOR SAID COUNTY, PERSONALLY
16 APPEARED, AND MADE COMPLAINT AND OATH THAT THE APPLICANT HAS JUST
17 AND REASONABLE CAUSE TO SUSPECT AND BELIEVE AND DOES SUSPECT AND
18 BELIEVE THAT INTOXICATING LIQUOR IS SOLD, OR EXCEPT FOR THE PURPOSE OF
19 BEING SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF THE LAW IN THE OF
20 AT, IN OF SAID COUNTY, AND THAT IN AND UPON SAID PREMISES AND AT SAID
21 PLACE AND HOUSE WILL BE FOUND UPON SEARCH THEREOF, THE FOLLOWING:

22 INTOXICATING LIQUORS, AND THE VESSELS AND BOTTLES IN WHICH THE
23 SAME ARE CONTAINED, AND BARROOM, AND DRINKING SALOON PARAPHERNALIA,
24 AND THE UNITED STATES INTERNAL REVENUE TAX RECEIPT FOR SALE OF
25 INTOXICATING LIQUOR AT THIS TIME EFFECTIVE (AND ANY OTHER FACTS
26 MATERIAL):

27 THESE ARE THEREFORE, IN THE NAME OF THE STATE OF MARYLAND, TO
28 COMMAND YOU, TOGETHER WITH THE NECESSARY AND PROPER ASSISTANCE, TO
29 ENTER INTO THE SAID OF THE SAID AT, IN IN THE COUNTY AFORESAID, AND
30 THERE DILIGENTLY SEARCH FOR THE SAID INTOXICATING LIQUOR AND MEANS USED
31 FOR THE SALE OF SAME, OR ANY PART THEREOF AS DESCRIBED IN THE AFOREGOING
32 AFFIDAVIT OF COMPLAINT, AND THAT YOU BRING THE SAME, OR ANY PART
33 THEREOF, FOUND IN SUCH SEARCH, AND THE PERSON OR PERSONS IN WHOSE
34 CUSTODY THEY ARE FOUND FORTHWITH BEFORE ME TO BE DISPOSED OF AND DEALT
35 WITH ACCORDING TO LAW; AND HAVE YOU THERE THIS WARRANT.

36 GIVEN UNDER MY HAND THIS DAY OF, 20...

37
38 JUDGE OF THE DISTRICT COURT

REPORT AND RETURN

TO HON., JUDGE OF THE DISTRICT COURT IN WICOMICO COUNTY.

THIS RETURN AND REPORT, MADE THIS DAY OF, 20., IS TO CERTIFY, THAT PURSUANT AND IN OBEDIENCE TO THE COMMANDS OF THE ANNEXED WARRANT TO ME DIRECTED, I DID ON THE DAY OF, 20., ENTER AND SEARCH THE PLACE, HOUSE AND PREMISES DESCRIBED IN SAID WARRANT AND FOUND AND SEIZED THE FOLLOWING, TO WIT: (HERE SET FORTH WHAT WAS FOUND AND SEIZED), AND DO FORTHWITH BRING THE SAME, AND ONE THE PERSON IN WHOSE CUSTODY THE SAME WERE FOUND BEFORE YOU.

.....
(PERSON SERVING WARRANT)

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(b) and, as it related to Wicomico County, (q).

In subsection (a) of this section, the former reference to a judge in the District Court “in the county” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a “house, store, boat, motor vehicle, [or] aeroplane” is deleted as included in the reference to a “place”.

Also in subsection (a) of this section, the former phrase “does believe” is deleted in light of the reference to “has reason to believe”.

Also in subsection (a) of this section, the former reference to disposition “contrary to law” is deleted in light of the phrase “in violation of law”.

Also in subsection (a) of this section, the former reference to a judge issuing a warrant “to serve criminal process” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the affidavit “inserted therein, or annexed and referred to” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former requirement that the warrant “particularly describe the thing to be searched for and the place, house or thing to be searched” is deleted as duplicative of the contents of the affidavit under subsection (a) of this section.

In the introductory language of subsection (b)(3) of this section, the former references to the “premises”, “house”, and “appurtenances thereof” are deleted as included in the reference to the “place or thing”.

1 In subsection (b)(3)(iii) of this section, the former reference to “part of” the
2 paraphernalia is deleted in light of the reference to the “paraphernalia”.

3 The Alcoholic Beverages Article Review Committee notes, for consideration by
4 the General Assembly, that in subsection (c) of this section, the meaning of
5 the phrase “except for the purpose of being sold or otherwise disposed of in
6 violation of the law” is unclear.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “County” § 32–101

9 “Person” § 1–101

10 **32–2604. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

11 **AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE**
12 **APPLICANT MAY:**

13 **(1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**

14 **(2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**

15 **AND**

16 **(3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 16–414(g) and, as it related to Wicomico County,
19 (q).

20 In the introductory language of this section, the reference to an “applicant” for
21 a warrant is substituted for the former reference to the “person making
22 affidavit” for a warrant for brevity.

23 Also in the introductory language of this section, the former reference to a
24 warrant to search “any place or thing where intoxicating liquor is believed to
25 be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished
26 contrary to this section” is deleted as included in the reference to a warrant
27 “under this subtitle”.

28 In item (3) of this section, the reference to “assist” is substituted for the former
29 reference to “give information and assistance” for brevity.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
31 the General Assembly, that item (3) of this section, which authorizes a private
32 citizen to assist an officer in a search of a place or thing alleged to be involved
33 in the illegal sale of alcoholic beverages, could result in a constitutional

1 violation if the person's actions are not limited to assisting the officer in the
2 execution of the warrant.

3 **32-2605. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

4 **(A) IN GENERAL.**

5 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY**
6 **NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

7 **(1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE,**
8 **HOTEL, RESTAURANT, OR BOARDING HOUSE;**

9 **(2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**

10 **(3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC**
11 **BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

12 **(B) ISSUANCE BY JUDICIAL DISCRETION.**

13 **A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER**
14 **DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION**
15 **OF:**

16 **(1) THE APPLICANT FOR THE WARRANT; OR**

17 **(2) OTHER EVIDENCE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 16-414(f) and, as it related to Wicomico County,
20 (q).

21 In the introductory language of subsection (a) of this section, the former
22 reference to a residence "accepted as such" is deleted as surplusage.

23 In subsection (a)(2) of this section, the former reference to a "place of" public
24 resort is deleted as surplusage.

25 In subsection (a)(3) of this section, the former references to "stor[e]",
26 "secret[e]", "furnis[h]", and "handl[e]" are deleted as included in the reference
27 to "keep, hide, or provide".

28 Also in subsection (a)(3) of this section, the reference to "violates the law" is
29 substituted for the former reference to "contrary to this subtitle or contrary to
30 law" for brevity.

1 In the introductory language of subsection (b) of this section, the reference to
2 a judge of the District Court “determining” that the issuance of the warrant
3 would be proper is substituted for the former reference to the judge “deem[ing]
4 it” proper to issue the warrant, for brevity.

5 Also in the introductory language of subsection (b) of this section, the former
6 phrase “in his discretion” is deleted in light of the reference to “may”.

7 Also in the introductory language of subsection (b) of this section, the former
8 reference to a warrant “as hereinabove provided, for the searching of such a
9 residence” is deleted as surplusage.

10 In subsection (b)(1) of this section, the reference to the “applicant for the
11 warrant” is substituted for the former reference to “the party making the oath”
12 to conform to the terminology of this subtitle.

13 In subsection (b)(2) of this section, the reference to “other evidence” is
14 substituted for the former reference to “such other proof as may be produced”
15 for brevity.

16 Defined terms: “Alcoholic beverage” § 1–101

17 “Hotel” § 1–101

18 “Restaurant” § 1–101

19 **32–2606. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

20 **IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH**
21 **ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER**
22 **THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

23 **(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT**
24 **THE PLACE SEARCHED AT OR NEAR THE THING SEARCHED; AND**

25 **(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND**
26 **MAKE RETURN OF THAT ACTION.**

27 REVISOR’S NOTE: This section is new language derived without substantive
28 change from the first sentence of former Art. 2B, § 16–414(e) and, as it related
29 to Wicomico County, (q).

30 In the introductory language of this section, the phrase “from which alcoholic
31 beverages or other items are seized” is substituted for the former phrase
32 “where intoxicating liquor may be found” for clarity.

1 Also in the introductory language of this section, the phrase “[i]f an owner or
2 operator of the establishment or thing from which alcoholic beverages or other
3 items are seized cannot be served” is substituted for the former phrase “[i]f no
4 one is found in possession of the premises, place, or thing where intoxicating
5 liquor may be found” for clarity.

6 Also in the introductory language of this section, the reference to the officer
7 “seizing the items” is substituted for the former reference to the officer “taking
8 the same” for clarity.

9 In item (2) of this section, the reference to “that action” is substituted for the
10 former reference to “his doing thereto” for clarity.

11 Also in item (2) of this section, the former phrase “take possession of such
12 liquor and means used for the sale of the same” is deleted as surplusage.

13 Defined term: “Alcoholic beverage” § 1–101

14 **32–2607. REQUIREMENTS FOR PROSECUTION.**

15 **IN A PROSECUTION UNDER THIS TITLE:**

16 **(1) IT IS NOT NECESSARY TO:**

17 **(I) DESCRIBE THE PLACE WHERE THE ALCOHOLIC BEVERAGE**
18 **IS SOLD OR HANDLED;**

19 **(II) SHOW KNOWLEDGE ON THE PART OF THE PRINCIPAL TO**
20 **CONVICT FOR THE ACTS OF THE AGENT; OR**

21 **(III) STATE THE NAME OF ANY PERSON TO WHOM THE**
22 **ALCOHOLIC BEVERAGE IS SOLD; BUT**

23 **(2) IT IS SUFFICIENT TO STATE THAT THE VIOLATION CHARGED TOOK**
24 **PLACE IN THE COUNTY.**

25 REVISOR’S NOTE: This section is new language derived without substantive
26 change from the first sentence of former Art. 2B, § 16–414(c)(2) and, as it
27 related to Wicomico County, (q).

28 In the introductory language of this section, the former reference to a
29 prosecution “by charge, indictment or otherwise” is deleted as surplusage.

1 In item (1)(i) of this section, the former reference to the place where an
2 alcoholic beverage is “involved” is deleted as included in the reference to “sold
3 or handled”.

4 In item (1)(ii) of this section, the former reference to a “servant” is deleted as
5 included in the reference to an “agent”.

6 The former provision stating that it shall “not be necessary to state the kind
7 of liquor sold, handled or involved” is deleted as redundant of
8 § 6–206 of this article.

9 Defined terms: “Alcoholic beverage” § 1–101

10 “County” § 32–101

11 “Person” § 1–101

12 **32–2608. RECEIPT IS PRIMA FACIE EVIDENCE OF SALE.**

13 **IN A PROSECUTION UNDER THIS ARTICLE, A RECEIPT ISSUED BY THE UNITED**
14 **STATES IN THE COUNTY TO A PERSON AS A WHOLESALER OR RETAIL DEALER IN**
15 **ALCOHOLIC BEVERAGES OR MALT LIQUOR IS PRIMA FACIE EVIDENCE OF THE SALE**
16 **OF THE CLASS OF ALCOHOLIC BEVERAGES OR MALT LIQUOR AUTHORIZED TO BE**
17 **SOLD UNDER THE RECEIPT:**

18 **(1) BY THE PERSON;**

19 **(2) IN THE COUNTY OR A PLACE OF BUSINESS OF THE PERSON WHERE**
20 **THE RECEIPT IS POSTED; AND**

21 **(3) AT THE TIME CHARGED IN A SUIT OR PROSECUTION UNDER THIS**
22 **ARTICLE, IF THE TIME IS WITHIN THE LIFE OF THE RECEIPT.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from the second sentence of former Art. 2B, § 16–414(c)(2) and, as it
25 related to Wicomico County, (q).

26 The former reference to an “internal revenue service special tax stamp” is
27 deleted as obsolete.

28 The former phrase “in any place” in the County is deleted as surplusage.

29 Defined terms: “Alcoholic beverage” § 1–101

30 “County” § 32–101

31 “Person” § 1–101

32 “Retail dealer” § 1–101

33 “Wholesaler” § 1–101

1 **32-2609. ITEMS SEIZED AS EVIDENCE.**

2 (A) IN GENERAL.

3 ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES
4 THAT ARE SEIZED SHALL BE HELD SUBJECT TO THE ORDER OF THE COURT TO BE
5 USED AS EVIDENCE IN THE PROSECUTION OF A VIOLATION OF THIS ARTICLE.

6 (B) PRIMA FACIE EVIDENCE.

7 PRIMA FACIE EVIDENCE OF THE VIOLATION OF THIS ARTICLE INCLUDES:

8 (1) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC
9 BEVERAGES;

10 (2) THE MEANS OR MATERIALS TO MANUFACTURE, TRANSPORT, OR
11 DISPOSE OF THE ALCOHOLIC BEVERAGES; AND

12 (3) THE PARAPHERNALIA OF A BARROOM OR SALOON.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from the first sentence of former Art. 2B, § 16-414(c)(1) and, as it
15 related to Wicomico County, (q).

16 In subsection (a) of this section, the reference to "items used to sell alcoholic
17 beverages" is substituted for the former reference to "means used for the sale
18 of the same" for clarity.

19 Also in subsection (a) of this section, the former phrase "of any case" is deleted
20 as surplusage.

21 In the introductory language of subsection (b) of this section, the reference to
22 "this article" is substituted for the former reference to "this subtitle" to
23 conform to the terminology used in subsection (a) of this section.

24 In subsection (b)(2) of this section, the former reference to "instrumentalities"
25 is deleted as included in the reference to "materials".

26 Also in subsection (b)(2) of this section, the former reference to "dispens[e],
27 handl[e]" is deleted in light of the reference to "dispose".

28 Also in subsection (b)(2) of this section, the former reference to a violation of
29 this article "as charged or presented" is deleted as surplusage.

1 In subsection (b)(3) of this section, the former reference to “part of the
2 paraphernalia” is deleted as unnecessary in light of the reference to
3 “paraphernalia”.

4 The second sentence of former Art. 2B, § 16–414(c)(1), which stated that fluids
5 poured out or otherwise destroyed when the premises, place, or thing are
6 searched or about to be searched, are to be held prima facie to be intoxicating
7 liquor and intended for sale in violation of this article, is deleted as duplicative
8 of § 1–809(b) of this article.

9 Defined term: “Alcoholic beverage” § 1–101

10 **32–2610. NOTICE OF HEARING.**

11 **(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

12 **(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE**
13 **FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A**
14 **HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

15 **(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE**
16 **NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES**
17 **WERE FOUND.**

18 **(B) FAILURE TO APPEAR AT HEARING.**

19 **IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED**
20 **ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR**
21 **WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE**
22 **ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

23 REVISOR’S NOTE: This section is new language derived without substantive
24 change from the second and third sentences of former Art. 2B, § 16–414(e)
25 and, as it related to Wicomico County, (q).

26 In subsection (a)(2) of this section, the former term “premises” is deleted as
27 included in the term “place”.

28 In subsection (b) of this section, the former reference to items being
29 “destroyed” is deleted as included in the reference to items being “disposed of”.

30 Defined term: “Alcoholic beverage” § 1–101

31 **32–2611. DISPOSITION OF SEIZED ITEMS.**

1 **(A) PROSECUTION RESULTING IN CONVICTION.**

2 **IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN**
3 **APPEAL IS NOT TAKEN:**

4 **(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE**
5 **PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

6 **(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE**
7 **PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT**
8 **OR THE OWNER.**

9 **(B) PROSECUTION NOT RESULTING IN CONVICTION.**

10 **IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION,**
11 **PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED**
12 **TO THE PERSON FROM WHOM IT WAS TAKEN.**

13 **(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

14 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S**
15 **CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES**
16 **SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN**
17 **THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF**
18 **THE ALCOHOLIC BEVERAGES TO THE PERSON.**

19 **(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER**
20 **PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM**
21 **WHEN THE CASE IS TRIED.**

22 **(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

23 **(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE**
24 **OF ALCOHOLIC BEVERAGES; OR**

25 **(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING**
26 **ALCOHOLIC BEVERAGES.**

27 **(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS**
28 **SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF**
29 **REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS**
30 **PENDING.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16–414(d), (h), and, as it related to Wicomico
3 County, (q).

4 In the introductory language of subsection (a) of this section, the reference to
5 a “prosecution under this article results in a conviction” is substituted for the
6 former reference to “upon final judgment of the court, the accused shall be
7 found guilty” for brevity.

8 Also in the introductory language of subsection (a) of this section, the reference
9 to an appeal that is “not taken” is substituted for the former phrase “after the
10 time for appeal has expired and if no appeal is taken” for brevity.

11 In subsection (a)(2) of this section, the reference to the “defendant” is
12 substituted for the former reference to the “accused” for consistency with the
13 language used throughout the Code.

14 In subsection (c)(1) of this section, the reference to “alcoholic beverages seized
15 under this subtitle” is substituted for the former reference to liquor “seized by
16 virtue of such warrant” for clarity and consistency with the language used in
17 this subtitle.

18 In subsection (c)(2) of this section, the phrase “on the claim” is added for
19 clarity.

20 In the introductory language of subsection (c)(3) of this section, the former
21 reference to “final judgment of” conviction is deleted as surplusage.

22 Also in the introductory language of subsection (c)(3) of this section, the phrase
23 “under this subtitle” is substituted for the former phrase “in such proceedings”
24 for clarity.

25 Also in the introductory language of subsection (c)(3) of this section, the former
26 phrase “in all cases” is deleted as surplusage.

27 In subsection (c)(3)(ii) of this section, the former reference to the “detention”
28 of alcoholic beverages is deleted as included in the reference to the “seizing” of
29 alcoholic beverages.

30 In subsection (c)(4) of this section, the phrase “under this subtitle” is
31 substituted for the former phrase “herein provided” for clarity.

32 Defined terms: “Alcoholic beverage” § 1–101
33 “Person” § 1–101

34 **32–2612. DISTRIBUTION OF FINES.**

1 **ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED**
2 **AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 16-502(c), as it related to Wicomico County.

5 Defined term: "County" § 32-101

6 **32-2613. USE OF FINES.**

7 **(A) DETECTIVES OR UNDERCOVER AGENTS.**

8 **(1) THE COUNTY MAY USE ANY PART OF THE FINES FOR A VIOLATION**
9 **OF THIS ARTICLE TO HIRE DETECTIVES OR UNDERCOVER AGENTS.**

10 **(2) A DETECTIVE OR AN UNDERCOVER AGENT HIRED UNDER THIS**
11 **SECTION SHALL BE DEPUTIZED AS AN OFFICER.**

12 **(B) APPROPRIATION FROM GENERAL FUND.**

13 **WHEN MONEY IS NOT AVAILABLE FROM FINES, THE COUNTY COMMISSIONERS**
14 **MAY APPROPRIATE NOT MORE THAN \$200 ANNUALLY FROM THE GENERAL FUND OF**
15 **THE COUNTY TO ENFORCE THIS SUBTITLE.**

16 REVISOR'S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 16-414(n) and (q), as they related to Wicomico
18 County.

19 In subsection (a) of this section, the references to "undercover agents" are
20 substituted for the former reference to "secret service officers" for clarity.

21 In subsection (a)(1) of this section, the former reference to fines "imposed by a
22 circuit court" is deleted as unnecessary because all fines under this subtitle
23 are imposed by a circuit court.

24 In subsection (a)(2) of this section, the former reference to a "proper" officer is
25 deleted as surplusage.

26 In subsection (b) of this section, the reference to "money" is substituted for the
27 former reference to "funds" to conform to the terminology used throughout this
28 article.

29 Also in subsection (b) of this section, the former reference to fines "collected
30 for the violation of this article" is deleted as unnecessary.

1 Defined term: "County" § 32-101

2 **32-2614. PUBLIC NUISANCE.**

3 **(A) PLACE DECLARED PUBLIC NUISANCE.**

4 **A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS**
5 **ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

6 **(B) BOND REQUIREMENT.**

7 **(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE,**
8 **THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A**
9 **\$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

10 **(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR**
11 **OPERATOR:**

12 **(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF**
13 **THIS ARTICLE; AND**

14 **(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED**
15 **AGAINST THE OWNER.**

16 **(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY**
17 **BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND**
18 **DAMAGES.**

19 **(C) JURY TRIAL; APPEAL.**

20 **IF A JURY TRIAL IS REQUESTED OR APPEAL IS TAKEN IN A CASE IN WHICH A**
21 **PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL**
22 **THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE**
23 **SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

24 **(D) PENALTIES.**

25 **A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN**
26 **SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**
27 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$200 OR IMPRISONMENT NOT**
28 **EXCEEDING 6 MONTHS OR BOTH.**

1 REVISOR'S NOTE: This section is new language derived without substantive change
2 from former Art. 2B, § 16-414(a), the sixth sentence of (p), and, as it related
3 to Wicomico County, (q).

4 In subsection (a) of this section, the reference to "Title 5 of the Tax – General
5 Article" is added for accuracy. Former Article 2B of the Code at one time
6 included provisions that are now codified in Title 5 of the Tax – General
7 Article.

8 In subsection (b) of this section, the references to "owner or operator" are
9 substituted for the former references to "keeper" for clarity and consistency
10 with language used in reference to abatement of nuisance actions in RP §
11 14-120.

12 In subsections (b)(1) and (c) of this section, the references to a place being
13 "closed" are substituted for the former references to a place being "shut up and
14 abated" for clarity and consistency with language used throughout this article.

15 In subsection (b)(1) of this section, the phrase "the public nuisance may be
16 abated" is added for clarity.

17 Also in subsection (b)(1) of this section, the former phrase "with sufficient
18 security to be approved by the court, in the penal sum" of \$2,000 is deleted as
19 surplusage.

20 In subsection (b)(2)(i) of this section, the reference to selling alcoholic
21 beverages "in violation of this article" is substituted for the former reference
22 to selling intoxicating liquor "contrary to law" for clarity and consistency with
23 language used throughout this article.

24 In subsection (d) of this section, the reference to being "guilty of a
25 misdemeanor" is added to state expressly that which only was implied by the
26 reference in the former law to a "conviction". In this State, any crime that was
27 not a felony at common law and has not been declared a felony by statute is
28 considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976)
29 and *Williams v. State*, 4 Md. App. 342, 347 (1968).

30 Also in subsection (d) of this section, the reference to a person who "owns or
31 operates a public nuisance as described in subsection (a) of this section" is
32 added for clarity.

33 Also in subsection (d) of this section, the former references to the minimum
34 penalties of "not less than fifty dollars" and "not less than three months" are
35 deleted in light of CR § 14-102, which allows the court to impose, instead of a
36 minimum penalty, a lesser penalty of the same character.

1 Also in subsection (d) of this section, the former reference to the penalties
2 applying “[i]n Wicomico County” is deleted as unnecessary in light of the
3 organization of this title.

4 Also in subsection (d) of this section, the former reference to the imprisonment
5 “in the county jail” is deleted as surplusage.

6 Defined terms: “Alcoholic beverage” § 1–101
7 “County” § 32–101
8 “Person” § 1–101
9 “State” § 1–101

10 SUBTITLE 27. PROHIBITED ACTS.

11 32–2701. APPLICATION OF GENERAL PROVISIONS.

12 (A) WITHOUT EXCEPTION OR VARIATION.

13 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
14 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
15 VARIATION:

16 (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

17 (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
18 INDIVIDUAL”);

19 (3) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF
20 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

21 (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR
22 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
23 YEARS”);

24 (5) § 6–310 (“PROVIDING FREE FOOD”);

25 (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
26 DEALER”);

27 (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);

28 (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
29 CONTAINER”);

1 **(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH**
2 **DETACHABLE METAL TAB”);**

3 **(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT**
4 **REGULAR LABEL PRESUMED ILLICIT”);**

5 **(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);**

6 **(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC**
7 **BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

8 **(13) § 6-320 (“DISORDERLY INTOXICATION”);**

9 **(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN**
10 **PUBLIC”);**

11 **(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID**
12 **MACHINE”);**

13 **(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC**
14 **BEVERAGES”);**

15 **(17) § 6-327 (“TAX EVASION”);**

16 **(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND**

17 **(19) § 6-329 (“PERJURY”).**

18 **(B) VARIATIONS.**

19 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)**
20 **OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

21 **(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
22 **INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 32-2702 OF THIS**
23 **SUBTITLE;**

24 **(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO**
25 **INTOXICATED INDIVIDUAL”), SUBJECT TO § 32-2703 OF THIS SUBTITLE; AND**

26 **(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO §**
27 **32-2704 OF THIS SUBTITLE.**

1 REVISOR'S NOTE: This section is new language added to incorporate by reference
2 general provisions relating to prohibited acts.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "County" § 32-101
5 "License holder" § 1-101
6 "Retail dealer" § 1-101

7 **32-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
8 **THE AGE OF 21 YEARS — NO BAR TO ADMINISTRATIVE ACTION.**

9 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
10 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**
11 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
12 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 12-108(f)(2).

15 Former Art. 2B, § 12-108(f)(1)(xii), which stated that the provisions of former
16 Art. 2B, § 12-108(f) applied in Wicomico County, is deleted as unnecessary in
17 light of the organization of this revised article.

18 Defined terms: "Board" § 32-101
19 "License holder" § 1-101

20 **32-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED**
21 **INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

22 **THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR**
23 **AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS**
24 **ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY**
25 **AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 12-108(f)(2).

28 Defined terms: "Board" § 32-101
29 "License holder" § 1-101

30 **32-2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

31 **AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN**
32 **CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS**

1 **ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN**
2 **CONSENT OF THE OWNER OF THE PROPERTY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 19-301(a)(2).

5 The former definition of "unless authorized" is revised as a substantive
6 statement describing the circumstances under which an individual may
7 possess an alcoholic beverage in an open container for clarity.

8 Former Art. 2B, § 19-301(a)(1)(vii), which stated that former Art. 2B, §
9 19-301(a)(2) applied in Wicomico County, is deleted as unnecessary in light of
10 the organization of this revised article.

11 The Alcoholic Beverages Article Review Committee notes, for consideration by
12 the General Assembly, that this section does not specify to whom the written
13 consent must be presented.

14 Defined term: "Alcoholic beverage" § 1-101

15 **32-2705. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON**
16 **PREMISES.**

17 **(A) PROHIBITED.**

18 **(1) A LICENSE HOLDER OR AN AGENT OR AN EMPLOYEE OF THE**
19 **LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO**
20 **LOITER ABOUT THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS**
21 **ISSUED.**

22 **(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT LOITER**
23 **OR BE A NUISANCE ON THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER**
24 **LICENSE IS ISSUED.**

25 **(B) PENALTY.**

26 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
27 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
28 **NOT EXCEEDING \$200 OR BOTH.**

29 REVISOR'S NOTE: This section is new language derived without substantive
30 change from former Art. 2B, § 12-303(b) and, as it related to Wicomico County,
31 (a).

1 In subsection (a) of this section, the former reference to “loaf[ing]” is deleted
2 as included in the reference to “loiter[ing]”.

3 Also in subsection (a) of this section, the references to an “individual under
4 the age of 21 years” are substituted for the former references to a “person not
5 designated in § 1–102(a)(6) of this article” for clarity and consistency with
6 other similar provisions of this article.

7 In subsection (b) of this section, the reference to being “guilty of a
8 misdemeanor” is added to state expressly that which was only implied in the
9 former law. In this State, any crime that was not a felony at common law and
10 has not been declared a felony by statute is considered to be a misdemeanor.
11 *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342,
12 345 (1920); *Williams v. State*, 4 Md. App. 342, 347 (1968); and *Dutton v. State*,
13 123 Md. 373, 378 (1914).

14 Defined terms: “Beer” § 1–101

15 “License holder” § 1–101

16 “Person” § 1–101

17 SUBTITLE 28. PENALTIES.

18 32–2801. APPLICATION OF GENERAL PROVISION.

19 SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE 20 APPLIES IN THE COUNTY.

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to imposing a penalty for a violation for which no
23 specific penalty is provided.

24 Defined term: “County” § 32–101

25 32–2802. PENALTY IMPOSED BY BOARD.

26 (A) IN GENERAL.

27 THE BOARD MAY SUSPEND A LICENSE OR IMPOSE A FINE NOT EXCEEDING
28 \$5,000 OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION UNDER THE
29 ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.

30 (B) FINES PAID TO DIRECTOR OF FINANCE.

31 FINES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE DIRECTOR
32 OF FINANCE.

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 16–507(x).

3 In subsection (b) of this section, the reference to “director of finance” is
4 substituted for the former reference to the “local collecting agent” for clarity.

5 Defined terms: “Alcoholic beverage” § 1–101
6 “Board” § 32–101
7 “County” § 32–101
8 “License” § 1–101

9 TITLE 33. WORCESTER COUNTY.

10 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

11 33–101. DEFINITIONS.

12 (A) IN GENERAL.

13 IN THIS TITLE:

14 (1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT
15 EXCEPTION OR VARIATION; AND

16 (2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

17 REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate
18 by reference terms defined for the entire article.

19 Item (2) of this subsection is new language added as the standard introductory
20 language to a definition section.

21 (B) BOARD.

22 “BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WORCESTER
23 COUNTY.

24 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
25 full reference to the “Board of License Commissioners for Worcester County”.

26 (C) COUNTY.

27 “COUNTY” MEANS WORCESTER COUNTY.

1 REVISOR'S NOTE: This subsection is new language added to avoid repetition of the
2 full reference to "Worcester County".

3 **(D) TAXPAYER.**

4 **"TAXPAYER" MEANS AN INDIVIDUAL WHO:**

5 **(1) OWNS REAL ESTATE IN THE COUNTY IN THE INDIVIDUAL'S OWN**
6 **NAME, INDIVIDUALLY OR JOINTLY WITH OTHERS; AND**

7 **(2) PAYS REAL ESTATE TAXES TO THE COUNTY.**

8 REVISOR'S NOTE: This subsection is new language derived without substantive
9 change from former Art. 2B, § 1-102(b)(5).

10 In item (2) of this subsection, the former reference to "actually" paying real
11 estate taxes is deleted as surplusage.

12 Defined term: "County" § 33-101

13 **33-102. SCOPE OF TITLE.**

14 **THIS TITLE APPLIES ONLY IN WORCESTER COUNTY.**

15 REVISOR'S NOTE: This section is new language added for clarity and to reflect the
16 organization of this revised article.

17 **33-103. MUNICIPAL LICENSE FEE AUTHORIZED.**

18 **NOTWITHSTANDING § 1-203 OF THIS ARTICLE, A MUNICIPALITY MAY REQUIRE**
19 **A LICENSE HOLDER FOR A PLACE OF BUSINESS IN THE MUNICIPALITY TO PAY TO THE**
20 **MUNICIPALITY AN ADDITIONAL ANNUAL LICENSE FEE NOT EXCEEDING 20% OF THE**
21 **FEE PAYABLE UNDER THIS ARTICLE.**

22 REVISOR'S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 8-101(b)(2).

24 The phrase "[n]otwithstanding § 1-203 of this article," is added for clarity.

25 Former Art. 2B, § 8-101(b)(1)(ii), which stated that former Art. 2B, § 8-101(b)
26 applied to Worcester County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Defined terms: "License" § 1-101

29 "License holder" § 1-101

1 **33-104. COPY OF LEGISLATION.**

2 **A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED**
3 **BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**
4 **DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS,**
5 **MARYLAND 21401.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 18-103.

8 The reference to the "County Commissioners" is substituted for the former
9 reference to the "local governing body" for clarity.

10 The reference to this "title" is substituted for the former reference to this
11 "subtitle" to conform to the organization of this revised article. Under the
12 former law, each local governing body derived its authority to enact alcoholic
13 beverages legislation from a common subtitle. Under this revised article, each
14 local governing body derives its authority from the title dedicated to the
15 jurisdiction of the local governing body.

16 Defined terms: "Alcoholic beverage" § 1-101
17 "County" § 33-101

18 **GENERAL REVISOR'S NOTE TO SUBTITLE**

19 Throughout this title, the references to "wine" are substituted for the former
20 references to "light wine" to reflect that license holders in the County may sell wine
21 with a maximum alcohol content of 22%, which is above the traditional maximum
22 level of 15.5% for light wine.

23 Correspondingly, former Art. 2B, § 4-101(y), which defined "light wine" in the
24 County as a fermented beverage that contains not in excess of 22% of alcohol by
25 volume, is deleted because the definition is not used in this title.

26 **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

27 **33-201. ESTABLISHED.**

28 **THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WORCESTER COUNTY.**

29 REVISOR'S NOTE: This section is new language added to state expressly what was
30 only implied in the former law, that an entity known as the Board of License
31 Commissioners for Worcester County exists.

1 **33-202. MEMBERSHIP.**

2 (A) **COMPOSITION; APPOINTMENT OF MEMBERS.**

3 **THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT**
4 **TO THE ADVICE AND CONSENT OF THE SENATE.**

5 (B) **QUALIFICATIONS.**

6 **EACH MEMBER OF THE BOARD SHALL BE:**

7 (1) **A RESIDENT AND VOTER OF THE COUNTY; AND**

8 (2) **AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF**
9 **RECOGNIZED BUSINESS CAPACITY.**

10 (C) **TENURE.**

11 (1) **THE TERM OF A MEMBER IS 4 YEARS.**

12 (2) **THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
13 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

14 (D) **VACANCIES.**

15 (1) **THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO**
16 **FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**
17 **INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF**
18 **THIS SECTION.**

19 (2) **A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
20 **ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED**
21 **AND QUALIFIES.**

22 (E) **REMOVAL.**

23 (1) **THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN**
24 **OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

25 (2) **THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY**
26 **OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN**
27 **OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

1 **(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE**
2 **OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE**
3 **MEMBER AND THE GOVERNOR’S FINDINGS ON THE CHARGES.**

4 REVISOR’S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, §§ 15–101(a)(3) and (4) and (y)(2) and (3) and
6 15–110(a).

7 In subsection (a) of this section, the reference to “members to the Board” is
8 substituted for the former reference to “persons who constitute the Board of
9 License Commissioners” for brevity.

10 Also in subsection (a) of this section, the requirement for “the advice and
11 consent of” the Maryland Senate is substituted for the former reference to
12 “confirmation by” the Maryland Senate for clarity and consistency within this
13 revised article.

14 In subsection (b)(1) of this section, the defined term “County” is substituted
15 for the former reference to “Baltimore City or the respective counties, as the
16 case may be” because this title applies only to Worcester County.

17 In subsection (b)(2) of this section, the reference to an “individual” is
18 substituted for the former reference to “persons” because only a human being
19 and not the other entities included in the defined term “person” may serve as
20 a member of a board of license commissioners.

21 In subsection (c)(1) of this section, the former reference to “hold[ing] office” for
22 a certain term is deleted as surplusage.

23 In subsection (c)(2) of this section, the requirement that the terms of the
24 members of the Board be staggered as required on “July 1, 2016” is substituted
25 for the former obsolete requirement that the terms be staggered as required
26 on “January 1, 1994”. This substitution is not intended to alter the term of any
27 member of the Board of License Commissioners for Worcester County.

28 Subsection (d) of this section is standard language substituted for the former
29 reference to the duty of the Governor, if a vacancy occurs on the Board when
30 the General Assembly is not in session, to appoint an eligible individual to fill
31 the vacancy for the remainder of the term. The standard language is intended
32 to correct a gap in the former law, which was silent as to the procedure to be
33 followed if a vacancy occurs when the General Assembly is in session.

34 In subsection (e)(1) of this section, the former reference to a member “of any
35 board of license commissioners appointed by him under the provisions of this
36 article” is deleted as surplusage.

1 In subsection (e)(2) of this section, the former phrase “in his own defense” is
2 deleted as surplusage.

3 Defined terms: “Board” § 33–101
4 “County” § 33–101

5 **33–203. SUBSTITUTE MEMBER.**

6 (A) **APPOINTMENT BY GOVERNOR.**

7 **IN ADDITION TO THE REGULAR MEMBERS OF THE BOARD, THE GOVERNOR**
8 **SHALL APPOINT A SUBSTITUTE BOARD MEMBER.**

9 (B) **CONDITIONS OF OFFICE.**

10 (1) **THE TERM OF THE SUBSTITUTE MEMBER IS 4 YEARS.**

11 (2) **THE SUBSTITUTE MEMBER:**

12 (I) **SHALL SERVE ON THE BOARD IN THE ABSENCE OF A**
13 **QUORUM OF THE REGULAR MEMBERS DUE TO ILLNESS OR CONFLICT OF INTEREST;**
14 **AND**

15 (II) **HAS ALL OF THE POWERS AND DUTIES OF A REGULAR**
16 **MEMBER WHEN SERVING ON THE BOARD.**

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 15–101(y)(5).

19 Throughout this section, the references to a “substitute” member are
20 substituted for the former references to an “alternate” member to conform to
21 the terminology used in other similar provisions of this article.

22 In subsection (b) of this section, the reference that the term of a substitute
23 member “is 4 years” is substituted for the former reference that the term of a
24 substitute member “shall run concurrently with the term of the regular
25 members” for clarity and brevity.

26 Defined term: “Board” § 33–101

27 **33–204. CHAIR.**

28 **IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR**
29 **FROM AMONG THE MEMBERS OF THE BOARD.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–101(y)(4).

3 The reference to “[i]n making the appointments, the Governor” is added to
4 make explicit what was only implied in the former law, that the Governor is
5 required to designate a chair.

6 The reference to a “chair” is substituted for the former reference to a
7 “chairman” because SG § 2–1238 requires the use of words that are neutral as
8 to gender to the extent practicable.

9 Former Art. 2B, § 15–101(y)(1), which provided that former Art. 2B, §
10 15–101(y) applied only in Worcester County, is deleted as unnecessary in light
11 of the organization of this revised article.

12 Defined term: “Board” § 33–101

13 **33–205. SALARIES; STAFF.**

14 **(A) SALARIES.**

15 **(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF NOT**
16 **LESS THAN \$2,500 ANNUALLY, AS DETERMINED BY THE COUNTY COMMISSIONERS.**

17 **(2) EACH OTHER REGULAR MEMBER OF THE BOARD SHALL RECEIVE**
18 **A SALARY OF NOT LESS THAN \$2,100 ANNUALLY, AS DETERMINED BY THE COUNTY**
19 **COMMISSIONERS.**

20 **(3) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE**
21 **COMPENSATION THAT THE COUNTY COMMISSIONERS DETERMINE FOR SERVICES**
22 **WHEN ACTING ON THE BOARD.**

23 **(B) STAFF.**

24 **SUBJECT TO § 33–206 OF THIS SUBTITLE, THE BOARD MAY:**

25 **(1) EMPLOY:**

26 **(I) A SECRETARY;**

27 **(II) INSPECTORS; AND**

28 **(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

29 **(2) SET THE COMPENSATION OF THE EMPLOYEES.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, §§ 15-109(y) and 15-112(a)(2).

3 In subsection (a)(2) of this section, the reference to each "other" regular
4 member is added for clarity.

5 In subsection (a)(3) of this section, the reference to the "substitute" member is
6 substituted for the former reference to the "alternate" member to conform to
7 the terminology used in other similar provisions of this article.

8 In subsection (b)(1)(iii) of this section, the reference to "assistants" is
9 substituted for the former reference to "assistance" for clarity.

10 Defined terms: "Board" § 33-101
11 "County" § 33-101

12 **33-206. INSPECTOR.**

13 **(A) APPOINTMENT; COMPENSATION.**

14 **(1) THE BOARD MAY APPOINT AN INSPECTOR WITH THE CONSENT OF**
15 **THE COUNTY COMMISSIONERS.**

16 **(2) THE SALARY OF THE INSPECTOR SHALL BE AS PROVIDED IN THE**
17 **COUNTY BUDGET.**

18 **(B) POWERS.**

19 **THE INSPECTOR HAS THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE**
20 **STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

21 **(C) DUTIES.**

22 **THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTOR, INCLUDING THE**
23 **PROPER ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES**
24 **LAWS IN THE COUNTY.**

25 **(D) OATH.**

26 **THE INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE**
27 **MARYLAND CONSTITUTION.**

28 REVISOR'S NOTE: This section is new language derived without substantive
29 change from former Art. 2B, § 15-112(y)(2).

1 In subsection (b) of this section, the reference to the powers “arising out of or
2 relating to the enforcement of this article” is substituted for the former
3 reference to the powers “[f]or the purpose of the alcoholic beverages laws” for
4 consistency with other similar provisions of this article.

5 In subsection (d) of this section, the reference to the requirement to “take the
6 oath required by Article I, § 9 of the Maryland Constitution” is substituted for
7 the former reference to the requirement to “make an oath to perform the
8 duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland”
9 for brevity.

10 Former Art. 2B, § 15–112(y)(1), which provided that former Art. 2B, §
11 15–112(y) applied only in Worcester County, is deleted as unnecessary in light
12 of the organization of this revised article.

13 Defined terms: “Board” § 33–101

14 “County” § 33–101

15 “State” § 1–101

16 **33–207. COUNTY COMMISSIONERS TO PAY SALARIES AND EXPENSES OF BOARD.**

17 **THE BOARD OF COUNTY COMMISSIONERS SHALL PAY THE SALARIES AND**
18 **EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS.**

19 REVISOR’S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 10–204(y).

21 Defined term: “County” § 33–101

22 **33–208. NOISE.**

23 **(A) EXCEEDING LOCAL LIMITS PROHIBITED.**

24 **A PERSON MAY NOT PLAY ON LICENSED PREMISES MUSIC THAT EXCEEDS THE**
25 **NOISE LEVEL LIMITS ESTABLISHED UNDER LOCAL LAW.**

26 **(B) REGULATION BY BOARD.**

27 **THE BOARD MAY REGULATE THE PLAYING TIME AND NOISE LEVEL OF LIVE**
28 **MUSIC, A MECHANICAL MUSIC BOX, OR A SOUND MAKING DEVICE ON LICENSED**
29 **PREMISES IF THE SOUND DISTURBS THE PEACE, TRANQUILITY, SAFETY, AND**
30 **HEALTH OF THE SURROUNDING NEIGHBORHOOD.**

31 **(C) ENFORCEMENT ACTIONS.**

1 **IF THE BOARD FINDS THAT A LICENSED PREMISES IS IN VIOLATION OF THIS**
 2 **SECTION, THE BOARD MAY:**

3 **(1) REQUIRE THE LICENSE HOLDER TO ALTER THE TIME THAT THE**
 4 **MUSIC IS PLAYED;**

5 **(2) REQUIRE THE LICENSE HOLDER TO REDUCE THE NOISE LEVEL; OR**

6 **(3) TAKE ANY OTHER ENFORCEMENT ACTION THAT IS AUTHORIZED**
 7 **UNDER THIS ARTICLE.**

8 REVISOR'S NOTE: This section is new language derived without substantive
 9 change from former Art. 2B, § 12-224.1(b) through (d).

10 In subsection (a) of this section, the reference to noise level limits "established
 11 under local law" is substituted for the former reference to noise level limits
 12 "under § ZS 1-327 of the Code of Public Local Laws of Worcester County or ...
 13 the municipal corporation in which the licensed premises is located" for clarity
 14 and brevity.

15 In subsection (c)(3) of this section, the reference to an "enforcement" action is
 16 added for clarity.

17 Former Art. 2B, § 12-224.1(a), which stated that former Art. 2B, § 12-224.1
 18 applied only in Worcester County, is deleted as unnecessary in light of the
 19 organization of this revised article.

20 Defined terms: "Board" § 33-101

21 "License holder" § 1-101

22 "Person" § 1-101

23 **33-209. REGULATIONS.**

24 **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
 26 change from former Art. 2B, § 16-301(a), as it related to the authority of the
 27 Board to adopt regulations.

28 The defined term "Board" is substituted for the former reference to "the board
 29 of license commissioners from any county or Baltimore City, respectively"
 30 because this section applies only to the Board of License Commissioners for
 31 Worcester County.

1 The reference to the Board “adopt[ing] regulations to carry out” this article is
2 substituted for the former reference to the Board “hav[ing] full power and
3 authority to adopt such reasonable rules and regulations as they may deem
4 necessary to enable them effectively to discharge the duties imposed upon
5 them by” this article for brevity.

6 The former phrase “[i]n addition to the powers otherwise provided by this
7 article,” is deleted as surplusage.

8 Defined term: “Board” § 33–101

9 **SUBTITLE 3. DEPARTMENT OF LIQUOR CONTROL.**

10 **33–301. DEFINITIONS.**

11 **(A) IN GENERAL.**

12 **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

13 REVISOR’S NOTE: This subsection is new language added as the standard
14 introductory language to a definition section.

15 **(B) DEPARTMENT.**

16 **“DEPARTMENT” MEANS THE DEPARTMENT OF LIQUOR CONTROL FOR THE**
17 **COUNTY.**

18 REVISOR’S NOTE: This subsection is new language derived without substantive
19 change from former Art. 2B, § 15–204(e)(1).

20 Defined term: “County” § 33–101

21 **(C) DISPENSARY.**

22 **“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE**
23 **DEPARTMENT FOR THE SALE OF ALCOHOLIC BEVERAGES.**

24 REVISOR’S NOTE: This subsection is new language derived without substantive
25 change from the first clause of the first sentence of former Art. 2B, §
26 15–203(a)(1) and added to provide a convenient reference to a store
27 established and maintained by the Department of Liquor Control.

28 Defined terms: “Alcoholic beverage” § 1–101

29 “Department” § 33–301

1 **33-302. ESTABLISHED.**

2 **THERE IS A DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY**
3 **GOVERNMENT, WHICH FUNCTIONS AS A LIQUOR CONTROL BOARD.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 15-201(a)(1) and (3) and, as it related to
6 Worcester County, § 15-210.

7 The phrase "which functions as a liquor control board" is substituted for the
8 former phrase "[which h]as the powers of a liquor control board as defined in
9 § 15-205 of this subtitle" for brevity.

10 Defined term: "County" § 33-101

11 **33-303. DIRECTOR.**

12 **(A) APPOINTMENT.**

13 **THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT THE DIRECTOR OF**
14 **THE DEPARTMENT.**

15 **(B) TENURE.**

16 **THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE BOARD OF COUNTY**
17 **COMMISSIONERS.**

18 **(C) RESTRICTIONS ON FINANCIAL INTERESTS.**

19 **(1) THE DIRECTOR OF THE DEPARTMENT MAY NOT:**

20 **(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE**
21 **MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

22 **(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF**
23 **ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE**
24 **DISCHARGE OF THE DUTIES OF THE OFFICE.**

25 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
26 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
27 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 15–201(b)(1)(i) and (iv) and (c)(5) and, as it
3 related to members of a liquor control board, § 15–208(a).

4 In the introductory language of subsection (c)(1) of this section, the reference
5 to “[t]he director of the Department” is substituted for the former reference to
6 “a liquor control board” to reflect the fact that the County Department of
7 Liquor Control replaced the County Liquor Control Board in 2013.

8 Defined terms: “Alcoholic beverage” § 1–101

9 “County” § 33–101

10 “Department” § 33–301

11 “Person” § 1–101

12 **33–304. STAFF.**

13 **(A) APPOINTMENT.**

14 **THE DEPARTMENT SHALL APPOINT EMPLOYEES NECESSARY TO OPERATE**
15 **THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND**
16 **FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

17 **(B) RESTRICTIONS ON FINANCIAL INTERESTS.**

18 **(1) AN EMPLOYEE OF THE DEPARTMENT MAY NOT:**

19 **(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE**
20 **MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

21 **(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF**
22 **ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE**
23 **DISCHARGE OF THE DUTIES OF THE OFFICE.**

24 **(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
25 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
26 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, §§ 15–205(a)(1)(i) and, as it related to employees,
29 15–208(a).

30 In the introductory language of subsection (b)(1) of this section, the reference
31 to “the Department” is substituted for the former reference to “a liquor control
32 board” to reflect the fact that the County Department of Liquor Control
33 replaced the County Liquor Control Board in 2013.

1 In subsection (b)(1)(ii) of this section, the former reference to the duties of the
2 “position, as herein prescribed or authorized” is deleted as surplusage.

3 In subsection (b)(2) of this section, the reference to the defined term “person”
4 who performs specific prohibited acts is substituted for the former reference
5 to “any employee of said board” who performs specific prohibited acts for
6 brevity.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Department” § 33–301

9 “Dispensary” § 33–301

10 “Person” § 1–101

11 **33–305. MONOPOLY CONTROL.**

12 **(A) IN GENERAL.**

13 **(1) SUBJECT TO § 1–309 OF THIS ARTICLE, AND EXCEPT AS PROVIDED**
14 **IN SUBSECTION (C) OF THIS SECTION:**

15 **(I) THE DEPARTMENT HAS A MONOPOLY ON THE SALE AND**
16 **DISTRIBUTION OF WINE, LIQUOR, OR ANY OTHER ALCOHOLIC BEVERAGE**
17 **CONTAINING MORE THAN 14% OF ALCOHOL BY VOLUME IN THE COUNTY; AND**

18 **(II) A LICENSE HOLDER SHALL PURCHASE ALL WINE**
19 **CONTAINING MORE THAN 14% OF ALCOHOL BY VOLUME AND LIQUOR FROM THE**
20 **DEPARTMENT.**

21 **(2) A LICENSE HOLDER MAY PURCHASE BEER AND WINE CONTAINING**
22 **14% ALCOHOL BY VOLUME OR LESS FROM A LICENSED WHOLESALER.**

23 **(B) PURCHASE OF WINE AND LIQUOR BY LICENSE HOLDER.**

24 **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSE**
25 **HOLDER WHO PURCHASES WINE OR LIQUOR FROM THE DEPARTMENT MAY NOT BE**
26 **CHARGED MORE THAN 85% OF THE RETAIL PRICE OR ANY SPECIAL SALE PRICE OR**
27 **DISCOUNT PRICE, WHICHEVER IS LOWER, SET BY THE DEPARTMENT.**

28 **(C) ELECTION TO PURCHASE WINE OR LIQUOR FROM LICENSED**
29 **WHOLESALER.**

30 **(1) (I) A LICENSE HOLDER IN THE COUNTY MAY ELECT TO**
31 **PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER BY PROVIDING**

1 WRITTEN NOTICE OF THE LICENSE HOLDER'S INTENT TO THE DEPARTMENT AT
2 LEAST 60 DAYS BEFORE THE DATE THE PURCHASING ACTIVITY IS TO START.

3 (II) THE NOTICE SHALL CONTAIN:

4 1. THE NAME OF THE LICENSE HOLDER;

5 2. THE NAME AND ADDRESS OF THE LICENSED
6 PREMISES; AND

7 3. THE DATE THAT THE NOTICE WAS SENT TO THE
8 DEPARTMENT.

9 (2) A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS
10 SUBSECTION MAY PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER IN
11 ADDITION TO OR INSTEAD OF THE DEPARTMENT.

12 (3) (I) THE DEPARTMENT SHALL ISSUE A LETTER OF
13 CONFIRMATION TO A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS
14 SUBSECTION.

15 (II) THE LICENSE HOLDER SHALL DISPLAY THE LETTER
16 CONSPICUOUSLY ON THE LICENSED PREMISES.

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, §§ 6-201(y)(7), 6-301(y)(8), 6-401(y)(2)(vi),
19 7-101(u)(5)(v), 15-204(a) and (e)(3) through (5), and 15-203(a)(3)(ii) and,
20 except as it related to packages and containers, the first sentence of (1).

21 In subsections (a) and (c) of this section, the former references to "[b]eginning
22 on July 1, 2014" are deleted as obsolete.

23 In subsection (a) of this section, the reference to "wine and liquor" is
24 substituted for the former reference to "the particular alcoholic beverages
25 which elsewhere in this subtitle [the Department] is empowered to sell" for
26 clarity. The Department is authorized under this subtitle to sell wine and
27 liquor but is prohibited from selling beer. *See* § 33-307(b) of this subtitle.

28 In subsection (b) of this section, the former reference to the receipt by a license
29 holder of "at least a 15 percent discount from the retail sales price or any
30 special sale price or discount price, whichever is lower" is deleted as
31 surplusage.

1 Former Art. 2B, § 15–204(e)(2), which stated that former Art. 2B, §
2 15–204(e) applied only in Worcester County, is deleted as unnecessary in light
3 of the organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Beer” § 1–101

6 “County” § 33–101

7 “Department” § 33–301

8 “License holder” § 1–101

9 “Wholesaler” § 1–101

10 “Wine” § 1–101

11 **33–306. OTHER POWERS.**

12 **(A) IN GENERAL.**

13 **SUBJECT TO § 1–309 OF THIS ARTICLE, THE DEPARTMENT MAY:**

14 **(1) PURCHASE FROM A HOLDER OF A WHOLESALER’S LICENSE OR**
15 **MANUFACTURER’S LICENSE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS**
16 **AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5–102 OF THE**
17 **TAX – GENERAL ARTICLE IS PAID;**

18 **(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR**
19 **NONRESIDENT DEALER’S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES**
20 **THAT THE DEPARTMENT IS AUTHORIZED TO SELL; AND**

21 **(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX**
22 **IS PAID;**

23 **(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES**
24 **THAT THE DEPARTMENT DETERMINES AND THAT ARE UNIFORM IN ALL**
25 **DISPENSARIES;**

26 **(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN**
27 **THE JUDGMENT OF THE DEPARTMENT, IS NOT SUITABLE TO PURCHASE OR**
28 **CONSUME THE ALCOHOLIC BEVERAGES;**

29 **(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC**
30 **BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER**
31 **AT OR DURING ANY TIME;**

32 **(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY**
33 **OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

1 **(7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR**
2 **PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT**
3 **PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**

4 **(8) SUBJECT TO THE APPROVAL OF THE COUNTY, RENT, LEASE, OR**
5 **PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**

6 **(9) SUBJECT TO § 33-307(D) OF THIS SUBTITLE, ESTABLISH THE**
7 **HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT**
8 **REMAIN OPEN.**

9 **(B) ADDITIONAL POWERS.**

10 **(1) SUBJECT TO § 1-309 OF THIS ARTICLE AND THE APPROVAL OF**
11 **THE COUNTY COMMISSIONERS, THE DIRECTOR OF THE DEPARTMENT MAY**
12 **PURCHASE OR OTHERWISE ACQUIRE:**

13 **(I) REAL OR PERSONAL PROPERTY THAT THE DIRECTOR**
14 **CONSIDERS NECESSARY TO OPERATE DISPENSARIES, STORES, OR WAREHOUSES;**
15 **AND**

16 **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WINE**
17 **AND LIQUOR FROM ANY SOURCE FOR RESALE.**

18 **(2) (I) 1. ACTING AS A WHOLESALER, THE DEPARTMENT MAY**
19 **PURCHASE WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS NOT BEEN PAID,**
20 **FROM A LICENSED WHOLESALER.**

21 **2. THE DEPARTMENT MAY ONLY RESELL THE WINE AND**
22 **LIQUOR PURCHASED UNDER THIS SUBPARAGRAPH TO A NONDISPENSARY,**
23 **LICENSED RETAILER AND ONLY AFTER THE EXCISE TAX HAS BEEN PAID.**

24 **(II) ACTING AS A RETAILER, THE DEPARTMENT MAY PURCHASE**
25 **WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS BEEN PAID, FROM A LICENSED**
26 **WHOLESALER FOR RETAIL SALE IN DISPENSARY STORES.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 15-205(b), (c), (d), (f), (g), (h), (l), and (e)(1).

29 In the introductory language of subsection (a) of this section, the reference
30 stating that the Department "may" perform certain functions is substituted
31 for the former reference stating that the liquor control board "shall have full
32 power and authority" to perform these functions for clarity and brevity.

1 In subsection (a)(1) of this section, the former reference authorizing the
2 purchase of “any sparkling or fortified wine” is deleted as included in the
3 reference authorizing the purchase of “alcoholic beverages”.

4 In subsection (a)(2)(i) of this section, the former reference to the sale of
5 alcoholic beverages “as hereinafter provided” is deleted as unnecessary.
6 Similarly, in subsection (a)(3) of this section, the former reference to the sale
7 of alcoholic beverages “as above provided” is deleted as unnecessary.

8 In subsection (a)(3) of this section, the reference to the defined term
9 “dispensaries” is substituted for the former reference to “stores” in the county
10 for consistency within this subtitle.

11 Also in subsection (a)(3) of this section, the former phrase “in the said county”
12 is deleted as included in the defined term “dispensaries”.

13 In subsection (a)(5) of this section, the reference to restricting the sale of
14 alcoholic beverages “during” any time is substituted for the former reference
15 to any “given ... period” for brevity.

16 Also in subsection (a)(5) of this section, the former reference to the authority
17 of the Department to “limit” the sale of alcoholic beverages is deleted as
18 included in the reference to the authority of the Department to “restrict” the
19 sale of alcoholic beverages.

20 Also in subsection (a)(5) of this section, the former reference to a “system” of
21 restricting the sale of alcoholic beverages is deleted as included in the
22 reference to a “method” of restricting the sale of alcoholic beverages.

23 Also in subsection (a)(5) of this section, the former reference to a method of
24 restricting the sale of alcoholic beverages “as may be prescribed by the liquor
25 control board” is deleted as implicit in the authority of the Department to
26 restrict alcoholic beverages sales.

27 In subsection (a)(6) of this section, the references to the authority of the
28 Department to “enter” a contract or “adopt” a regulation are substituted for
29 the former reference to the authority of the Department to “make” a contract
30 or regulation for clarity and conform to the terminology used elsewhere in the
31 revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

32 Also in subsection (a)(6) of this section, the former reference to “rules” is
33 deleted as included in the reference to “regulations”.

34 Also in subsection (a)(6) of this section, the former reference to “the powers
35 conferred upon [the Liquor Control Board] by” this article is deleted as
36 unnecessary.

1 In subsection (a)(7) of this section, the former reference to a prohibited act
2 “applicable” by law in a specified place is deleted as unnecessary.

3 In subsection (a)(9) of this section, the reference authorizing a liquor control
4 board to “establish” hours of sale for county dispensaries is substituted for the
5 former reference authorizing a liquor control board to “fix” hours of sale for
6 county dispensaries for clarity.

7 Also in subsection (a)(9) of this section, the reference to hours “of sale” is
8 substituted for the former reference to hours “for opening and closing” for
9 clarity.

10 Also in subsection (a)(9) of this section, the former reference prohibiting the
11 sale of alcoholic beverages at specific times is deleted as implicit in the
12 establishment of hours of sale.

13 Defined terms: “Alcoholic beverage” § 1–101

14 “Consumer” § 1–101

15 “County” § 33–101

16 “Department” § 33–301

17 “Dispensary” § 33–301

18 “License holder” § 1–101

19 “Manufacturer’s license” § 1–101

20 “Person” § 1–101

21 “Wholesaler” § 1–101

22 “Wholesaler’s license” § 1–101

23 “Wine” § 1–101

24 **33–307. DISPENSARIES.**

25 **(A) ESTABLISHED.**

26 **THE DEPARTMENT MAY ESTABLISH AND MAINTAIN STORES KNOWN AS**
27 **“DISPENSARIES”.**

28 **(B) AUTHORITY.**

29 **A DISPENSARY:**

30 **(1) MAY SELL ANY ALCOHOLIC BEVERAGE EXCEPT BEER; AND**

31 **(2) SHALL SELL ALCOHOLIC BEVERAGES IN A SEALED PACKAGE OR**
32 **CONTAINER.**

1 **(C) AUTHORIZED DISPENSARY LOCATIONS.**

2 **THE DEPARTMENT MAY ESTABLISH AND MAINTAIN DISPENSARIES ONLY IN:**

3 **(1) BERLIN;**

4 **(2) OCEAN CITY;**

5 **(3) POCOMOKE CITY;**

6 **(4) SNOW HILL;**

7 **(5) A RURAL AREA APPROVED BY THE DEPARTMENT AND THE**
8 **COUNTY COMMISSIONERS; AND**

9 **(6) A HOUSING DEVELOPMENT THAT:**

10 **(I) HAS A POPULATION OF AT LEAST 10,000 INDIVIDUALS;**

11 **(II) IS OVERSEEN BY A HOMEOWNERS ASSOCIATION; AND**

12 **(III) HAS A SPECIAL POLICE FORCE COMMISSIONED UNDER**
13 **TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.**

14 **(D) HOURS AND DAYS OF SALE.**

15 **THE DEPARTMENT MAY SELL OR DELIVER LIQUOR TO A RETAIL LICENSE**
16 **HOLDER FROM 6 A.M. TO MIDNIGHT MONDAY THROUGH SATURDAY AND FROM 9 A.M.**
17 **TO 5 P.M. ON SUNDAY.**

18 **(E) PROHIBITED ACTS.**

19 **A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED**
20 **PACKAGE OR CONTAINER CONTAINING ALCOHOLIC BEVERAGES ON THE PREMISES**
21 **OF THE DISPENSARY WHERE SOLD.**

22 **(F) ISSUANCE OR DENIAL OF LICENSE PROVISIONS NOT APPLICABLE.**

23 **TITLE 4, SUBTITLE 2 OF THIS ARTICLE DOES NOT APPLY TO THIS SECTION.**

24 **REVISOR'S NOTE:** This section is new language derived without substantive
25 change from former Art. 2B, §§ 9–102(e), 15–203(a)(1) and (3)(ii) and (f), and
26 11–201(g).

1 In subsection (d) of this section, the reference to “liquor” is substituted for the
2 former reference to “alcoholic beverages, except beer and light wine” for
3 brevity and clarity.

4 In subsection (e) of this section, the phrase “of the dispensary” is added for
5 clarity.

6 Defined terms: “Alcoholic beverage” § 1–101

7 “Beer” § 1–101

8 “Department” § 33–301

9 “Dispensary” § 33–301

10 “Person” § 1–101

11 **33–308. DISTRIBUTION OF PROCEEDS.**

12 **(A) DEBT REPAYMENT.**

13 **THE DEPARTMENT SHALL APPLY PROCEEDS DERIVED FROM THE OPERATION**
14 **OF DISPENSARIES FIRST TOWARD THE REPAYMENT OF MONEY THAT WAS LOANED**
15 **TO OR BORROWED BY THE DEPARTMENT.**

16 **(B) RESERVE FUND.**

17 **AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE**
18 **DEPARTMENT MAY CREATE AND MAINTAIN A RESERVE FUND NOT EXCEEDING**
19 **\$400,000 TO:**

20 **(1) PROVIDE ADEQUATE WORKING CAPITAL; AND**

21 **(2) COVER ANY LOSSES SUSTAINED BY THE DEPARTMENT IN**
22 **OPERATING THE DISPENSARIES.**

23 **(C) PAYMENTS TO COUNTY, MUNICIPALITIES, AND HOMEOWNERS**
24 **ASSOCIATIONS.**

25 **(1) AFTER THE DISTRIBUTIONS UNDER SUBSECTIONS (A) AND (B) OF**
26 **THIS SECTION, THE DEPARTMENT SHALL DISTRIBUTE ON OR BEFORE JUNE 1**
27 **ANNUALLY:**

28 **(I) THE PROCEEDS GENERATED BY DISPENSARIES IN RURAL**
29 **AREAS OUTSIDE OF A MUNICIPAL BOUNDARY TO THE COUNTY GENERAL FUND; AND**

30 **(II) OF THE REMAINING PROCEEDS:**

1 **1. 50% TO THE COUNTY COMMISSIONERS; AND**

2 **2. 50% TO THE MAYORS AND CITY COUNCILS OF BERLIN,**
3 **OCEAN CITY, POCOMOKE CITY, AND SNOW HILL, AND HOMEOWNERS ASSOCIATIONS**
4 **THAT OVERSEE AN AREA IN WHICH A DISPENSARY HAS BEEN ESTABLISHED, IN**
5 **AMOUNTS DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

6 **(2) (I) THE DEPARTMENT SHALL DISTRIBUTE THE PROCEEDS DUE**
7 **TO MUNICIPALITIES LISTED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION AND**
8 **HOMEOWNERS ASSOCIATIONS PROPORTIONALLY ACCORDING TO THE NET PROFITS**
9 **ON TOTAL SALES DERIVED FROM THE DISPENSARIES IN EACH MUNICIPALITY OR**
10 **AREA OVERSEEN BY A HOMEOWNERS ASSOCIATION.**

11 **(II) IF COUNTY COMMISSIONERS CONSENT FOR EACH**
12 **MUNICIPALITY LISTED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION, TO DETERMINE**
13 **THE SHARE OF A MUNICIPALITY, A DISPENSARY WITHIN 2 MILES OUTSIDE OF THE**
14 **MUNICIPAL BOUNDARY SHALL BE CONSIDERED TO BE WITHIN THE MUNICIPAL**
15 **BOUNDARY.**

16 **(III) DISTRIBUTIONS PAID TO A MUNICIPALITY UNDER THIS**
17 **SUBSECTION SHALL BE USED FOR GENERAL MUNICIPAL PURPOSES.**

18 **(IV) DISTRIBUTIONS PAID TO A HOMEOWNERS ASSOCIATION**
19 **SHALL BE USED FOR THE BENEFIT OF THE SPECIAL POLICE FORCE OF THE HOUSING**
20 **DEVELOPMENT.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 15–207(h)(2), (3), and (4).

23 Throughout this section, references to the “Department” are substituted for
24 the former obsolete references to the “Liquor Control Board”, which ended
25 operations in 2011.

26 In subsections (a) and (c)(1) of this section, the references to “proceeds” are
27 substituted for the former references to “net profits” to conform to terminology
28 used in other revised articles.

29 In subsection (a) of this section, the reference to proceeds “derived” from sales
30 is substituted for the former reference to proceeds “arising” from sales for
31 clarity and consistency with other similar provisions relating to local county
32 dispensaries.

33 Also in subsection (a) of this section, the reference to “money” loaned or
34 borrowed is substituted for the former reference to “all sums” loaned or
35 borrowed for clarity.

1 Also in subsection (a) of this section, the former redundant reference to money
2 “due and owing” is deleted as unnecessary.

3 In the introductory language of subsection (c)(1) and in subsection (c)(2)(i) of
4 this section, the references to the “Department” are added for clarity.

5 In the introductory language of subsection (c)(1) of this section, the reference
6 to “[a]fter the distributions under subsections (a) and (b) of this section” is
7 substituted for the former reference “in excess of the reserve fund” for clarity.

8 In subsection (c)(1)(i) of this section, the reference to proceeds “generated by
9 dispensaries” is added for clarity.

10 In subsection (c)(2)(ii) of this section, the reference to a standard to
11 “determine” the share of a municipality is substituted for the former reference
12 to a standard for “calculating” the share of a municipality for clarity.

13 Also in subsection (c)(2)(ii) of this section, the reference to the “municipal
14 boundary” is substituted for the former reference to the “corporate limits” for
15 clarity and consistency within this section.

16 In subsection (c)(2)(iii) and (iv) of this section, the references to “distributions”
17 paid are substituted for the former references to “amounts” paid for clarity.

18 In subsection (c)(2)(iv) of this section, the former reference to the housing
19 development “in which a liquor dispensary has been established” is deleted as
20 unnecessary in light of the fact that, by virtue of having received a
21 distribution, there must be a dispensary located in the housing development.

22 Former Art. 2B, § 15–207(h)(1), which stated that former Art. 2B, §
23 15–207(h) applied only in Worcester County, is deleted as unnecessary in light
24 of the organization of this revised article.

25 Defined terms: “County” § 33–101

26 “Department” § 33–301

27 “Dispensary” § 33–301

28 **33–309. REPORTS.**

29 **(A) RECORD KEEPING REQUIREMENT.**

30 **(1) THE DEPARTMENT SHALL KEEP ACCURATE RECORDS OF:**

31 **(I) ALL PURCHASES OF ALCOHOLIC BEVERAGES; AND**

1 **(II) A COMPLETE STATEMENT OF THE BUSINESS CONDUCTED BY**
2 **THE DEPARTMENT AND THE OPERATIONAL ACHIEVEMENTS OF THE DISPENSARY**
3 **SYSTEM.**

4 **(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE**
5 **COMPTROLLER DURING REGULAR BUSINESS HOURS.**

6 **(B) ANNUAL REPORT.**

7 **THE DEPARTMENT SHALL SUBMIT A REPORT ANNUALLY TO THE COUNTY**
8 **COMMISSIONERS FOR THE PERIOD ENDING ON APRIL 30.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 15-206(a).

11 Throughout this section, the references to the "Department" are substituted
12 for the former obsolete references to the "liquor control board", which ended
13 operations in 2011.

14 Defined terms: "Alcoholic beverage" § 1-101

15 "Comptroller" § 1-101

16 "Department" § 33-301

17 "Dispensary" § 33-301

18 **GENERAL REVISOR'S NOTE TO SUBTITLE**

19 Former Art. 2B, § 15-202(e), which stated that certain provisions that allowed a
20 board of county commissioners to advance money to the liquor control board of the
21 same county did not apply to Worcester County, provided that any previous
22 obligations incurred by the Liquor Control Board of Worcester County were not
23 affected, is deleted as obsolete. The Liquor Control Board of Worcester County ended
24 operations in 2011, and none of the Board's debt is outstanding.

25 **SUBTITLE 4. MANUFACTURER'S LICENSES.**

26 **33-401. APPLICATION OF GENERAL PROVISIONS.**

27 **(A) WITHOUT EXCEPTION OR VARIATION.**

28 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S**
29 **LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
30 **EXCEPTION OR VARIATION:**

31 **(1) § 2-201 ("ISSUANCE BY COMPTROLLER");**

- 1 (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);
- 2 (3) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);
- 3 (4) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- 4 (5) § 2-205 (“CLASS 3 WINERY LICENSE”);
- 5 (6) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- 6 (7) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- 7 (8) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- 8 (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- 9 (10) § 2-211 (“RESIDENCY REQUIREMENT”);
- 10 (11) § 2-212 (“ADDITIONAL LICENSES”);
- 11 (12) § 2-213 (“ADDITIONAL FEES”);
- 12 (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- 13 (14) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER
14 PROHIBITED”);
- 15 (15) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES
16 AND RETAILERS”);
- 17 (16) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —
18 PROHIBITED PRACTICES”); AND
- 19 (17) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND
20 RETAILERS — PROHIBITED”).

21 **(B) VARIATION.**

22 **SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) OF DIVISION I OF**
23 **THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-403 OF THIS SUBTITLE.**

24 REVISOR’S NOTE: This section is new language added to incorporate by reference
25 general provisions relating to the issuance of manufacturer’s licenses.

1 Defined terms: "County" § 33-101
2 "Manufacturer's license" § 1-101

3 **33-402. HOURS AND DAYS OF SALE OR DELIVERY.**

4 **A HOLDER OF A MANUFACTURER'S LICENSE MAY SELL OR DELIVER**
5 **ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO**
6 **MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 11-101(b)(16).

9 Defined terms: "Alcoholic beverage" § 1-101
10 "Manufacturer's license" § 1-101

11 **33-403. CLASS 7 MICRO-BREWERY LICENSE.**

12 **(A) APPLICATION OF SECTION.**

13 **THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE**
14 **COUNTY.**

15 **(B) AUTHORIZED HOLDER.**

16 **NOTWITHSTANDING § 2-209 (B) OF THIS ARTICLE, THE LICENSE MAY BE**
17 **ISSUED ONLY TO THE HOLDER OF:**

18 **(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS**
19 **ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY;**
20 **OR**

21 **(2) A HOLDER OF A CLASS D BEER (OFF-SALE) LICENSE THAT IS**
22 **ISSUED FOR USE ON THE PREMISES OF THE CLASS D LICENSE IF THE PREMISES IS**
23 **LOCATED IN THE TOWN OF BERLIN.**

24 **(C) HOURS AND DAYS OF SALE.**

25 **THE HOURS AND DAYS OF SALE UNDER A CLASS 7 MICRO-BREWERY LICENSE**
26 **ARE THE SAME AS THOSE FOR A CLASS D LICENSE.**

27 REVISOR'S NOTE: This section is new language derived without substantive
28 change from former Art. 2B, § 2-208(a), (f)(1)(ii), and (b)(2)(xxiv) and, as it
29 related to the Town of Berlin, (3)(ii).

1 Defined terms: “Beer” § 1–101

2 “County” § 33–101

3 “Restaurant” § 1–101

4 “Wine” § 1–101

5 **SUBTITLE 5. WHOLESALER’S LICENSES.**

6 **33–501. APPLICATION OF GENERAL PROVISIONS.**

7 **(A) WITHOUT EXCEPTION OR VARIATION.**

8 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
9 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
10 **EXCEPTION OR VARIATION:**

11 **(1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**

12 **(2) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**

13 **(3) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**

14 **(4) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**

15 **(5) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**

16 **(6) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**

17 **(7) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM**
18 **WHOLESALER’S VEHICLE”);**

19 **(8) § 2–310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**

20 **(9) § 2–311 (“ADDITIONAL WHOLESALER’S LICENSES”);**

21 **(10) § 2–312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**

22 **(11) § 2–313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF**
23 **LICENSE OR PERMIT”);**

24 **(12) § 2–315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND**
25 **RETAILERS”);**

26 **(13) § 2–316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES —**
27 **PROHIBITED PRACTICES”); AND**

1 **(14) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS**
2 **AND RETAILERS — PROHIBITED”).**

3 **(B) VARIATIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S**
5 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

6 **(1) §§ 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S**
7 **LICENSE”) AND 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”),**
8 **SUBJECT TO § 33-505 OF THIS SUBTITLE; AND**

9 **(2) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER**
10 **PROHIBITED”), SUBJECT TO § 33-504 OF THIS SUBTITLE.**

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
12 general provisions relating to the issuance of wholesaler’s licenses.

13 Defined terms: “County” § 33-101
14 “Wholesaler’s license” § 1-101

15 **33-502. HOURS AND DAYS OF SALE OR DELIVERY.**

16 **EXCEPT AS PROVIDED IN § 33-503 OF THIS SUBTITLE, A HOLDER OF A**
17 **WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A**
18 **HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT**
19 **SUNDAY.**

20 REVISOR’S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 11-102(a).

22 Defined terms: “Alcoholic beverage” § 1-101
23 “Wholesaler’s license” § 1-101

24 **33-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

25 **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

26 **A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT**
27 **WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE**
28 **TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT**
29 **RETURNS ON THE SAME DAY.**

1 **(B) DISPENSING OF DRAFT BEER AGREEMENT REQUIRED.**

2 **THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION**
3 **SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES**
4 **REQUIRED TO DISPENSE DRAFT BEER.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 11–102(b).

7 In subsection (a) of this section, the reference to a “per diem” license is
8 substituted for the former reference to a “special 1–day” license to conform to
9 the terminology used throughout this article.

10 Also in subsection (a) of this section, the reference to a per diem license issued
11 “under Subtitle 13 of this title” is substituted for the former reference to a
12 license issued “pursuant to § 7–101 of this article” to reflect the reorganization
13 of material relating to per diem licenses in titles for each applicable
14 jurisdiction in this revision.

15 Also in subsection (a) of this section, the reference to delivery of beer on the
16 “effective date of the per diem license” is substituted for the former reference
17 to delivery on the “effective day of the license” for clarity.

18 Also in subsection (a) of this section, the former reference to accepting returns
19 on the same day “of delivery” is deleted as surplusage.

20 In subsection (b) of this section, the language that the “agreement entered into
21 under subsection (a) of this section shall include the type of equipment ... to
22 dispense draft beer” is substituted for the former language that the “parties
23 shall agree upon the type of equipment ... for the dispensing of draft beer” for
24 clarity.

25 Defined terms: “Beer” § 1–101

26 “Wholesaler’s license” § 1–101

27 **33–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

28 **(A) SALES TO CERTAIN RETAIL DEALERS.**

29 **(1) NOTWITHSTANDING § 2–314 OF THIS ARTICLE, A WHOLESALER**
30 **MAY SELL BEER ON CREDIT TO A RETAIL DEALER IF:**

31 **(I) THE RETAIL DEALER HAS BEEN DOING BUSINESS FOR AT**
32 **LEAST 2 YEARS; AND**

1 **(II) THE TERM OF CREDIT EXTENDED TO THE RETAIL DEALER**
2 **DOES NOT EXCEED 10 DAYS, WITH NO GRACE PERIOD.**

3 **(2) A WHOLESALER THAT EXTENDS CREDIT UNDER THIS SUBSECTION**
4 **MAY ESTABLISH DIFFERENT PRICES FOR CASH AND CREDIT TRANSACTIONS.**

5 **(B) RESTRICTIONS.**

6 **(1) (I) A WHOLESALER MAY NOT INTENTIONALLY DELIVER BEER**
7 **TO A RETAIL DEALER TO WHOM ANY WHOLESALER HAS EXTENDED CREDIT UNDER**
8 **THIS SECTION IF THE RETAIL DEALER:**

9 **1. FAILS TO PAY THE BALANCE OWED OR MAKES A**
10 **PAYMENT ON THE DEBT BY BAD CHECK; AND**

11 **2. IS CURRENTLY LISTED ON THE COUNTY BEER CREDIT**
12 **CONTROL LIST IN ACCORDANCE WITH REGULATIONS THAT THE COMPTROLLER**
13 **ISSUES.**

14 **(II) A WHOLESALER WHO VIOLATES THIS PARAGRAPH IS**
15 **SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR EACH DELIVERY.**

16 **(2) THE BOARD MAY NOT TRANSFER OR RENEW THE LICENSE OF A**
17 **RETAIL DEALER IF THE DEALER WAS EXTENDED CREDIT UNDER THIS SECTION AND**
18 **OWES A BALANCE ON THE DEBT AT THE TIME OF THE TRANSFER OR RENEWAL.**

19 **(3) A RETAIL DEALER THAT FAILS TO SATISFY A DEBT ON CREDIT**
20 **EXTENDED UNDER THIS SECTION ON THREE SEPARATE OCCASIONS WITHIN A**
21 **SINGLE CALENDAR YEAR MAY NOT OBTAIN BEER ON CREDIT FOR 2 YEARS AFTER THE**
22 **THIRD OCCURRENCE.**

23 **(4) (I) A RETAIL DEALER MAY REQUEST A HEARING WITH THE**
24 **COMPTROLLER WITHIN 10 DAYS AFTER BEING LISTED ON THE COUNTY BEER**
25 **CREDIT CONTROL LIST FOR FAILURE TO COMPLY WITH THIS SECTION.**

26 **(II) THE COMPTROLLER SHALL REMOVE IMMEDIATELY FROM**
27 **THE COUNTY BEER CREDIT CONTROL LIST A RETAIL DEALER WHO REQUESTS A**
28 **HEARING, PENDING THE DISPOSITION OF THE HEARING.**

29 **(C) CERTAIN ACTIONS PROHIBITED.**

30 **A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT**
31 **EXTENDED IN VIOLATION OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

1 **(D) ENFORCEMENT BY COMPTROLLER.**

2 **THE COMPTROLLER SHALL ENFORCE SUBSECTIONS (A) AND (B) OF THIS**
3 **SECTION AND SHALL ADOPT REGULATIONS TO CARRY OUT THOSE SUBSECTIONS.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 12-112(d) and (c)(2) through (9).

6 Former Art. 2B, § 12-112(c)(1), which provided that former Art. 2B, §
7 12-112(c) applied only in Worcester County, is deleted as unnecessary in light
8 of the organization of this revised article.

9 Defined terms: "Comptroller" § 1-101

10 "County" § 33-101

11 "License" § 1-101

12 "Retail dealer" § 1-101

13 "Wholesaler" § 1-101

14 **33-505. SALES OF WINE AND LIQUOR.**

15 **A LICENSE HOLDER IN THE COUNTY MAY ELECT TO PURCHASE WINE OR**
16 **LIQUOR FROM A LICENSED WHOLESALER UNDER § 33-305(C) OF THIS TITLE.**

17 REVISOR'S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 15-204(e)(3)(i), as it related to the granting of
19 authority to purchase wine and liquor from a wholesaler.

20 The reference to "§ 33-305(c) of this title" is added as a convenient
21 cross-reference indicating where provisions regarding the purchase of wine or
22 liquor from a licensed wholesaler are revised.

23 The former phrase "[b]eginning on July 1, 2014" is deleted as obsolete.

24 Defined terms: "County" § 33-101

25 "License holder" § 1-101

26 "Wholesaler" § 1-101

27 "Wine" § 1-101

28 **SUBTITLE 6. BEER LICENSES.**

29 **33-601. CLASS A BEER LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A CLASS A BEER LICENSE.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
3 **AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

4 **(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED**
5 **PACKAGE OR CONTAINER.**

6 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
7 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

8 **(C) FEES.**

9 **THE ANNUAL LICENSE FEES ARE:**

10 **(1) \$225 FOR A 6-DAY LICENSE; AND**

11 **(2) \$250 FOR A 7-DAY LICENSE.**

12 REVISOR'S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 3-101(a)(1) and (y)(2) and (3).

14 In subsection (a) of this section, the former reference to a license being "issued
15 by the license issuing authority of the county in which the place of business is
16 located" is deleted as surplusage.

17 In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted
18 as implicit in the word "sell".

19 Also in subsection (b)(1) of this section, the former phrase "in any quantity" is
20 deleted as surplusage.

21 In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for
22 the former reference to "deliver[ing]" for clarity and accuracy.

23 Former Art. 2B, § 3-101(y)(1), which stated that former Art. 2B, § 3-101(y)
24 applied in Worcester County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Former Art. 2B, § 3-101(y)(4), which cross-referenced the hours for sale for a
27 Class A beer license, is deleted as surplusage.

28 Defined terms: "Beer" § 1-101

29 "Consumer" § 1-101

1 "7-day license" § 1-101

2 "6-day license" § 1-101

3 **33-602. CLASS B BEER LICENSE.**

4 **(A) ESTABLISHED.**

5 **THERE IS A CLASS B BEER LICENSE.**

6 **(B) SCOPE OF AUTHORIZATION.**

7 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL**
8 **AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR**
9 **ON- AND OFF-PREMISES CONSUMPTION.**

10 **(C) FEES.**

11 **THE ANNUAL LICENSE FEES ARE:**

12 **(1) \$275 FOR A 6-DAY LICENSE: AND**

13 **(2) \$350 FOR A 7-DAY LICENSE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 3-201(a)(1) and (y)(2) through (4).

16 In subsection (a) of this section, the former reference to a license being "issued
17 by the license issuing authority of the county in which the place of business is
18 located" is deleted as surplusage.

19 In subsection (b) of this section, the reference to "on- and off-premises
20 consumption" is substituted for the former reference to "consumption on the
21 premises or elsewhere" for clarity.

22 Also in subsection (b) of this section, the former phrase "keep for sale" is
23 deleted as implicit in the word "sell".

24 In subsection (c)(2) of this section, the former references to the license fee
25 "apply[ing] countywide (exclusive of the tenth election district)" and "for the
26 tenth election district only" are deleted as unnecessary since the license fee is
27 for the same amount.

28 Former Art. 2B, § 3-201(y)(1), which stated that former Art. 2B, § 3-201(y)
29 applied in Worcester County, is deleted as unnecessary in light of the
30 organization of this revised article.

1 Former Art. 2B, § 3–201(y)(5), which cross–referenced the hours for sale for a
2 Class B beer license, is deleted as surplusage.

3 Defined terms: “Beer” § 1–101
4 “Hotel” § 1–101
5 “Restaurant” § 1–101
6 “7–day license” § 1–101
7 “6–day license” § 1–101

8 **33–603. CLASS C BEER LICENSE.**

9 (A) ESTABLISHED.

10 THERE IS A CLASS C BEER LICENSE.

11 (B) SCOPE OF AUTHORIZATION.

12 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL
13 TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE
14 LICENSE FOR ON–PREMISES CONSUMPTION.

15 (C) FEE.

16 THE ANNUAL LICENSE FEE IS \$150.

17 REVISOR’S NOTE: This section is new language derived without substantive
18 change from former Art. 2B, § 3–301(a)(1) and (y)(1).

19 In subsection (a) of this section, the former reference to a license being “issued
20 by the local licensing authority of the county in which the place of business is
21 located” is deleted as surplusage.

22 In subsection (b) of this section, the former phrase “keep for sale” is deleted as
23 implicit in the word “sell”.

24 Also in subsection (b) of this section, the former reference to “bona fide”
25 members is deleted as surplusage.

26 Former Art. 2B, § 3–301(y)(2), which cross–referenced the hours for sale for a
27 Class C beer license, is deleted as surplusage.

28 Defined terms: “Beer” § 1–101
29 “Club” § 1–101

1 **33-604. CLASS D BEER LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS D BEER LICENSE.

4 (B) SCOPE OF AUTHORIZATION.

5 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE
6 AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE
7 DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

8 (2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.

9 (C) FEES.

10 THE ANNUAL LICENSE FEES ARE:

11 (1) \$325 FOR A 6-DAY LICENSE; AND

12 (2) \$450 FOR A 7-DAY LICENSE.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 3-401(a)(1) and (y)(2) and (3).

15 In subsection (a) of this section, the former reference to a license being "issued
16 by the license issuing authority of the county in which the place of business is
17 located" is deleted as surplusage.

18 In subsection (b)(1) of this section, the reference to "on- and off-premises"
19 consumption is substituted for the former reference to consumption "on the
20 premises or elsewhere" for clarity.

21 Also in subsection (b)(1) of this section, the former phrase "keep for sale" is
22 deleted as implicit in the word "sell".

23 In subsection (c)(2) of this section, the former reference to the license fee
24 "apply[ing] countywide" is deleted as surplusage.

25 Former Art. 2B, § 3-401(y)(1), which stated that former Art. 2B, § 3-401(y)
26 applied in Worcester County, is deleted as unnecessary in light of the
27 organization of this revised article.

28 Former Art. 2B, § 3-401(y)(4), which cross-referenced the hours for sale for a
29 Class D beer license, is deleted as surplusage.

1 Defined terms: “Beer” § 1–101
2 “7–day license” § 1–101
3 “6–day license” § 1–101

4 **SUBTITLE 7. WINE LICENSES.**

5 **33–701. CLASS A WINE LICENSE.**

6 **(A) ESTABLISHED.**

7 **THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

8 **(B) AUTHORIZED HOLDER.**

9 **THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY**
10 **LICENSE.**

11 **(C) SCOPE OF AUTHORIZATION.**

12 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT**
13 **RETAIL WINE PRODUCED AT THE WINERY ON THE PREMISES DESCRIBED IN THE**
14 **LICENSE.**

15 **(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT**
16 **MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

17 **(D) FEE.**

18 **THE ANNUAL LICENSE FEE IS \$50.**

19 **REVISOR’S NOTE:** This section is new language derived without substantive
20 change from former Art. 2B, § 4–201(a)(21), (b)(1), (c)(1), and (d)(1).

21 Throughout this section, the references to “wine” are substituted for the
22 former references to “light wine” to reflect that license holders in the County
23 may sell wine with an alcohol content of 22%, which is above the traditional
24 maximum level of 15.5% for light wine.

25 In subsection (b) of this section, the reference to a “Class 4 limited winery
26 license” is substituted for the former reference to a “Class 4 manufacturer’s
27 license” to conform to the terminology used throughout this article.

1 Also in subsection (b) of this section, the former reference to a license being
2 issued “by the license issuing authority of the county in which the place of
3 business is located” is deleted as surplusage.

4 In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted
5 as implicit in the word “sell”.

6 Also in subsection (c)(1) of this section, the former phrase “in any quantity to
7 any consumer” is deleted as surplusage.

8 In subsection (c)(2) of this section, the reference to “sold” is substituted for the
9 former reference to “delivered” to conform to the terminology used throughout
10 this article.

11 Defined terms: “County” § 33–101
12 “Wine” § 1–101

13 **SUBTITLE 8. BEER AND WINE LICENSES.**

14 **33–801. CLASS A BEER AND WINE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS:**

17 **(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND**

18 **(2) A CLASS A BEER AND WINE 7–DAY LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER**
21 **AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

22 **(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A**
23 **SEALED PACKAGE OR CONTAINER.**

24 **(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS**
25 **CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS**
26 **SOLD.**

27 **(C) FEES.**

28 **THE ANNUAL LICENSE FEES ARE:**

1 **(1) \$250 FOR A 6-DAY LICENSE; AND**

2 **(2) \$300 FOR A 7-DAY LICENSE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 5-101(a)(1) and (y)(2) and (3).

5 In this section and throughout this subtitle, the references to "wine" are
6 substituted for the former references to "light wine" to reflect that license
7 holders in the County may sell wine with an alcohol content of 22%, which is
8 above the traditional maximum level of 15.5% for light wine.

9 Subsection (a) of this section is revised in standard language used throughout
10 this article to establish a license.

11 In subsection (a) of this section and throughout this subtitle, the former
12 references to the license being "issued by the license issuing authority of the
13 county in which the place of business is located" are deleted as surplusage.

14 In subsections (a)(2) and (c)(2) of this section, the former references to a 7-day
15 license "applied countywide" are deleted as surplusage.

16 In subsection (b)(1) of this section and throughout this subtitle, the former
17 references to "keep[ing] for sale" are deleted as implicit in the references to
18 "sell[ing]".

19 In subsection (b)(1) of this section, the former reference to selling beer and
20 wine "in any quantity to any consumers" is deleted as surplusage.

21 In subsection (b)(2) of this section, the word "sell" is substituted for the former
22 word "deliver" to conform to the terminology used throughout this article.

23 Former Art. 2B, § 5-101(y)(1), which stated that former Art. 2B, § 5-101(y)
24 applied only in Worcester County, is deleted as unnecessary in light of the
25 organization of this revised article.

26 Defined terms: "Beer" § 1-101
27 "Wine" § 1-101

28 **33-802. CLASS B BEER AND WINE LICENSE.**

29 **(A) ESTABLISHED.**

30 **THERE IS:**

31 **(1) A CLASS B BEER AND WINE 6-DAY LICENSE; AND**

1 **(2) A CLASS B BEER AND WINE 7-DAY LICENSE.**

2 **(B) SCOPE OF AUTHORIZATION.**

3 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT**
 4 **A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
 5 **FOR ON- AND OFF-PREMISES CONSUMPTION.**

6 **(C) FEES.**

7 **THE ANNUAL LICENSE FEES ARE:**

8 **(1) \$300 FOR A 6-DAY LICENSE; AND**

9 **(2) \$400 FOR A 7-DAY LICENSE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 5-201(a)(1) and (y)(2) through (4).

12 Subsection (a) of this section is revised in standard language used throughout
 13 this article to establish a license.

14 In subsection (b) of this section, the reference to "on- and off-premises
 15 consumption" is substituted for the former reference to "consumption on the
 16 premises or elsewhere" for clarity.

17 In subsection (c)(2) of this section, the former reference to a 7-day license
 18 "applied countywide (exclusive of tenth election district)" is deleted as
 19 surplusage. Similarly, in subsection (c)(4) of this section, the former reference
 20 to a license fee in the "tenth election district only" is deleted.

21 Former Art. 2B, § 5-201(y)(1), which stated that former Art. 2B, § 5-201(y)
 22 applied only in Worcester County, is deleted as unnecessary in light of the
 23 organization of this revised article.

24 Defined terms: "Beer" § 1-101

25 "Hotel" § 1-101

26 "Restaurant" § 1-101

27 "7-day license" § 1-101

28 "6-day license" § 1-101

29 "Wine" § 1-101

30 **33-803. CLASS C BEER AND WINE LICENSE.**

1 **(A) ESTABLISHED.**

2 **THERE IS A CLASS C BEER AND WINE LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO**
 5 **A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE**
 6 **DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

7 **(C) FEE.**

8 **THE ANNUAL LICENSE FEE IS \$200.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 5-301(a)(1) and (y)(1).

11 Subsection (a) of this section is revised in standard language used throughout
 12 this article to establish a license.

13 In subsection (b) of this section, the former reference to consumption "only" on
 14 the premises is deleted as surplusage.

15 Also in subsection (b) of this section, the former reference to a "bona fide"
 16 member is deleted as surplusage.

17 Former Art. 2B, § 5-301(y)(2), which stated that the hours for sale of a beer
 18 and wine license shall be as provided in former Art. 2B, § 11-524, is deleted
 19 as unnecessary in light of the organization of this revised article.

20 Defined terms: "Beer" § 1-101

21 "Club" § 1-101

22 "Wine" § 1-101

23 **33-804. CLASS D BEER AND WINE LICENSE.**

24 **(A) ESTABLISHED.**

25 **THERE IS:**

26 **(1) A CLASS D BEER AND WINE 6-DAY LICENSE; AND**

27 **(2) A CLASS D BEER AND WINE 7-DAY LICENSE.**

28 **(B) SCOPE OF AUTHORIZATION.**

1 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE,**
 2 **AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND**
 3 **OFF-PREMISES CONSUMPTION.**

4 **(C) DRUGSTORE PROHIBITION.**

5 **THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

6 **(D) FEES.**

7 **THE ANNUAL LICENSE FEES ARE:**

8 **(1) \$350 FOR A 6-DAY LICENSE; AND**

9 **(2) \$500 FOR A 7-DAY LICENSE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
 11 change from former Art. 2B, § 5-401(a)(1) and (y)(2) and (3).

12 Subsection (a) of this section is revised in standard language used throughout
 13 this article to establish a license.

14 In subsection (b) of this section, the reference to "on- and off-premises
 15 consumption" is substituted for the former reference to "consumption on the
 16 premises or elsewhere" for clarity.

17 In subsection (d)(2) of this section, the former reference to a 7-day license
 18 "applied countywide" is deleted as surplusage.

19 Former Art. 2B, § 5-401(y)(1), which stated that former Art. 2B, § 5-401(y)
 20 applied only in Worcester County, is deleted as unnecessary in light of the
 21 organization of this revised article.

22 Former Art. 2B, § 5-401(y)(4), which stated that the hours for sale of a beer
 23 and wine license shall be as provided in former Art. 2B, § 11-524, is deleted
 24 as unnecessary in light of the organization of this revised article.

25 Defined terms: "Beer" § 1-101

26 "7-day license" § 1-101

27 "6-day license" § 1-101

28 "Wine" § 1-101

29 **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

1 **33-901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

2 **A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE**
3 **COUNTY.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 6-101(y).

6 Defined terms: "Beer" § 1-101
7 "County" § 33-101
8 "Wine" § 1-101

9 **33-902. CLASS B BEER, WINE, AND LIQUOR LICENSES.**

10 **(A) ESTABLISHED.**

11 **THERE ARE:**

12 **(1) A CLASS B BEER, WINE, AND LIQUOR 6-DAY LICENSE; AND**

13 **(2) A CLASS B BEER, WINE, AND LIQUOR 7-DAY LICENSE.**

14 **(B) AUTHORIZED HOLDER.**

15 **(1) THE BOARD MAY ISSUE A 6-DAY LICENSE FOR USE IN:**

16 **(I) A HOTEL THAT HAS AT LEAST 20 ROOMS AND SERVES MEALS**
17 **REGULARLY; OR**

18 **(II) A RESTAURANT THAT HAS SEATING AT TABLES FOR AT**
19 **LEAST 70 INDIVIDUALS.**

20 **(2) THE BOARD MAY ISSUE A 7-DAY LICENSE FOR USE IN:**

21 **(I) A HOTEL THAT:**

22 **1. HAS AT LEAST 20 ROOMS AND SERVES MEALS**
23 **REGULARLY;**

24 **2. PROVIDES SERVICES ORDINARILY FOUND IN HOTELS;**

25 **3. HAS A LOBBY WITH A REGISTRATION AND MAIL DESK**
26 **AND SEATING FACILITIES; AND**

1 4. HAS AN ENCLOSED DINING AREA THAT SERVES
2 FULL-COURSE MEALS FROM MENUS AT LEAST TWO TIMES A DAY; OR

3 (II) A RESTAURANT THAT HAS:

4 1. A SEATING CAPACITY AT TABLES FOR AT LEAST 70
5 INDIVIDUALS;

6 2. AN ENCLOSED DINING AREA THAT SERVES
7 FULL-COURSE MEALS FROM MENUS AT LEAST TWO TIMES A DAY; AND

8 3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD
9 THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC
10 BEVERAGES DURING THE LICENSE TERM.

11 (3) THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN A HOTEL OR
12 RESTAURANT UNLESS THE HOTEL OR RESTAURANT IS:

13 (I) OPERATED IN A CLEAN AND SANITARY MANNER; AND

14 (II) HAS PROPER RESTROOM FACILITIES.

15 (4) BEFORE A LICENSE UNDER THIS SECTION MAY BE ISSUED FOR A
16 PREMISES IN A MUNICIPALITY, THE LICENSE APPLICATION:

17 (I) SHALL BE APPROVED BY THE BOARD; AND

18 (II) MAY BE SUBJECT TO APPROVAL BY THE MAYOR AND TOWN
19 COUNCIL OF THE MUNICIPALITY.

20 (C) SCOPE OF AUTHORIZATION.

21 A 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,
22 AND LIQUOR, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND
23 OFF-PREMISES CONSUMPTION.

24 (D) FEES.

25 (1) THE ANNUAL LICENSE FEES ARE:

26 (I) \$1,750 FOR A 6-DAY LICENSE; AND

27 (II) \$2,000 FOR A 7-DAY LICENSE.

1 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ALL**
2 **LICENSE FEES SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.**

3 **(II) IF THE LICENSED PREMISES IS LOCATED IN A**
4 **MUNICIPALITY, 75% OF THE LICENSE FEES SHALL BE DISTRIBUTED TO THE**
5 **MUNICIPALITY.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 6-201(y)(2) through (6).

8 Subsection (a) of this section is revised in standard language used throughout
9 this article to establish a license.

10 Subsection (b)(1) and (2) of this section is revised to state the authority of the
11 Board of License Commissioners of Worcester County to issue 6-day and
12 7-day beer, wine, and liquor licenses for use in hotels and restaurants that
13 meet certain requirements, rather than as definitions of those terms as they
14 relate to the license holders, for clarity and consistency within this title.

15 In subsection (b)(1)(i) of this section, the former reference to a "[b]ona fide"
16 hotel is deleted as surplusage.

17 In subsection (b)(1)(ii) of this section, the reference to "individuals" is
18 substituted for the former reference to "people" because this subsection
19 applies only to human beings.

20 Also in subsection (b)(1)(ii) of this section, the former reference to a seating
21 "capacity" is deleted as surplusage.

22 In subsection (b)(2)(i) of this section, the former reference to requirements for
23 6-day license holders "which are incorporated by reference" is deleted as
24 unnecessary since subsection (b)(2)(i)1 and (ii)1 of this section expressly state
25 that a hotel and restaurant must meet those requirements.

26 Also in subsection (b)(2)(i) of this section, the former reference to
27 "[e]stablishments for the accommodation of the public" is deleted as
28 unnecessary in light of the reference to a "hotel".

29 In subsection (b)(2)(ii) of this section, the former reference to
30 "[e]stablishments" is deleted as unnecessary in light of the reference to a
31 "restaurant".

32 Subsection (b)(3) of this section is revised in the active voice to clarify that it
33 is the Board of License Commissioners of Worcester County that is prohibited
34 from issuing a license unless certain conditions are met.

1 In subsection (b)(4)(i) of this section, the defined term “Board” is substituted
2 for the former reference to the “licensing authority” for clarity.

3 In subsection (c) of this section, the phrase “at retail, at the place described in
4 the license” is added to conform to the terminology used throughout this
5 article.

6 Former Art. 2B, § 6–201(a)(3)(ii), which stated that the annual fee for any
7 Class B beer, wine, and liquor license is \$2,000, is deleted as obsolete, as today
8 the license fee for a Class B beer, wine, and liquor license varies from
9 jurisdiction to jurisdiction. Consequently, the fee for each Class B beer, wine,
10 and liquor license is stated in the section that establishes the license.

11 Former Art. 2B, § 6–201(y)(1), which stated that former Art. 2B, § 6–201(y)
12 applied only in Worcester County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Former Art. 2B, § 6–201(y)(8), which stated that the hours of sale for the
15 license “are as provided in [former Art. 2B] § 11–524”, is deleted as
16 unnecessary in light of the organization of this revised article.

17 The Alcoholic Beverages Article Review Committee notes, for consideration by
18 the General Assembly, that in subsection (c) of this section: (1) the former law
19 does not state what on–sale and off–sale privileges a 6–day license has; and
20 (2) the practice in the County seems to be at variance with this provision.
21 According to the Board Administrator, both licenses are issued with on–sale
22 privileges, and the Board may authorize sales for off–premises consumption
23 on a license–by–license basis.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “Beer” § 1–101

26 “Board” § 33–101

27 “County” § 33–101

28 “Hotel” § 1–101

29 “Restaurant” § 1–101

30 “7–day license” § 1–101

31 “6–day license” § 1–101

32 “Wine” § 1–101

33 **33–903. CLASS C BEER, WINE, AND LIQUOR LICENSES.**

34 **(A) ESTABLISHED.**

35 **THERE ARE:**

1 **(1) A CLASS C (FISHING CLUB) BEER, WINE, AND LIQUOR LICENSE;**

2 **(2) A CLASS C (FRATERNAL/SORORAL/SERVICE ORGANIZATION)**
3 **BEER, WINE, AND LIQUOR LICENSE;**

4 **(3) A CLASS C (GOLF, TENNIS, OR SWIMMING CLUB) BEER, WINE, AND**
5 **LIQUOR LICENSE; AND**

6 **(4) A CLASS C (VETERANS' ORGANIZATION OR CLUB) BEER, WINE,**
7 **AND LIQUOR LICENSE.**

8 **(B) SCOPE OF SECTION.**

9 **(1) THIS SECTION DOES NOT APPLY TO A "BRING YOUR OWN BOTTLE"**
10 **SOCIAL FUNCTION AT WHICH ALCOHOLIC BEVERAGES ARE PROVIDED ONLY BY THE**
11 **PARTICIPANTS OR GUESTS.**

12 **(2) IF SUCH A SOCIAL FUNCTION IS HELD IN A FACILITY OPEN TO THE**
13 **PUBLIC, THE FUNCTION SHALL BE HELD DURING THE HOURS OF OPERATION**
14 **ALLOWED UNDER A CLASS C LICENSE.**

15 **(C) AUTHORIZED HOLDER.**

16 **(1) THE BOARD MAY ISSUE THE FISHING CLUB LICENSE FOR USE BY**
17 **A CLUB THAT:**

18 **(I) IS ORGANIZED TO PROMOTE THE SPORT OF FISHING;**

19 **(II) OWNS ITS OWN BUILDING;**

20 **(III) HAS BEEN IN EXISTENCE FOR AT LEAST 5 YEARS BEFORE**
21 **THE APPLICATION FOR THE LICENSE IS MADE;**

22 **(IV) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$25**
23 **PER YEAR PER ADULT MEMBER;**

24 **(V) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND**
25 **GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

26 **(VI) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS**
27 **MEMBERS AND GUESTS.**

1 **(2) THE BOARD MAY ISSUE THE FRATERNAL/SORORAL/SERVICE**
2 **ORGANIZATION LICENSE FOR USE BY A LODGE OR CHAPTER OF A NATIONWIDE**
3 **NONPROFIT FRATERNAL, SORORAL, OR SERVICE ORGANIZATION THAT:**

4 **(I) IS COMPOSED OF INDUCTED MEMBERS;**

5 **(II) WAS OPERATING IN THE COUNTY FOR AT LEAST 5 YEARS**
6 **BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

7 **(III) HAS AT LEAST 40 MEMBERS PAYING DUES OF AT LEAST \$5**
8 **PER YEAR PER MEMBER; AND**

9 **(IV) OWNS OR OPERATES A HOME OR CLUBHOUSE PRINCIPALLY**
10 **USED FOR MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

11 **(3) THE BOARD MAY ISSUE THE GOLF, TENNIS, OR SWIMMING CLUB**
12 **LICENSE FOR USE BY A COUNTRY CLUB, NOT INCLUDING A MINIATURE GOLF**
13 **COURSE, THAT:**

14 **(I) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR BEFORE**
15 **THE APPLICATION FOR THE LICENSE WAS MADE;**

16 **(II) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$10**
17 **PER YEAR PER ADULT MEMBER;**

18 **(III) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON**
19 **THE PREMISES TO MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

20 **(IV) OWNS OR OPERATES ON THE PREMISES A CLUBHOUSE**
21 **PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS.**

22 **(4) THE BOARD MAY ISSUE THE VETERANS' ORGANIZATION OR CLUB**
23 **LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION**
24 **OR CLUB THAT:**

25 **(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE**
26 **ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES**
27 **HAS BEEN ENGAGED;**

28 **(II) HAS HELD A CHARTER FROM A NATIONAL VETERANS'**
29 **ORGANIZATION FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE**
30 **IS MADE;**

1 (III) HAS AT LEAST 15 MEMBERS PAYING DUES OF AT LEAST \$5
2 PER YEAR PER MEMBER;

3 (IV) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND
4 GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

5 (V) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS
6 MEMBERS AND GUESTS.

7 (D) SCOPE OF AUTHORIZATION.

8 THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND
9 LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES
10 CONSUMPTION.

11 (E) QUALIFICATIONS FOR 7-DAY LICENSE.

12 TO QUALIFY FOR A 7-DAY LICENSE, A CLUB SHALL:

13 (1) HAVE AN ENCLOSED DINING AREA THAT HAS A SEATING CAPACITY
14 FOR AT LEAST 60 INDIVIDUALS; AND

15 (2) SERVE FULL-COURSE MEALS FROM MENUS AT LEAST TWICE
16 DAILY.

17 (F) CLASS C LICENSE PRIVILEGES.

18 A CLUB OR ORGANIZATION THAT IS ISSUED A CLASS C LICENSE MAY:

19 (1) SERVE, SELL, PROVIDE, OR DISPENSE ALCOHOLIC BEVERAGES TO
20 ITS MEMBERS OR GUESTS;

21 (2) KEEP ALCOHOLIC BEVERAGES FOR ITS MEMBERS OR GUESTS;

22 (3) ALLOW ON-PREMISES CONSUMPTION BY ITS MEMBERS OR
23 GUESTS OF ANY ALCOHOLIC BEVERAGES THAT HAVE BEEN RESERVED OR
24 PURCHASED FROM THE CLUB BY ITS MEMBERS OR GUESTS;

25 (4) FROM THE SUPPLIES THAT ITS MEMBERS OR GUESTS HAVE
26 PREVIOUSLY PURCHASED OR RESERVED, SERVE OR PROVIDE ALCOHOLIC
27 BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED BY MEMBERS OR
28 GUESTS AFTER LEGAL CLOSING HOURS; OR

1 **(5) SELL, DISPENSE, SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY**
2 **SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO ITS**
3 **MEMBERS OR GUESTS.**

4 **(G) FEES.**

5 **THE ANNUAL LICENSE FEES:**

6 **(1) FOR A 6-DAY LICENSE IS \$500; AND**

7 **(2) FOR A 7-DAY LICENSE IS \$750.**

8 REVISOR'S NOTE: This section is new language derived without substantive
9 change from former Art. 2B, § 6-301(a)(1) and (y)(2) through (6), (10) through
10 (12), and (9)(i).

11 In subsection (a)(2) of this section, the reference to a "fraternal/sororal/service
12 organization" is added for clarity. Similarly, in subsection (a)(4) of this section,
13 the reference to a veterans' "organization or club" is added.

14 In subsection (c)(1) of this section, the phrase "its members" is substituted for
15 the former phrase "no other purpose" for clarity.

16 In subsection (c)(1)(iv), (2)(iii), (3)(ii), and (4)(iii) of this section, the former
17 references to "bona fide" members are deleted as surplusage. Similarly, in
18 subsection (c)(2) and (4) of this section, the former references to "bona fide"
19 nonprofit organizations are deleted as surplusage.

20 In subsection (c)(1)(vi), (3)(iv), and (4)(v) of this section, the phrase "for its
21 members and guests" is substituted for the former phrase "for no other
22 purpose" for clarity.

23 In subsection (c)(1)(vi) and (3)(iv) of this section, the former phrase "and not
24 directly or indirectly owned or operated as a public business" is deleted as
25 implicit in the defined term "club".

26 In the introductory language of subsection (c)(2) of this section, the reference
27 to a "sororal" organization is added for clarity and consistency.

28 In subsection (c)(2)(i) of this section, the reference to "inducted" members is
29 substituted for the former reference to members "duly elected and initiated in
30 accordance with the rites and customs of the fraternal or service organization"
31 for brevity.

32 In subsection (c)(2)(ii) of this section, the former phrase "in existence" is
33 deleted as implicit in the reference to "operating".

1 In subsection (c)(2)(iv) of this section, the former requirement that the
2 organization “not [be] directly or indirectly owned or operated as a public
3 business” is deleted as unnecessary because the organization is nonprofit.

4 In the introductory language of subsection (c)(3) of this section, the former
5 reference to a country club “operating in Worcester County” is deleted as
6 surplusage.

7 In subsection (d) of this section, the reference to “beer, wine, and liquor” is
8 substituted for the former reference to “all alcoholic beverages” for clarity.

9 Also in subsection (d) of this section, the former reference to “keep[ing] for
10 sale” is deleted as implicit in the reference to “sell[ing]”.

11 Also in subsection (d) of this section, the former reference to selling “at retail”
12 is deleted as unnecessary in light of the phrase “for on-premises
13 consumption”.

14 Also in subsection (d) of this section, the former reference to consumption
15 “only” on the licensed premises is deleted as surplusage.

16 In the introductory language of subsection (e)(1) of this section, the former
17 reference to clubs “defined in this subsection” is deleted as surplusage.

18 In subsection (e)(1) of this section, the reference to “individuals” is substituted
19 for the former reference to “persons” because this provision applies only to
20 human beings.

21 In the introductory language of subsection (f) of this section, the reference to
22 a club or organization being “issued” a license is substituted for the former
23 reference to a club or organization “which qualifies for and is granted” a
24 license for clarity.

25 In subsection (f)(4) of this section, the references to “members or guests” are
26 substituted for the former references to “patrons” for consistency within this
27 subsection.

28 Former Art. 2B, § 6–301(y)(1), which stated that former Art. 2B, § 6–301(y)
29 applied only in Worcester County, is deleted as unnecessary in light of the
30 organization of this revised article.

31 Former Art. 2B, § 6–301(y)(7), which stated that on payment of the license fee,
32 any applicant may obtain the license from the Board, is deleted as redundant
33 of § 4–111 of this article.

1 Former Art. 2B, § 6–301(y)(9)(ii), which stated that the fee for a 7–day license
 2 is \$300, is deleted as obsolete. Former Art. 2B, § 6–301(y)(9)(ii) was enacted
 3 by Chapter 172 of the Acts of the General Assembly of 1971, while former Art.
 4 2B, § 6–301(y)(2)(ii), which provides for a \$750 fee, was enacted by Chapter
 5 726 of the Acts of the General Assembly of 1997. The fee provided in former
 6 Art. 2B, § 6–301(y)(2)(ii) is retained in this revision since it is the later
 7 enactment.

8 Defined terms: “Alcoholic beverage” § 1–101
 9 “Beer” § 1–101
 10 “Board” § 33–101
 11 “Club” § 1–101
 12 “County” § 33–101
 13 “Wine” § 1–101

14 **33–904. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

15 (A) ESTABLISHED.

16 THERE ARE:

17 (1) A 6–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE; AND

18 (2) A 7–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE.

19 (B) AUTHORIZED HOLDER.

20 THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION ONLY FOR PREMISES
 21 WITHIN:

22 (1) THE CORPORATE LIMITS OF OCEAN CITY;

23 (2) THE BOUNDARY LINES OF THE 10TH TAXING DISTRICT;

24 (3) THE AREA BOUNDED BY U.S. ROUTE 50 TO THE SOUTH, TURVILLE
 25 CREEK AND HERRING CREEK TO THE EAST, ST. MARTIN RIVER TO THE NORTH, AND
 26 MARYLAND ROUTE 589 TO THE WEST;

27 (4) THE AREA BOUNDED BY MARYLAND ROUTE 589 TO THE NORTH
 28 AND EAST, U.S. ROUTE 50 TO THE SOUTH, AND U.S. ROUTE 113 TO THE WEST;

29 (5) FROM THE INTERSECTION OF MARYLAND ROUTE 589 AND U.S.
 30 ROUTE 50, AN AREA BOUNDED BY A LINE THAT EXTENDS 1,500 FEET SOUTH OF U.S.
 31 ROUTE 50, EAST TO THE BOUNDARY OF THE 10TH TAXING DISTRICT, NORTH ALONG

1 THE 10TH TAXING DISTRICT BOUNDARY TO U.S. ROUTE 50, AND WEST TO THE
2 INTERSECTION OF MARYLAND ROUTE 589 AND U.S. ROUTE 50;

3 (6) THE CORPORATE LIMITS OF THE TOWN OF BERLIN; AND

4 (7) THE CORPORATE LIMITS OF THE TOWN OF SNOW HILL.

5 (C) SCOPE OF AUTHORIZATION.

6 THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,
7 AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR
8 ON-PREMISES CONSUMPTION AND BEER AND WINE FOR OFF-PREMISES
9 CONSUMPTION.

10 (D) FEES.

11 THE ANNUAL LICENSE FEES, SET BY THE COUNTY COMMISSIONERS, MAY NOT
12 BE LESS THAN:

13 (1) \$3,000 FOR A 6-DAY LICENSE; AND

14 (2) \$3,500 FOR A 7-DAY LICENSE.

15 REVISOR'S NOTE: This section is new language derived without substantive
16 change from former Art. 2B, § 6-401(y)(2)(i) through (iv).

17 Subsection (a) of this section is revised in standard language used throughout
18 this article to establish a license.

19 In the introductory language of subsection (b)(1) of this section, the reference
20 to "a license under this section" is substituted for the former reference to "[a]
21 Class D beer, wine and liquor license" to clarify that this subsection applies to
22 a 6-day license and to a 7-day license.

23 In subsection (c) of this section, the phrase "at retail, at the place described in
24 the license" is added to conform to the terminology used throughout this
25 article.

26 Also in subsection (c) of this section, the reference to "wine" is substituted for
27 the former reference to "light wine" to reflect that license holders in the
28 County may sell wine for off-premises consumption with an alcohol content
29 of 22%, which is above the traditional maximum level of 15.5% for light wine.

1 Former Art. 2B, § 6–401(y)(2)(vii), which stated that the hours for sale for the
 2 license “are as provided in § 11–524 of [Art. 2B]” is deleted as unnecessary in
 3 light of the organization of this revised article.

4 The Alcoholic Beverages Article Review Committee notes, for the
 5 consideration of the General Assembly that in subsection (c) of this section:
 6 (1) the former law does not state what on–sale and off–sale privileges that a
 7 6–day license has; and (2) the practice in the County seems to be at variance
 8 with this provision. According to the Board administrator, both licenses are
 9 issued with on–sale privileges, and the Board may allow the sale of beer, wine,
 10 and liquor for off–premises consumption on a license–by–license basis.

11 Defined terms: “Beer” § 1–101

12 “County” § 33–101

13 “7–day license” § 1–101

14 “6–day license” § 1–101

15 “Wine” § 1–101

16 **33–905. CLASS H BEER, WINE, AND LIQUOR LICENSES.**

17 **(A) ESTABLISHED.**

18 **THERE ARE:**

19 **(1) A 6–DAY CLASS H BEER, WINE, AND LIQUOR LICENSE; AND**

20 **(2) A 7–DAY CLASS H BEER, WINE, AND LIQUOR LICENSE.**

21 **(B) AUTHORIZED HOLDER.**

22 **THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION FOR A HOTEL OR**
 23 **RESTAURANT.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL**
 26 **BEER, WINE, AND LIQUOR AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE,**
 27 **FOR ON–PREMISES CONSUMPTION.**

28 **(D) FEES.**

29 **THE ANNUAL LICENSE FEES ARE:**

30 **(1) \$1,700 FOR A 6–DAY LICENSE; AND**

1 **(2) \$2,400 FOR A 7-DAY LICENSE.**

2 REVISOR'S NOTE: This section is new language derived without substantive
3 change from former Art. 2B, § 6-203(c) and (b)(1).

4 Subsection (a) of this section is revised in standard language used throughout
5 this article to establish a license.

6 Former Art. 2B, § 6-203(a), which stated that former Art. 2B, § 6-203 applied
7 only in Worcester County, is deleted as unnecessary in light of the
8 organization of this revised article.

9 Former Art. 2B, § 6-203(b)(2), which stated that the annual fee shall be paid
10 to the local collecting agent before a license is issued, for distribution as
11 provided in this article, is deleted as unnecessary in light of § 4-111 of this
12 article.

13 Defined terms: "Beer" § 1-101
14 "Board" § 33-101
15 "Wine" § 1-101

16 **33-906. CLASS I BEER, WINE, AND LIQUOR LICENSE.**

17 **(A) ESTABLISHED.**

18 **THERE IS A CLASS I BEER, WINE, AND LIQUOR LICENSE.**

19 **(B) SCOPE OF AUTHORIZATION.**

20 **(1) THE BOARD MAY ONLY ISSUE THE LICENSE FOR A PREMISES**
21 **WITHIN:**

22 **(I) THE CORPORATE LIMITS OF OCEAN CITY;**

23 **(II) THE BOUNDARY LINES OF THE 10TH ELECTION DISTRICT;**

24 **(III) THE BOUNDARY LINES OF THE 2ND PRECINCT OF THE 3RD**
25 **ELECTION DISTRICT; OR**

26 **(IV) THE AREA BOUNDED BY MARYLAND ROUTE 589 TO THE**
27 **NORTH AND EAST, U.S. ROUTE 50 TO THE SOUTH, AND U.S. ROUTE 113 TO THE**
28 **WEST, ALL OF WHICH LIE WITHIN THE 1ST PRECINCT OF THE 3RD ELECTION**
29 **DISTRICT.**

1 **(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
2 **WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR**
3 **ON-PREMISES CONSUMPTION.**

4 **(C) PURCHASE OF ALCOHOLIC BEVERAGES.**

5 **(1) A LICENSE HOLDER MAY PURCHASE:**

6 **(I) WINE AND LIQUOR FROM:**

7 **1. THE DEPARTMENT OF LIQUOR CONTROL FOR THE**
8 **COUNTY; OR**

9 **2. A LICENSED WHOLESALER; AND**

10 **(II) BEER FROM A LICENSED WHOLESALER.**

11 **(2) THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY**
12 **SHALL CHARGE A LICENSE HOLDER THE LESSER OF THE FOLLOWING PRICES SET BY**
13 **THE DEPARTMENT:**

14 **(I) 85% OF THE RETAIL PRICE OF THE WINE OR LIQUOR; AND**

15 **(II) THE SPECIAL SALE PRICE OR DISCOUNT PRICE.**

16 **(D) HOURS AND DAYS OF SALE.**

17 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
18 **HOURS AND DAYS AS SET OUT FOR A CLASS I BEER, WINE, AND LIQUOR LICENSE**
19 **UNDER § 33-2005(E) OF THIS TITLE.**

20 **(E) FEES.**

21 **(1) THE LICENSE FEES, SET BY THE COUNTY COMMISSIONERS, MAY**
22 **NOT BE LESS THAN:**

23 **(I) \$2,500 FOR A 6-DAY LICENSE; AND**

24 **(II) \$3,000 FOR A 7-DAY LICENSE.**

25 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
26 **LICENSE FEES SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.**

1 **(II) IF THE LICENSED PREMISES ARE IN A MUNICIPALITY, 75%**
 2 **OF THE FEES SHALL BE DISTRIBUTED TO THE MUNICIPALITY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 8-224(b) through (h).

5 In subsection (b)(2) of this section, the phrase "at retail, at the place described
 6 in the license" is added to conform to the terminology used throughout this
 7 article.

8 In subsection (c) of this section, the former introductory language, "[e]xcept as
 9 provided in subparagraph (ii) of this paragraph", and the former requirement
 10 to purchase all wines and liquors "except light wine and beer" from the
 11 Department of Liquor Control of Worcester County, are deleted as
 12 unnecessary since former subparagraph (ii) authorized a license holder,
 13 effective July 1, 2014, to purchase wine and liquor from either the Department
 14 of Liquor Control or a licensed wholesaler. Correspondingly, the former
 15 phrase "[b]eginning on July 1, 2014" is deleted as obsolete.

16 Former Art. 2B, § 8-224(a), which stated that former Art. 2B, § 8-224 applied
 17 only in Worcester County, is deleted as unnecessary in light of the
 18 organization of this revised article.

19 Defined terms: "Alcoholic beverage" § 1-101

20 "Beer" § 1-101

21 "Board" § 33-101

22 "County" § 33-101

23 "Department" § 33-101

24 "7-day license" § 1-101

25 "6-day license" § 1-101

26 "Wholesaler" § 1-101

27 "Wine" § 1-101

28 **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

29 **33-1001. ENTERTAINMENT FACILITY LICENSE.**

30 **(A) ESTABLISHED.**

31 **THERE IS A CLASS EF (ENTERTAINMENT FACILITY) BEER, WINE, AND LIQUOR**
 32 **LICENSE.**

33 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT THAT HAS A CAPITAL**
2 **INVESTMENT IN THE FACILITY FOR WHICH THE LICENSE IS SOUGHT OF AT LEAST**
3 **\$45,000,000.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
6 **WINE, AND LIQUOR:**

7 **(I) BY THE DRINK AND BOTTLE;**

8 **(II) FROM ONE OR MORE OUTLETS IN THE ENTERTAINMENT**
9 **FACILITY; AND**

10 **(III) FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT**
11 **FACILITY.**

12 **(2) THE LICENSE AUTHORIZES THE PLAYING OF MUSIC AND DANCING.**

13 **(3) THE BOARD MAY ISSUE ONE OR MORE LICENSES FOR THE SAME**
14 **FACILITY.**

15 **(D) HOURS AND DAYS OF SALE.**

16 **THE LICENSE HOLDER MAY SELL AND SERVE BEER, WINE, AND LIQUOR ON**
17 **EACH DAY THAT THE ENTERTAINMENT FACILITY IS OPEN FOR BUSINESS, FROM 9**
18 **A.M. TO 4 A.M. THE FOLLOWING DAY.**

19 **(E) FEE.**

20 **THE ANNUAL LICENSE FEE IS \$15,000.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 6–201(y)(9)(i), (ii), and (iv) through (viii).

23 In subsection (b) of this section, the former phrase “[n]otwithstanding §
24 8–208(b) of this article” is deleted as inaccurate because former § 8–208(b)
25 applies only in Cecil County and unnecessary in light of the organization of
26 this revised article.

27 In subsection (d) of this section, the reference to the authority of the “license
28 holder” to “sell and serve” beer, wine, and liquor is substituted for the former
29 reference to “Class EF license authorizes the sale and serving of” beer, wine,

1 and liquor for clarity and consistency with similar provisions on the hours and
2 days of sale in this article.

3 Also in subsection (d) of this section, the former reference to selling alcoholic
4 beverages “anywhere throughout the entertainment facility” is deleted as
5 redundant of subsection (c)(1) of this section.

6 Former Art. 2B, § 6–201(y)(9)(iii), which provided a prohibition against selling
7 alcoholic beverages for off–sale consumption, is deleted as included in
8 subsection (c)(1)(iii) of this subsection, which states that the license authorizes
9 the license holder to sell beer, wine, and liquor “for consumption anywhere in
10 the entertainment facility”.

11 Defined terms: “Beer” § 1–101

12 “Board” § 33–101

13 “Wine” § 1–101

14 **33–1002. GOLF COURSE LICENSE.**

15 **(A) ESTABLISHED.**

16 **THERE IS A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

17 **(B) AUTHORIZED HOLDER.**

18 **THE BOARD MAY ISSUE THE LICENSE FOR USE BY A GOLF COURSE OR**
19 **ORGANIZATION THAT:**

20 **(1) IS OPEN TO THE PUBLIC;**

21 **(2) IS OPERATED FOR PROFIT;**

22 **(3) OWNS REAL ESTATE IN THE COUNTY; AND**

23 **(4) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

24 **(C) SCOPE OF AUTHORIZATION.**

25 **(1) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR**
26 **CONSUMPTION ON THE LAND AND IN THE BUILDINGS THAT ARE PART OF THE GOLF**
27 **COURSE.**

28 **(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

29 **(D) HOURS AND DAYS OF SALE.**

1 **THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
 2 **HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE**
 3 **UNDER § 33–2005 OF THIS TITLE.**

4 **(E) FEE.**

5 **THE ANNUAL LICENSE FEE IS \$2,625.**

6 REVISOR'S NOTE: This section is new language derived without substantive
 7 change from former Art. 2B, § 8–507(b) through (g).

8 In the introductory language of subsection (b) of this section, the reference to
 9 the “Board” is added to state expressly what was only implied in the former
 10 law, that the Board is the unit that issues licenses.

11 In subsection (c) of this section, the former phrase “[s]ubject to the approval of
 12 the Board of License Commissioners” is deleted as implicit in subsection (b) of
 13 this section, which states that the Board may issue the license.

14 In subsection (d) of this section, the reference to the authority of the “license
 15 holder” to “sell beer, wine, and liquor during the hours and days as set out for
 16 a Class C beer, wine, and liquor license under § 33–2005 of this title” is
 17 substituted for the former reference to the “hours and days of sale are as
 18 specified in § 11–524 of this article” for clarity and consistency with similar
 19 provisions on hours and days of sale in this article.

20 Former Art. 2B, § 8–507(a), which stated that former Art. 2B, § 8–507 applied
 21 only in Worcester County, is deleted as unnecessary in light of the
 22 organization of this revised article.

23 Defined terms: “Beer” § 1–101

24 “Board” § 33–101

25 “County” § 33–101

26 “Wine” § 1–101

27 **33–1003. OCEAN CITY CONVENTION HALL LICENSE.**

28 **(A) ESTABLISHED.**

29 **THERE IS AN OCEAN CITY CONVENTION HALL LICENSE.**

30 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO THE CONVENTION HALL**
 2 **COMMISSION AND ITS SUCCESSORS FOR USE ON THE PREMISES OF THE OCEAN CITY**
 3 **CONVENTION HALL.**

4 **(C) SCOPE OF AUTHORIZATION.**

5 **THE OCEAN CITY CONVENTION HALL COMMISSION MAY:**

6 **(1) AUTHORIZE A VENDOR TO SELL ALCOHOLIC BEVERAGES FOR**
 7 **ON-PREMISES CONSUMPTION UNDER THE LICENSE THAT THE COMMISSION IS**
 8 **ISSUED; AND**

9 **(2) CONTRACT TO RECEIVE PART OF THE REVENUE DERIVED FROM**
 10 **THE VENDOR'S SALE OF ALCOHOLIC BEVERAGES.**

11 **(D) EFFECT OF SECTION.**

12 **THIS SECTION DOES NOT AFFECT THE OPERATION OF § 33-1102 OF THIS**
 13 **TITLE.**

14 REVISOR'S NOTE: This section is new language derived without substantive
 15 change from former Art. 2B, § 6-401(y)(2)(viii).

16 In subsection (b) of this section, the reference to the "Board" is added to state
 17 expressly what was only implicit in the former law, that the Board is the
 18 license issuing authority in the County.

19 In subsection (c)(1) of this section, the phrase "under the license that the
 20 Commission is issued" is substituted for the former phrase "pursuant to
 21 whatever license the Commission is granted" to conform to the terminology
 22 used throughout this article.

23 Also in subsection (c)(1) of this section, the former phrase "[o]nly on-sale
 24 transactions shall be permitted" is deleted as unnecessary in light of the
 25 authorization to issue the license for "on-premises consumption".

26 Also in subsection (c)(1) of this section, the former phrase "[t]his license shall
 27 be subject to the following restrictions" is deleted as surplusage.

28 The Alcoholic Beverages Article Review Committee notes, for consideration by
 29 the General Assembly, that the hours and days of sale for the license are not
 30 stated in statutory law.

31 Defined terms: "Alcoholic beverage" § 1-101
 32 "Board" § 33-101

1 **33-1004. OCEAN CITY MUNICIPAL GOLF COURSE LICENSE.**

2 (A) ESTABLISHED.

3 THERE IS A CLASS D OCEAN CITY MUNICIPAL GOLF COURSE BEER, WINE, AND
4 LIQUOR LICENSE.

5 (B) AUTHORIZED HOLDER.

6 (1) THE BOARD MAY ISSUE THE LICENSE TO THE MAYOR OF OCEAN
7 CITY FOR ON-PREMISES CONSUMPTION FOR USE ON THE PREMISES OF THE OCEAN
8 CITY MUNICIPAL GOLF COURSES.

9 (2) A SEPARATE LICENSE IS REQUIRED FOR EACH OCEAN CITY
10 MUNICIPAL GOLF COURSE.

11 (C) SCOPE OF AUTHORIZATION.

12 (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,
13 WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION 7 DAYS A WEEK ON THE
14 PREMISES OF AN OCEAN CITY GOLF COURSE.

15 (2) THE LICENSE HOLDER MAY CONTRACT WITH A CONCESSIONAIRE
16 TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.

17 (D) ALCOHOL AWARENESS REQUIREMENT.

18 (1) BEFORE THE LICENSE IS ISSUED, THE MAYOR SHALL DESIGNATE
19 AN INDIVIDUAL TO COMPLETE TRAINING IN AN ALCOHOL AWARENESS PROGRAM
20 APPROVED UNDER § 4-505 OF THIS ARTICLE.

21 (2) THE INDIVIDUAL DESIGNATED BY THE MAYOR SHALL:

22 (I) REPRESENT THE CONCESSIONAIRE; AND

23 (II) BE DIRECTLY INVOLVED WITH THE MANAGEMENT OF THE
24 SALE OF BEER, WINE, AND LIQUOR BY THE CONCESSIONAIRE.

25 (E) HOURS AND DAYS OF SALE.

26 THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:

1 **(1) DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS D BEER,**
 2 **WINE, AND LIQUOR LICENSE UNDER § 33-2005 OF THIS TITLE; OR**

3 **(2) DURING FEWER HOURS AS SPECIFIED BY THE LICENSE HOLDER.**

4 **(F) LICENSE FEES AND TRANSFER PROHIBITED.**

5 **THE LICENSE:**

6 **(1) SHALL BE ISSUED AND RENEWED WITHOUT CHARGE OR AN**
 7 **ANNUAL FEE; AND**

8 **(2) MAY NOT BE TRANSFERRED.**

9 REVISOR'S NOTE: This section is new language derived without substantive
 10 change from former Art. 2B, § 6-401(y)(3).

11 Subsection (a) of this section is revised in standard language used throughout
 12 this article to establish a license.

13 In subsection (c)(2) of this section, the former reference to "permit" a
 14 concessionaire to sell beer, wine, and liquor is deleted as implicit in the
 15 reference to "contract with" a concessionaire to sell beer, wine, and liquor.

16 Also in subsection (c)(2) of this section, the former reference to "keep for sale"
 17 is deleted as unnecessary in light of the reference to "sell".

18 In subsection (e) of this section, the reference to the authority of the "license
 19 holder" to "sell beer, wine, and liquor ... during the hours and days as set out
 20 for a Class D beer, wine, and liquor license under § 33-2005 of this title" is
 21 substituted for the former reference to the "hours and days of sale under the
 22 license are the same as a Class D beer, wine and liquor on-sale license under
 23 § 11-524 of this article" for clarity and consistency with similar provisions on
 24 hours and days of sale in this article.

25 Former Art. 2B, § 9-102(j)(6), which allowed the Mayor of Ocean City to be
 26 granted a license, is deleted as unnecessary in light of subsection (b)(1) of this
 27 section.

28 Defined terms: "Beer" § 1-101

29 "Board" § 33-101

30 "Wine" § 1-101

31 **33-1005. RACETRACK LICENSES.**

32 **(A) ESTABLISHED.**

1 **THERE IS A RACETRACK:**

2 **(1) BEER LICENSE;**

3 **(2) BEER AND WINE LICENSE; AND**

4 **(3) BEER, WINE, AND LIQUOR LICENSE.**

5 **(B) AUTHORIZED HOLDER.**

6 **(1) THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION TO:**

7 **(I) THE OWNER OF A LICENSED HORSE RACING**
8 **ESTABLISHMENT THAT HOLDS PUBLIC MEETINGS AT WHICH PARI-MUTUEL BETTING**
9 **IS ALLOWED; OR**

10 **(II) THE CONCESSIONAIRE OR CATERING ORGANIZATION AT**
11 **THE RACING ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION, OR A**
12 **CORPORATION.**

13 **(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A**
14 **LICENSE UNDER THIS SECTION.**

15 **(C) SCOPE OF AUTHORIZATION.**

16 **THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL THE ALCOHOLIC**
17 **BEVERAGES STATED ON THE LICENSE AT ONE OR MORE LOCATIONS IN THE RACING**
18 **PARK OF THE LICENSE HOLDER.**

19 **(D) PURCHASE OF ALCOHOLIC BEVERAGES BY LICENSE HOLDERS.**

20 **A LICENSE HOLDER MAY PURCHASE:**

21 **(1) BEER, WINE, AND LIQUOR FROM A HOLDER OF A WHOLESALER'S**
22 **LICENSE; OR**

23 **(2) WINE AND LIQUOR FROM THE COUNTY DEPARTMENT OF LIQUOR**
24 **CONTROL, WHICH SHALL SELL WINE AND LIQUOR TO A LICENSE HOLDER AT A**
25 **DISCOUNT OF AT LEAST 15% FROM THE RETAIL SALES PRICE OR ANY SPECIAL SALE**
26 **PRICE OR DISCOUNT PRICE, WHICHEVER IS LOWER.**

27 **(E) FEES.**

1 **THE ANNUAL FEE FOR:**

2 **(1) THE BEER LICENSE IS THE SAME AS THE FEE FOR OTHER BEER**
3 **LICENSES IN THE COUNTY;**

4 **(2) THE BEER AND WINE LICENSE IS THE SAME AS THE FEE FOR**
5 **OTHER BEER AND WINE LICENSES IN THE COUNTY; AND**

6 **(3) THE BEER, WINE, AND LIQUOR LICENSE IS \$1,500.**

7 REVISOR'S NOTE: Subsection (a) of this section is new language added to explicitly
8 establish the racetrack beer license, racetrack beer and light wine license, and
9 racetrack beer, wine, and liquor license.

10 Subsections (b) through (e) of this section are new language derived without
11 substantive change from former Art. 2B, § 8-603(a), (b), and (d).

12 In the introductory language of subsection (b)(1) of this section, the statement
13 that the "Board may issue" a license is substituted for the former statement
14 that a person "may procure" a license to conform to the terminology used
15 throughout this article.

16 In subsection (b)(1)(i) of this section, the former reference to "owners" is
17 deleted in light of the reference to "owner" and GP § 1-202, which provides
18 that the singular generally includes the plural.

19 In subsection (b)(2) of this section, the former reference to "locative"
20 qualifications is deleted as redundant.

21 In subsection (c) of this section, the general reference to selling "alcoholic
22 beverages stated on the license" is substituted for the former specific
23 references to "beer or beer and light wine" and "beer, wine and liquor" for
24 brevity and clarity.

25 Also in subsection (c) of this section, the former phrase "within the confines of
26 its racing park in the county" is deleted as implicit in the phrase "at one or
27 more locations in the racing park".

28 Former Art. 2B, § 8-603(c), which stated that "[t]he licenses and the licensees
29 are subject to all laws and regulations applicable in Worcester County to the
30 sale of alcoholic beverages not inconsistent with the provisions of this section",
31 is deleted as an unnecessary statement of common practice.

1 The Alcoholic Beverages Article Review Committee notes, for consideration by
 2 the General Assembly, that the hours and days of sale for the license are not
 3 specified in statutory law.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 33–101

6 “Beer” § 1–101

7 “County” § 33–101

8 “Wholesaler’s license” § 1–101

9 “Wine” § 1–101

10 **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

11 **33–1101. APPLICATION OF GENERAL PROVISIONS.**

12 **(A) WITHOUT EXCEPTION OR VARIATION.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 14 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 15 **EXCEPTION OR VARIATION:**

16 **(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED**
 17 **FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

18 **(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE**
 19 **FROM LICENSED PREMISES”).**

20 **(B) EXCEPTIONS.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE**
 22 **PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

23 **(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**
 24 **AND**

25 **(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

26 **REVISOR’S NOTE:** This section is new language added to incorporate by reference
 27 general provisions relating to additional privileges of license holders.

28 Defined terms: “Beer” § 1–101

29 “County” § 33–101

30 “License” § 1–101

31 “License holder” § 1–101

32 “Wine” § 1–101

1 **33-1102. UNLICENSED ORGANIZATIONS IN OCEAN CITY CONVENTION HALL.**

2 **(A) DEFINITIONS.**

3 **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(2) "COMMISSION" MEANS THE OCEAN CITY CONVENTION HALL**
6 **COMMISSION.**

7 **(3) "ORGANIZATION" INCLUDES THE FOLLOWING TYPES OF**
8 **NONPROFIT ORGANIZATIONS:**

9 **(I) ARMED SERVICES;**

10 **(II) CHARITABLE;**

11 **(III) CIVIC;**

12 **(IV) EMPLOYEES;**

13 **(V) FIREFIGHTERS;**

14 **(VI) FRATERNAL;**

15 **(VII) GOVERNMENTAL-SUPPORT;**

16 **(VIII) HOSPITAL;**

17 **(IX) LABOR;**

18 **(X) PATRIOTIC;**

19 **(XI) POLITICAL;**

20 **(XII) PROFESSIONAL;**

21 **(XIII) RELIGIOUS;**

22 **(XIV) TRADE; AND**

23 **(XV) WAR VETERANS.**

1 **(B) LICENSE NOT REQUIRED TO BRING ALCOHOLIC BEVERAGES ON**
2 **PREMISES.**

3 **WITH THE APPROVAL OF THE COMMISSION, THE BOARD MAY ALLOW THE**
4 **MEMBERS AND GUESTS OF AN ORGANIZATION TO BRING THEIR OWN ALCOHOLIC**
5 **BEVERAGES ONTO THE PREMISES OF THE OCEAN CITY CONVENTION HALL**
6 **WITHOUT FIRST OBTAINING A LICENSE IF:**

7 **(1) THE ALCOHOLIC BEVERAGES ARE NOT SOLD; AND**

8 **(2) THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES IS**
9 **RESTRICTED TO THE PREMISES.**

10 **(C) FUNCTION SPONSORED BY MAYOR AND CITY COUNCIL OF OCEAN CITY.**

11 **WITH THE APPROVAL OF THE COMMISSION, THE BOARD MAY ALLOW THE**
12 **MAYOR AND CITY COUNCIL OF OCEAN CITY OR THEIR DESIGNEE TO SPONSOR A**
13 **FUNCTION AT WHICH PATRONS ARE ALLOWED TO BRING THEIR OWN ALCOHOLIC**
14 **BEVERAGES ONTO THE PREMISES OF THE OCEAN CITY CONVENTION HALL**
15 **WITHOUT FIRST OBTAINING A LICENSE IF:**

16 **(1) THE ALCOHOLIC BEVERAGES ARE NOT SOLD; AND**

17 **(2) THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES IS ON THE**
18 **PREMISES ONLY.**

19 REVISOR'S NOTE: This section is new language derived without substantive
20 change from former Art. 2B, § 7-101(u)(5)(i) through (iv).

21 Defined terms: "Alcoholic beverage" § 1-101

22 "Board" § 33-101

23 "License" § 1-101

24 **SUBTITLE 12. CATERER'S LICENSES.**

25 **33-1201. LOCAL CATERER'S LICENSE.**

26 **(A) ESTABLISHED.**

27 **THERE IS A LOCAL CATERER'S LICENSE.**

28 **(B) AUTHORIZED HOLDER.**

1 **THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

2 **(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND**
3 **LIQUOR LICENSE; AND**

4 **(2) A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

5 **(C) SCOPE OF AUTHORIZATION.**

6 **THE LICENSE AUTHORIZES A HOLDER TO:**

7 **(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD**
8 **OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL**
9 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR CLASS D BEER, WINE, AND LIQUOR**
10 **LICENSE IS ISSUED; AND**

11 **(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE**
12 **HOURS AND ON THE DAYS AUTHORIZED FOR THE CLASS B RESTAURANT OR HOTEL**
13 **(ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR CLASS D BEER, WINE, AND LIQUOR**
14 **LICENSE.**

15 **(D) FOOD REQUIREMENT.**

16 **THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE**
17 **CATERED EVENT.**

18 **(E) FEE.**

19 **THE ANNUAL LICENSE FEE IS \$500.**

20 **(F) EFFECT OF SECTION.**

21 **THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR**
22 **HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR A CLASS D BEER, WINE,**
23 **AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON**
24 **THE PREMISES FOR WHICH THE HOLDER'S CLASS B OR CLASS D LICENSE IS ISSUED.**

25 REVISOR'S NOTE: Subsection (a) of this section is new language added to state
26 expressly what was only implied in the former law, that a local caterer's
27 license exists in Worcester County.

28 Subsections (b) through (f) of this section are new language derived without
29 substantive change from former Art. 2B, §§ 6-711(b) through (g) and
30 9-102(j)(5).

1 In subsection (c)(1) of this section, the reference to the premises “for which the
2 holder’s Class B restaurant or hotel (on–sale) beer, wine, and liquor license or
3 Class D beer, wine, and liquor license is issued” is substituted for the former
4 reference to the premises “licensed as a Class B restaurant or hotel or a Class
5 D establishment” for clarity and consistency with other similar provisions of
6 this article.

7 Also in subsection (c)(1) of this section, the reference to “beer, wine, and liquor”
8 is substituted for the former reference to “alcoholic beverages” for clarity.

9 In subsection (c)(2) of this section, the former phrase “in this article” is deleted
10 as surplusage.

11 In subsection (d) of this section, the former reference to providing food “as well
12 as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1)
13 of this section.

14 In subsection (f) of this section, the reference to a “local” caterer’s license is
15 added for clarity.

16 Also in subsection (f) of this section, the former reference to an “existing”
17 license is deleted as surplusage.

18 Former Art. 2B, § 6–711(a), which stated that former Art. 2B, § 6–711 applied
19 only in Worcester County, is deleted as unnecessary in light of the
20 organization of this revised article.

21 Defined terms: “Beer” § 1–101
22 “Board” § 33–101
23 “Hotel” § 1–101
24 “On–sale” § 1–101
25 “Restaurant” § 1–101
26 “Wine” § 1–101

27 **SUBTITLE 13. TEMPORARY LICENSES.**

28 **PART I. IN GENERAL.**

29 **33–1301. APPLICATION OF GENERAL PROVISIONS.**

30 **(A) WITHOUT EXCEPTION OR VARIATION.**

31 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY**
32 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
33 **EXCEPTION OR VARIATION:**

1 (1) § 4-1202 (“PER DIEM LICENSES”);

2 (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
3 AND WINE LICENSES”);

4 (3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

5 (4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”); AND

6 (5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

7 (B) EXCEPTION.

8 SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”)
9 OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

10 (C) VARIATIONS.

11 SECTIONS 4-1205 (“LICENSE FEES”) AND 4-1208 (“HOURS AND DAYS OF
12 SALE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO §
13 33-1307 OF THIS SUBTITLE.

14 REVISOR’S NOTE: This section is new language added to incorporate by reference
15 the general provisions relating to local temporary licenses.

16 Defined term: “County” § 33-101

17 33-1302. RESERVED.

18 33-1303. RESERVED.

19 PART II. FESTIVAL, SAMPLING, AND TASTING LICENSE.

20 33-1304. BEER AND WINE FESTIVAL LICENSE.

21 (A) “FESTIVAL” DEFINED.

22 IN THIS SECTION, “FESTIVAL” MEANS:

23 (1) THE WORCESTER COUNTY BEER AND WINE FESTIVAL; OR

24 (2) A SIMILAR FESTIVAL FEATURING BEER AND WINE THAT THE
25 BOARD APPROVES.

1 **(B) ESTABLISHED.**

2 **(1) THERE IS A BEER AND WINE FESTIVAL LICENSE.**

3 **(2) THE BOARD MAY ISSUE NOT MORE THAN THREE FESTIVAL**
4 **LICENSES EACH YEAR.**

5 **(C) AUTHORIZED HOLDER.**

6 **THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE,**
7 **CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

8 **(D) SCOPE OF AUTHORIZATION.**

9 **THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL:**

10 **(1) WINE THAT IS:**

11 **(I) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

12 **(II) DISTRIBUTED IN THE STATE WHEN THE LICENSE**
13 **APPLICATION IS FILED; AND**

14 **(2) BEER THAT IS BREWED BY A BREWER:**

15 **(I) THAT BREWS LESS THAN 60,000 BARRELS OF BEER**
16 **ANNUALLY; AND**

17 **(II) WHOSE PRODUCT IS DISTRIBUTED IN THE STATE**
18 **WHEN THE LICENSE APPLICATION IS FILED.**

19 **(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

20 **A LICENSE HOLDER SHALL DISPLAY AND SELL BEER AND WINE:**

21 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

22 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

23 **(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

24 **THE BOARD:**

1 **(1) EACH YEAR MAY CHOOSE ONE WEEKEND, FRIDAY THROUGH**
2 **SUNDAY INCLUSIVE, FOR EACH FESTIVAL;**

3 **(2) MAY NOT CHOOSE A WEEKEND FOR EACH FESTIVAL THAT IS THE**
4 **SAME WEEKEND AS THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

5 **(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;**
6 **AND**

7 **(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS**
8 **THE PROMOTION OF MARYLAND BEER AND WINE.**

9 **(G) HOLDING ANOTHER LICENSE ALLOWED.**

10 **THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS**
11 **OR NATURE.**

12 **(H) INVOICING AND DELIVERY.**

13 **BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

14 **(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED**
15 **WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

16 **(2) DELIVERED TO EACH FESTIVAL FROM THE LICENSED PREMISES**
17 **OF THE WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

18 **(I) DELIVERY AGREEMENT.**

19 **A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY**
20 **LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

21 **(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE**
22 **EFFECTIVE DATE OF THE LICENSE; AND**

23 **(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE**
24 **EXPIRATION DATE OF THE LICENSE.**

25 **(J) FEE.**

26 **THE BOARD MAY SET THE LICENSE FEE.**

1 **(K) REGULATIONS.**

2 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 8–314(c) through (i) and (a)(1) and (3).

5 Throughout this section, the former references to a “special” license are
6 deleted as surplusage.

7 Subsection (b) of this section is revised in standard language used throughout
8 this article to establish a license.

9 In subsection (c) of this section, the reference to a “retail” license is substituted
10 for the former reference to an “existing State retail alcoholic beverages” license
11 for brevity.

12 Also in subsection (c) of this section, the former phrase “[n]otwithstanding any
13 other provision of this article,” is deleted as unnecessary in light of the
14 organization of this revised article.

15 In the introductory language of subsection (d) of this section, the reference to
16 the “license authoriz[ing] the holder” to display and sell is substituted for the
17 former reference to the requirement that the “licensee shall” display and sell
18 for clarity and consistency with terminology used throughout this article.

19 In subsection (d) of this section, the former requirement that wine must be
20 “[p]rice filed in accordance with regulations adopted by the Comptroller” is
21 deleted as obsolete. *See* General Revisor’s Note to Division II.

22 In subsection (f)(2) of this section, the reference to the Maryland Wine Festival
23 “in Carroll County” is added for clarity.

24 In subsection (f)(3) of this section, the reference to a location that is not
25 “already licensed” is substituted for the former reference to a location that is
26 not “licensed under this article” for consistency with terminology used
27 throughout this article.

28 Also in subsection (f)(3) of this section, the former reference to a location “for
29 each Festival” is deleted as surplusage.

30 Also in subsection (f)(3) of this section, the former reference to a location “in
31 the county” is deleted as surplusage.

32 In subsection (g) of this section, the reference to a license holder who “may
33 hold” another license is substituted for the former statement that “[t]his

1 section does not prohibit the holder ... from holding” another license for
2 clarity.

3 In the introductory language of subsection (h) of this section, the reference to
4 “[b]eer and wine” is substituted for the former reference to “[p]roducts” for
5 clarity.

6 In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3
7 winery, or Class 4 limited winery” is substituted for the former reference to a
8 “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in
9 subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery,
10 or Class 4 limited winery” is substituted for the former reference to a
11 “wholesaler, winery, or limited winery”. Similarly, in the introductory
12 language of subsection (i) of this section, the reference to a “holder of a
13 wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for
14 “holders of wholesale, winery, or limited winery licenses”.

15 In the introductory language of subsection (i) of this section, the former phrase
16 “[w]henver a special festival license is issued under this subsection,” is
17 deleted as surplusage.

18 Former Art. 2B, § 8–314(a)(2), which defined “Board” to mean the Worcester
19 County Board of License Commissioners, is deleted as redundant in light of
20 the defined term “Board” in § 33–101 of this title.

21 Former Art. 2B, § 8–314(b), which stated that former Art. 2B, § 8–314 applied
22 only in Worcester County, is deleted as unnecessary in light of the
23 organization of this revised article.

24 Defined terms: “Board” § 33–101

25 “License” § 1–101

26 “License holder” § 1–101

27 “State” § 1–101

28 “Wholesaler” § 1–101

29 “Wine” § 1–101

30 **33–1305. RESERVED.**

31 **33–1306. RESERVED.**

32 **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

33 **33–1307. SUNDAY LICENSES FOR HOLDERS OF 6–DAY CLASS B OR CLASS C BEER,**
34 **WINE, AND LIQUOR LICENSES.**

35 **(A) ESTABLISHED.**

1 **THE BOARD MAY ISSUE A SUNDAY LICENSE TO A HOLDER OF A 6-DAY CLASS**
 2 **B OR A 6-DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.**

3 **(B) SCOPE OF AUTHORIZATION.**

4 **THE LICENSE ENTITLES THE HOLDER TO SELL ALCOHOLIC BEVERAGES TO A**
 5 **CONVENTION OR OTHER SPECIAL GROUP THAT IS APPROVED BY:**

6 **(1) THE BOARD; AND**

7 **(2) THE MAYOR AND CITY COUNCIL OF A MUNICIPALITY IF:**

8 **(I) THE PREMISES IS IN THE MUNICIPALITY; AND**

9 **(II) THE MAYOR AND CITY COUNCIL REQUIRE THAT THE GROUP**
 10 **OBTAIN THEIR APPROVAL.**

11 **(C) HOURS FOR ON-PREMISES CONSUMPTION.**

12 **THE LICENSE ALLOWS ON-PREMISES CONSUMPTION FROM 12:30 P.M. ON**
 13 **SUNDAY TO 1 A.M. THE FOLLOWING DAY.**

14 **(D) APPLICATION DUE AT LEAST 10 DAYS BEFORE EVENT.**

15 **AN APPLICANT SHALL FILE AN APPLICATION FOR A LICENSE AT LEAST 10**
 16 **DAYS BEFORE THE DAY THE LICENSE IS TO BE USED.**

17 **(E) PAYMENT OF FEE BEFORE ISSUANCE OF LICENSE.**

18 **THE FEE SHALL BE PAID TO THE BOARD BEFORE THE LICENSE IS ISSUED.**

19 **(F) LICENSE FEE.**

20 **THE FEE FOR A SUNDAY LICENSE IS \$10 PER DAY OF USE.**

21 REVISOR'S NOTE: This section is new language derived without substantive
 22 change from former Art. 2B, § 7-101(u)(2).

23 In subsection (c) of this section, the former reference to "prevailing time" is
 24 deleted as surplusage.

25 In subsection (d) of this section, the reference to "[a]n applicant" is added for
 26 clarity.

1 Also in subsection (d) of this section, the references to the “license” are
2 substituted for the former references to the “permit” to conform to the
3 terminology used throughout this section.

4 Also in subsection (d) of this section, the reference to the day “the license is to
5 be used” is substituted for the former reference to the day “upon which the
6 permit is to be exercised” for brevity.

7 In subsection (e) of this section, the former reference to the authority of the
8 holder of the license to “exercise the privileges of the license at the time and
9 place described in the license” is deleted as an unnecessary statement of
10 normal practice.

11 Former Art. 2B, § 7–101(u)(1), which stated that former Art. 2B, § 7–101(u)
12 applied only in Worcester County, is deleted as unnecessary in light of the
13 organization of this revised article.

14 Former Art. 2B, § 9–102(b–7), which stated that former Art. 2B, § 9–102(a),
15 which generally prohibited one person from holding more than one license,
16 does not apply to this section, is deleted as unnecessary. Subsection (a) of this
17 section expressly states that the Board may issue a Sunday license to a holder
18 of certain Class B or Class C licenses.

19 Former Art. 2B, § 11–524(d), which allowed holders of certain 7–day licenses
20 to serve alcoholic beverages to conventions or other groups, is deleted as
21 unnecessary in light of this section.

22 Defined terms: “Alcoholic beverage” § 1–101
23 “Board” § 33–101

24 **33–1308. SUNDAY CLUB LICENSE.**

25 **(A) ESTABLISHED.**

26 **THERE IS A SUNDAY CLUB LICENSE.**

27 **(B) AUTHORIZED LICENSE HOLDER.**

28 **THE BOARD MAY ISSUE A SUNDAY CLUB LICENSE TO A CLUB THAT ALREADY**
29 **HOLDS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

30 **(C) LIMIT ON NUMBER OF LICENSES.**

31 **THE BOARD MAY ISSUE TO A CLUB NOT MORE THAN 20 SUNDAY CLUB**
32 **LICENSES DURING A CALENDAR YEAR.**

1 **(D) APPLICATION DUE AT LEAST 14 DAYS BEFORE EVENT.**

2 **AN APPLICANT SHALL FILE AN APPLICATION FOR A LICENSE WITH THE BOARD**
3 **AT LEAST 14 DAYS BEFORE THE LICENSE IS TO BE USED.**

4 **(E) OTHER CONDITIONS.**

5 **A LICENSE ISSUED BY THE BOARD IS SUBJECT TO ALL CONDITIONS AND**
6 **REGULATIONS ESTABLISHED BY THE BOARD FOR THE ON-PREMISES CONSUMPTION**
7 **OF ALCOHOLIC BEVERAGES AUTHORIZED UNDER THE LICENSE.**

8 **(F) FEE.**

9 **THE FEE FOR THE LICENSE IS \$10 PER DAY OF USE.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 7-101(u)(3).

12 In subsection (b) of this section, the former reference to "bona fide" clubs is
13 deleted as surplusage.

14 In subsection (e) of this section, the former reference to "restrictions" is deleted
15 as included in the references to "conditions" and "regulations".

16 Defined terms: "Alcoholic beverage" § 1-101

17 "Board" § 33-101

18 "Club" § 1-101

19 **33-1309. CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION) LICENSE.**

20 **(A) ESTABLISHED.**

21 **THERE IS A CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION)**
22 **BEER, WINE, AND LIQUOR LICENSE.**

23 **(B) AUTHORIZED LICENSE HOLDER.**

24 **THE BOARD MAY ISSUE A CLASS C PER DIEM (NONPROFIT CHARITABLE**
25 **ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE TO A NONPROFIT**
26 **ORGANIZATION.**

27 **(C) LICENSE PERIOD.**

1 **(1) THE LICENSE IS A MULTIPLE 1-DAY ALCOHOLIC BEVERAGES**
2 **LICENSE.**

3 **(2) ON APPLICATION, THE APPLICANT:**

4 **(I) SHALL SPECIFY THE DATES OF THE EVENTS FOR WHICH THE**
5 **LICENSE WILL BE USED; BUT**

6 **(II) MAY NOT SPECIFY MORE THAN 12 DATES.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, § 7-101(u)(4).

9 In subsection (b) of this section, the former reference to a "bona fide" nonprofit
10 organization is deleted as surplusage.

11 Defined terms: "Alcoholic beverage" § 1-101

12 "Beer" § 1-101

13 "Board" § 33-101

14 "License" § 1-101

15 "Wine" § 1-101

16 **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

17 **33-1401. APPLICATION OF GENERAL PROVISIONS.**

18 **(A) WITHOUT EXCEPTION OR VARIATION.**

19 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR**
20 **LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
21 **WITHOUT EXCEPTION OR VARIATION:**

22 **(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING**
23 **BOARD");**

24 **(2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**

25 **(3) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

26 **(4) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**

27 **(5) § 4-110 ("REQUIRED INFORMATION ON APPLICATION - PETITION**
28 **OF SUPPORT");**

1 **(6) § 4-113 (“REFUND OF LICENSE FEES”); AND**

2 **(7) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

3 **(B) VARIATIONS.**

4 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR**
5 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

6 **(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
7 **SUBJECT TO § 33-1402 OF THIS SUBTITLE;**

8 **(2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
9 **COMPANY”), SUBJECT TO § 33-1402 OF THIS SUBTITLE;**

10 **(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§**
11 **33-1404 THROUGH 33-1406 OF THIS SUBTITLE;**

12 **(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN**
13 **GENERAL”), SUBJECT TO § 33-1403 OF THIS SUBTITLE;**

14 **(5) § 4-111 (“PAYMENT OF LICENSE FEES”), SUBJECT TO § 33-1407**
15 **OF THIS SUBTITLE; AND**

16 **(6) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO §**
17 **33-1408 OF THIS SUBTITLE.**

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to applications for local licenses.

20 Defined term: “County” § 33-101

21 **33-1402. APPLICATION ON BEHALF OF CORPORATION OR LIMITED LIABILITY**
22 **COMPANY.**

23 **(A) SCOPE OF SECTION.**

24 **THIS SECTION DOES NOT APPLY TO:**

25 **(1) A LICENSE HOLDER OF A LICENSE ISSUED BEFORE MAY 1, 1977;**
26 **AND**

27 **(2) AN APPLICANT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

1 **(B) REQUIREMENTS FOR APPLICANTS.**

2 **(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
3 **LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY MAY BE**
4 **ISSUED ONLY IF THE FOLLOWING REQUIREMENTS ARE MET.**

5 **(2) AT LEAST ONE APPLICANT SHALL:**

6 **(I) BE A REGISTERED VOTER, TAXPAYER, AND RESIDENT OF**
7 **THE COUNTY; AND**

8 **(II) OWN AT LEAST 10% OF THE TOTAL ISSUED CAPITAL STOCK**
9 **OF THE CORPORATION OR 10% INTEREST IN THE LIMITED LIABILITY COMPANY.**

10 **(3) EACH APPLICANT SHALL SUBMIT TO THE BOARD A SWORN**
11 **STATEMENT THAT INCLUDES:**

12 **(I) 1. THE NAME AND ADDRESS OF EACH STOCKHOLDER OF**
13 **THE CORPORATION; AND**

14 **2. THE NUMBER OF VOTING SHARES OWNED BY EACH**
15 **STOCKHOLDER; OR**

16 **(II) 1. THE NAME AND ADDRESS OF EACH MEMBER OF THE**
17 **LIMITED LIABILITY COMPANY; AND**

18 **2. THE PERCENTAGE SHARE OF VOTING INTEREST**
19 **OWNED BY EACH MEMBER.**

20 REVISOR'S NOTE: This section is new language derived without substantive
21 change from former Art. 2B, § 9-101(i).

22 In subsection (b)(1) of this section, the former phrase "as the case may be" is
23 deleted as surplusage.

24 In subsection (b)(2) of this section, the phrase "[a]t least one applicant [for a
25 license for a corporation or limited liability company] shall" is substituted for
26 the former phrase "unless one of the applicants has been" for brevity.

27 The Alcoholic Beverages Article Review Committee notes, for consideration by
28 the General Assembly, that the requirements that an applicant reside and be
29 a registered voter in the County in subsection (b)(2) of this section may violate
30 the equal protection guarantees of the Fourteenth Amendment to the United
31 States Constitution and Article 24 of the Maryland Declaration of Rights.

1 Maryland courts look unfavorably on legislation that classifies persons by
 2 geography, which may be accomplished by residency or registration
 3 requirements, if the primary purpose of the legislation is economic. *See Verzi*
 4 *v. Baltimore County*, 333 Md. 411 (1994).

5 Defined terms: “Board” § 33–101
 6 “County” § 33–101

7 **33–1403. ADDITIONAL REQUIREMENTS.**

8 **AN APPLICANT FOR A LICENSE SHALL INCLUDE A SIGNED STATEMENT THAT:**

9 **(1) THE APPLICANT HAS NEVER OFFERED A PLEA OF NOLO**
 10 **CONTENDERE TO A FELONY INDICTMENT WHICH WAS ACCEPTED BY A COURT; AND**

11 **(2) (I) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY;**
 12 **OR**

13 **(II) IF THE APPLICATION IS MADE ON BEHALF OF A**
 14 **CORPORATION, NEITHER THE APPLICANT NOR THE STOCKHOLDERS OF THE**
 15 **CORPORATION HAVE BEEN CONVICTED OF A FELONY.**

16 REVISOR’S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 10–103(b)(9)(ii) and (iv)2 and, as it related to
 18 Worcester County, 1.

19 The former reference to “the owner of the corporation” having not been
 20 convicted of a felony is deleted as being included in the reference to “neither
 21 the applicant nor the stockholders of the corporation” being convicted of a
 22 felony.

23 Defined term: “License” § 1–101

24 **33–1404. OBTAINING CRIMINAL RECORDS.**

25 **THE BOARD MAY OBTAIN CRIMINAL RECORDS ON LICENSE APPLICANTS AND**
 26 **THEIR AGENTS FROM THE COUNTY POLICE, SHERIFF’S DEPARTMENT, AND ALL**
 27 **MUNICIPAL POLICE DEPARTMENTS, AS WELL AS FROM THE CENTRAL REPOSITORY.**

28 REVISOR’S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1E.

30 The Alcoholic Beverages Article Review Committee notes, for consideration by
 31 the General Assembly, that it is unclear why the Board may obtain criminal
 32 records on the agents of applicants.

1 Defined terms: "Board" § 33-101
2 "Central Repository" § 4-107
3 "County" § 33-101
4 "License" § 1-101

5 **33-1405. CRIMINAL RECORDS ON STOCKHOLDERS.**

6 **THE BOARD ALSO MAY OBTAIN CRIMINAL RECORDS UNDER § 33-1404 OF THIS**
7 **SUBTITLE ON THE STOCKHOLDERS HOLDING AT LEAST A 10% INTEREST IN THE**
8 **CORPORATION.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 10-103(b)(13)(iii).

11 The former reference to the Board obtaining criminal records of "owners of a
12 corporation" on whose behalf the application is being made is deleted as
13 included in the reference to the Board obtaining criminal records of "the
14 stockholders holding at least a 10% interest in the corporation".

15 Defined term: "Board" § 33-101

16 **33-1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER**
17 **APPLICATION PROCESS.**

18 **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION**
19 **OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF ITS NECESSARY**
20 **USE.**

21 REVISOR'S NOTE: This section is new language derived without substantive
22 change from former Art. 2B, § 10-103(b)(13)(ii)1E and, as it related to
23 Worcester County, (i)2.

24 Defined term: "Board" § 33-101

25 **33-1407. FEES.**

26 **(A) FEE REGULATION.**

27 **THE COUNTY COMMISSIONERS SHALL REGULATE THE LICENSE FEES.**

28 **(B) FEES IN TITLE PREVAIL UNLESS SUPERSEDED BY COUNTY**
29 **COMMISSIONERS.**

1 UNLESS OTHERWISE PROVIDED BY THE COUNTY COMMISSIONERS, THE
2 LICENSE FEES ESTABLISHED IN THIS TITLE PREVAIL.

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 18–102.

5 Defined term: “License” § 1–101

6 **33–1408. DISPOSITION OF LICENSE FEES.**

7 **(A) IN GENERAL.**

8 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE LICENSE
9 FEES SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.

10 **(B) REMITTANCE TO MUNICIPALITY.**

11 IF A LICENSED PREMISES IS IN A MUNICIPALITY, 75% OF THE LICENSE FEES
12 SHALL BE REMITTED TO THE MUNICIPALITY.

13 REVISOR'S NOTE: This section is new language derived without substantive
14 change from former Art. 2B, § 6–401(y)(2)(v).

15 Former Art. 2B, § 6–401(y)(1), which stated that former Art. 2B, § 6–401(y)
16 applied only to Worcester County, is deleted as unnecessary in light of the
17 organization of this revised article.

18 Defined terms: “County” § 33–101
19 “License” § 1–101

20 **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

21 **33–1501. APPLICATION OF GENERAL PROVISIONS.**

22 **(A) WITHOUT EXCEPTION OR VARIATION.**

23 THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL
24 OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY
25 WITHOUT EXCEPTION OR VARIATION:

26 **(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**

27 **(2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

1 **(3) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

2 **(4) § 4-207 (“LICENSES ISSUED TO MINORS”);**

3 **(5) § 4-209 (“HEARING”);**

4 **(6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

5 **(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**

6 **(8) § 4-213 (“REPLACEMENT LICENSES”); AND**

7 **(9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE**
8 **APPLICATIONS”).**

9 **(B) VARIATIONS.**

10 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL**
11 **OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

12 **(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
13 **TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III AND**
14 **SUBTITLE 16, PART II OF THIS TITLE;**

15 **(2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES**
16 **FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III OF THIS TITLE;**

17 **(3) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”),**
18 **SUBJECT TO § 33-1502 OF THIS SUBTITLE; AND**

19 **(4) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 33-1503 OF**
20 **THIS SUBTITLE.**

21 REVISOR’S NOTE: This section is new language added to incorporate by reference
22 general provisions relating to the issuance of local licenses.

23 Defined terms: “County” § 33-101

24 “License” § 1-101

25 “Local licensing board” § 1-101

26 **33-1502. NOTICE OF LICENSE APPLICATION.**

27 **NOTICE OF A LICENSE APPLICATION SHALL BE PUBLISHED ONCE A WEEK FOR**
28 **2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER PUBLISHED IN THE**

1 **MUNICIPALITY IN WHICH OR NEAREST TO WHICH THE LOCATION DESCRIBED IN THE**
2 **APPLICATION IS SITUATED.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10–202(l)(1).

5 The reference to a newspaper published in “the municipality” is substituted
6 for the former reference to “the town” for consistency with the terminology
7 used throughout this article.

8 The reference to the “location described in the application” is substituted for
9 the former reference to “the applicant’s proposed place of business” for clarity.

10 Former Art. 2B, § 10–202(l)(2), which required the Board to issue a license
11 when the fee was paid, is deleted as a statement of common procedure.

12 Defined term: “License” § 1–101

13 **33–1503. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

14 **A LICENSE IS NOT SUBJECT TO:**

15 **(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE**
16 **HOLDER; OR**

17 **(2) A DISTRAINT FOR RENT.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10–501(c).

20 Defined terms: “License” § 1–101
21 “License holder” § 1–101

22 **33–1504. INCOMPLETE OR REMODELED BUILDING.**

23 **(A) TENTATIVE APPROVAL BY BOARD.**

24 **IF AN APPLICANT APPLIES FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES**
25 **IN A BUILDING THAT IS INCOMPLETE, OR IN A BUILDING OR PORTION OF A BUILDING**
26 **THAT IS TO BE REMODELED OR RENOVATED, THE BOARD MAY GIVE TENTATIVE**
27 **APPROVAL OF THE APPLICATION ON THE BASIS OF THE BUILDING PLANS AND**
28 **SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.**

29 **(B) FINAL APPROVAL BY BOARD.**

1 **THE BOARD MAY GIVE FINAL APPROVAL OF THE LICENSE APPLICATION FOR**
 2 **WHICH IT HAD GIVEN TENTATIVE APPROVAL ON COMPLETION OF THE**
 3 **CONSTRUCTION OR THE REMOLDING OR RENOVATION OF THE BUILDING IN**
 4 **ACCORDANCE WITH THE BUILDING PLANS SUBMITTED BY THE APPLICANT.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 10–104(y).

7 Defined terms: “Alcoholic beverage” § 1–101

8 “Board” § 33–101

9 “License” § 1–101

10 **GENERAL REVISOR'S NOTE TO SUBTITLE**

11 Former Art. 2B, § 9–102(b–1)(2)(vi), which stated that the bowling alley exception to
 12 the prohibition against multiple licenses did not apply to Worcester County, is
 13 deleted as unnecessary. This revision applies the general rule to Worcester County.
 14 The fact that Worcester County is not covered by the exception need not be stated.

15 Former Art. 2B, § 9–301(2), which stated that the prohibition against a person
 16 having an interest in more than one license does not apply to licenses issued under
 17 former Art. 2B, § 9–102(j), which concerned certain Class B and Class H licenses, is
 18 deleted as unnecessary in light of the organization of this revised article.

19 **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

20 **PART I. LICENSING CONDITIONS.**

21 **33–1601. DRIVE–THROUGH SALES PROHIBITED.**

22 **THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF–SALE PRIVILEGE FOR**
 23 **USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH**
 24 **SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

25 **(1) SOLD AT RETAIL; AND**

26 **(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN**
 27 **OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

28 REVISOR'S NOTE: This section is new language derived without substantive
 29 change from former Art. 2B, § 9–224(b), except as it related to the transfer of
 30 a license.

31 In the introductory language of this section, the reference to a “sales” facility
 32 is substituted for the former reference to a “purchase” facility for clarity.

1 Former Art. 2B, § 9–224(a), which stated that former Art. 2B, § 9–224 applied
2 only in Worcester County, is deleted as unnecessary in light of the
3 organization of this revised article.

4 Defined terms: “Alcoholic beverage” § 1–101

5 “Board” § 33–101

6 “License” § 1–101

7 “Off–sale” § 1–101

8 **33–1602. RESERVED.**

9 **33–1603. RESERVED.**

10 **PART II. MULTIPLE LICENSING PLANS.**

11 **33–1604. ADDITIONAL LICENSES FOR RESTAURANTS AND HOTEL OR MOTEL**
12 **RESTAURANTS.**

13 **THE BOARD MAY ISSUE NOT MORE THAN NINE LICENSES TO A PERSON UNDER**
14 **§§ 33–1605 AND 33–1606 OF THIS SUBTITLE, INCLUDING NOT MORE THAN THREE**
15 **LICENSES FOR A RESTAURANT UNDER § 33–1605 OF THIS SUBTITLE.**

16 REVISOR’S NOTE: This section is new language derived without substantive
17 change from former Art. 2B, § 9–102(j)(3)(iii).

18 Defined terms: “Board” § 33–101

19 “Person” § 1–101

20 **33–1605. ADDITIONAL CLASS B AND CLASS H LICENSES FOR RESTAURANT.**

21 **(A) AUTHORIZED HOLDER.**

22 **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY**
23 **ISSUE NOT MORE THAN TWO ADDITIONAL LICENSES OF THE SAME TYPE TO A HOLDER**
24 **OF:**

25 **(I) A CLASS B (ON–SALE) HOTEL AND RESTAURANT BEER,**
26 **WINE, AND LIQUOR LICENSE; OR**

27 **(II) A CLASS B (ON–SALE) HOTEL AND RESTAURANT BEER AND**
28 **WINE LICENSE.**

29 **(2) A LICENSE ISSUED UNDER THIS SUBSECTION SHALL BE ISSUED**
30 **FOR PREMISES USED AS A RESTAURANT.**

1 **(B) SCOPE OF AUTHORIZATION.**

2 **(1) THE RESTAURANT SHALL HAVE:**

3 **(I) A MINIMUM CAPITAL INVESTMENT OF \$150,000 FOR**
4 **RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS; AND**

5 **(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.**

6 **(2) THE BOARD MAY DEFINE “RESTAURANT” BY REGULATION.**

7 **(3) EXCEPT AS PROVIDED IN § 33-1606 OF THIS SUBTITLE, THE**
8 **BOARD MAY NOT ISSUE MORE THAN THREE LICENSES OF ALL CLASSES UNDER THIS**
9 **SECTION TO OR FOR THE USE OF THE SAME PERSON.**

10 REVISOR’S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 9-102(j)(2).

12 In the introductory language of subsection (a) of this section, the phrase
13 “[s]ubject to subsection (b) of this section” is substituted for the former phrase
14 “[n]otwithstanding any other provisions of this section” for accuracy.

15 Also in the introductory language of subsection (a) of this section, the former
16 sentence “[t]he granting of additional licenses hereunder shall be limited and
17 restricted to the purpose of providing alcoholic beverages for consumption on
18 the licensed premises only, with no off-sale privileges” is deleted in light of
19 the defined term “on-sale”.

20 In subsection (a)(1) of this section, the reference to the Board’s authority to
21 issue additional licenses is added for clarity.

22 In subsection (a)(2) of this section, the former reference to “occupied” is deleted
23 as unnecessary in light of the reference to “used”.

24 Also in subsection (a)(2) of this section, the former reference to a “bona fide”
25 restaurant is deleted as surplusage.

26 In subsection (b)(3) of this section, the clause “the Board may not issue more
27 than three licenses of all classes” is substituted for the former clause “[t]hese
28 provisions do not permit the issuance of more than a total of three licenses of
29 all classes issued under this section” for clarity.

30 Also in subsection (b)(3) of this section, the defined term “person” is
31 substituted for the former phrase “any partnership, corporation,
32 unincorporated association, or limited liability company” for brevity.

1 Former Art. 2B, § 9–102(j)(1), which stated that the provisions of former Art.
 2 2B, § 9–102(j) applied only in Worcester County, is deleted as unnecessary in
 3 light of the organization of this revised article.

4 Defined terms: “Board” § 33–101
 5 “License” § 1–101
 6 “On–sale” § 1–101
 7 “Person” § 1–101

8 **33–1606. ADDITIONAL CLASS B AND CLASS H LICENSES FOR HOTEL OR MOTEL**
 9 **RESTAURANT COMPLEXES.**

10 (A) **AUTHORIZED HOLDER.**

11 (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND § 33–1604**
 12 **OF THIS SUBTITLE, THE BOARD MAY NOT ISSUE ADDITIONAL LICENSES OF THE SAME**
 13 **CLASS AND TYPE TO A HOLDER OF:**

14 (I) **A CLASS B (ON–SALE) BEER, WINE, AND LIQUOR LICENSE;**
 15 **OR**

16 (II) **A CLASS B (ON–SALE) BEER AND WINE LICENSE.**

17 (2) **A LICENSE UNDER THIS SUBSECTION SHALL BE ISSUED FOR**
 18 **PREMISES USED AND OPERATED AS A HOTEL–RESTAURANT OR**
 19 **MOTEL–RESTAURANT COMPLEX.**

20 (B) **HOTEL OR MOTEL RESTAURANT COMPLEX REQUIREMENTS.**

21 **THE PREMISES OF A LICENSE HOLDER UNDER THIS SECTION SHALL HAVE:**

22 (1) **50 OR MORE SLEEPING ROOMS FOR RENT;**

23 (2) **A MINIMUM CAPITAL INVESTMENT OF \$150,000 FOR RESTAURANT**
 24 **FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDING; AND**

25 (3) **A MINIMUM RESTAURANT SEATING CAPACITY OF 75 INDIVIDUALS.**

26 (C) **ADDITIONAL REQUIREMENTS.**

27 (1) **THE BOARD MAY ONLY ISSUE AN ADDITIONAL LICENSE UNDER**
 28 **THIS SECTION IF THE RESTAURANT OPERATION IS PART OF THE HOTEL OR MOTEL**
 29 **OPERATION.**

1 **(2) A PERSON MAY NOT HAVE A PECUNIARY INTEREST IN THE**
2 **LICENSE OTHER THAN THE PERSON’S ENTITY THAT OWNS THE HOTEL OR MOTEL.**

3 **(D) TRANSFER PROHIBITED WITHOUT NEW APPLICATION.**

4 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
5 **THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE GRANTED UNDER THIS**
6 **SECTION.**

7 **(2) A LICENSE MAY ONLY BE TRANSFERRED SUBJECT TO THE FILING**
8 **OF A NEW APPLICATION.**

9 **(E) LICENSES LIMITED TO ON-PREMISES CONSUMPTION.**

10 **THE BOARD SHALL LIMIT ADDITIONAL LICENSES TO PROVIDING ALCOHOLIC**
11 **BEVERAGES FOR ON-PREMISES CONSUMPTION.**

12 REVISOR’S NOTE: This section is new language derived without substantive
13 change from former Art. 2B, § 9–102(j)(3).

14 In the introductory language of subsection (a)(1) of this section, the clause “the
15 Board may not issue additional licenses” is substituted for the former clause
16 “[t]hese provisions do not permit the issuance of” for clarity.

17 Also in the introductory language of subsection (a)(1) of this section, the
18 former phrase “[n]otwithstanding any other provisions of this section” is
19 deleted as surplusage.

20 In subsection (a)(2) of this section, the former reference to a “public”
21 hotel–restaurant is deleted as surplusage.

22 In subsection (c)(2) of this section, the defined term “person” is substituted for
23 the former reference to “partnership, corporation, unincorporated association,
24 [or] limited liability company” for brevity and consistency within the article.

25 In subsection (d)(1) of this section, the former phrase “notwithstanding the
26 provisions of § 10–503” is deleted as surplusage.

27 In subsection (e) of this section, the clause “[t]he Board shall limit” is
28 substituted for the former clause “[t]he granting of additional licenses
29 hereunder shall be limited and restricted” for brevity.

30 Defined terms: “Alcoholic beverage” § 1–101

31 “Board” § 33–101

32 “License” § 1–101

1 "Person" § 1-101

2 **33-1607. HOMEOWNERS ASSOCIATION.**

3 (A) **AUTHORIZED HOLDER.**

4 **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ALLOW A**
5 **HOMEOWNERS ASSOCIATION THAT OWNS MORE THAN ONE FACILITY, AS DEFINED BY**
6 **THE BOARD, TO HOLD MULTIPLE CLASS B LICENSES, MULTIPLE CLASS C LICENSES,**
7 **OR A COMBINATION OF CLASS B AND CLASS C LICENSES.**

8 (B) **LIMITATIONS ON ADMISSION.**

9 **ADMISSION TO A FACILITY LICENSED WITH A CLASS C LICENSE SHALL BE**
10 **LIMITED TO:**

11 (1) **THE OWNERS OF THE REAL PROPERTY AS GOVERNED BY**
12 **RECORDED COVENANTS OF THE HOMEOWNERS ASSOCIATION;**

13 (2) **THE OWNERS' TENANTS; AND**

14 (3) **GUESTS IN THE COMPANY OF THE OWNERS.**

15 **REVISOR'S NOTE:** This section is new language derived without substantive
16 change from former Art. 2B, § 9-102(j)(4).

17 In subsections (a) and (b) of this section, the former references to a "bona fide"
18 homeowners association and "bona fide" tenants are deleted as surplusage.

19 In subsection (a) of this section, the former phrase "notwithstanding any other
20 provisions of this section" is deleted as surplusage.

21 Also in subsection (a) of this section, the phrase "the Board may allow" is
22 added for clarity.

23 Defined terms: "Board" § 33-101

24 "License" § 1-101

25 **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

26 **33-1701. APPLICATION OF GENERAL PROVISIONS.**

27 (A) **WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
2 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
3 **APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

4 **(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
5 **AND**

6 **(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT**
7 **REQUIRED”).**

8 **(B) EXCEPTION.**

9 **SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF**
10 **DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED**
11 **BY § 33–1706 OF THIS SUBTITLE.**

12 **(C) VARIATIONS.**

13 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL**
14 **LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE**
15 **APPLY IN THE COUNTY:**

16 **(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF**
17 **LICENSE AND INVENTORY”), SUBJECT TO § 33–1702 OF THIS SUBTITLE; AND**

18 **(2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO §**
19 **33–1705 OF THIS SUBTITLE.**

20 REVISOR’S NOTE: This section is new language added to incorporate by reference
21 general provisions relating to the transfer of licenses and the substitution of
22 the names of officers on licenses.

23 Defined terms: “County” § 33–101

24 “License” § 1–101

25 **33–1702. TRANSFER OF LICENSES PROHIBITED FOR DRIVE–THROUGHS.**

26 **THE BOARD MAY NOT TRANSFER AN OFF–SALE LICENSE FOR USE IN A**
27 **BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH PURCHASE**
28 **FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND**
29 **DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR**
30 **VEHICLE FOR OFF–PREMISES CONSUMPTION.**

1 REVISOR'S NOTE: This section is new language derived without substantive
 2 change from former Art. 2B, §§ 10-503(y)(3) and, as it related to license
 3 transfers, 9-224(b).

4 The former reference to a license "of any class" is deleted as surplusage.

5 Former Art. 2B, § 10-503(y)(1), which stated that former Art. 2B, §
 6 10-503(y) applied only in Worcester County, is deleted as unnecessary in light
 7 of the organization of this revised article.

8 Defined terms: "Alcoholic beverage" § 1-101

9 "Board" § 33-101

10 "License" § 1-101

11 "Off-sale" § 1-101

12 **33-1703. TRANSFER OF PECUNIARY INTEREST IN LICENSED ESTABLISHMENT.**

13 **BEFORE A LICENSE HOLDER TRANSFERS A PECUNIARY INTEREST IN THE**
 14 **LICENSED ESTABLISHMENT, THE LICENSE HOLDER SHALL OBTAIN THE APPROVAL**
 15 **OF THE BOARD.**

16 REVISOR'S NOTE: This section is new language derived without substantive
 17 change from former Art. 2B, § 10-503(y)(4).

18 The reference to the license holder "obtain[ing] the approval of the Board" is
 19 substituted for the former reference to the Board "approv[ing]" the transfer to
 20 avoid the erroneous implication that the Board is obligated to approve each
 21 transfer.

22 The defined term "license holder" is substituted for the former reference to "an
 23 owner of a business that is licensed under this article" for brevity.

24 The former references to "assign" and "assignment" are deleted as included in
 25 the reference to "transfer".

26 The former phrase "[i]n addition to the restrictions provided in subsection (a)
 27 of this section" is deleted as unnecessary in light of the organization of this
 28 revised article.

29 The former reference to the requirement that the license holder of a licensed
 30 business "first notify the Board of the proposed transfer" is deleted as implicit
 31 in the requirement that the license holder "obtain the approval of the Board"
 32 before making the transfer.

33 Defined terms: "Board" § 33-101

34 "License holder" § 1-101

1 **33-1704. RETAIL DEALER WITH DEBT ON EXTENDED CREDIT.**

2 **THE BOARD MAY NOT TRANSFER THE LICENSE OF A RETAIL DEALER THAT HAS**
3 **BEEN EXTENDED CREDIT UNDER § 33-504 OF THIS TITLE AND THAT OWES A**
4 **BALANCE ON THE DEBT.**

5 REVISOR'S NOTE: This section is new language derived without substantive
6 change from former Art. 2B, § 12-112(c)(6), as it related to the transfer of a
7 license.

8 The former reference to a retail dealer's owing a balance on the debt "at the
9 time of the transfer" is deleted as implicit.

10 Defined terms: "Board" § 33-101
11 "License" § 1-101
12 "Retail dealer" § 1-101

13 **33-1705. FEE.**

14 **IN ADDITION TO THE COSTS OF PUBLICATION, NOTICE, AND ANY HEARING**
15 **FEES REQUIRED, THE FEE FOR A TRANSFER OF A LICENSE IS THE GREATER OF:**

16 **(1) \$50; OR**

17 **(2) 25% OF THE ANNUAL FEE FOR THE LICENSE.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 10-503(y)(2)(iv).

20 The former reference to an "assignment" is deleted as included in the reference
21 to a "transfer".

22 The former reference to the license "being transferred" is deleted as
23 surplusage.

24 Defined term: "License" § 1-101

25 **33-1706. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

26 **(A) CONDITIONS FOR SUBSTITUTION.**

27 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A**
28 **LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER**

1 MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE
2 NAME OF ANY OFFICER WHO:

3 (I) HAS DIED;

4 (II) HAS RETIRED; OR

5 (III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR
6 CLUB.

7 (2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY
8 THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL
9 OFFICER.

10 (B) AFFIDAVIT REQUIRED.

11 THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT AND APPLICATION WITH THE
12 BOARD THAT CONTAINS:

13 (1) THE SUBSTITUTION OF THE OFFICER; AND

14 (2) AN EXPLANATION FOR THE SUBSTITUTION.

15 (C) CORRECTIONS ON LICENSES OTHER THAN CLASS C LICENSES.

16 ON RECEIPT OF THE AFFIDAVIT AND APPLICATION AND AFTER A FINDING BY
17 THE BOARD THAT THE INDIVIDUAL IS FIT AND WOULD MEET THE SAME
18 REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER, THE BOARD SHALL:

19 (1) AMEND ITS RECORD; AND

20 (2) ISSUE A CORRECTED LICENSE.

21 (D) CORRECTIONS ON CLASS C LICENSES.

22 ON RECEIPT OF THE AFFIDAVIT AND APPLICATION AND PAYMENT OF A \$5 FEE,
23 THE BOARD SHALL:

24 (1) AMEND ITS RECORDS; AND

25 (2) ISSUE A CORRECTED LICENSE.

26 (E) FEE.

1 **THE LICENSE HOLDER SHALL PAY A FEE OF \$100 TO THE BOARD FOR THE**
2 **SERVICE.**

3 REVISOR'S NOTE: This section is new language derived without substantive
4 change from former Art. 2B, § 10-503(y)(2)(i), (ii), and (iii) and, as they related
5 to Worcester County, the first through fourth and sixth sentences of §
6 10-301(h)(1).

7 In subsection (a) of this section, the former references to an officer who has
8 "been removed from office" are deleted as included in the reference to an officer
9 who "no longer holds an office in the corporation or club".

10 In the introductory language of subsection (a)(1) of this section, the reference
11 to "any officer who" is substituted for the former references to "the deleted
12 officer" for clarity.

13 Also in the introductory language of subsection (a)(1) of this section, the
14 former references to any "class of alcoholic beverage" or "class of alcoholic
15 beverages" license are deleted as surplusage.

16 Also in the introductory language of subsection (a)(1) of this section, the
17 former phrase "during any license year" is deleted as surplusage.

18 Also in the introductory language of subsection (a)(1) of this section, the
19 former phrase "notwithstanding any other provision of this article" is deleted
20 as surplusage.

21 In subsection (a)(2) of this section, the reference to requirements "applicable
22 to the original officer" is substituted for the former references to requirements
23 "the substitute would have to meet if the substitute were named in the original
24 application" for brevity.

25 Also in subsection (a)(2) of this section, the former reference to a "fit"
26 individual is deleted as implicit in the requirement that the individual be
27 approved by the Board and meet the requirements applicable to the original
28 officer.

29 In subsection (b)(1) of this section, the former reference to "officers" is deleted
30 in light of the reference to "officer" and GP § 1-202, which provides that the
31 singular generally includes the plural.

32 In subsections (c)(2) and (d)(2) of this section, the references to a "corrected
33 license" are substituted for the former references to a "new license with the
34 corrected names on it" for brevity.

35 Defined terms: "Board" § 33-101

1 “Club” § 1–101
 2 “License” § 1–101
 3 “License holder” § 1–101

4 **SUBTITLE 18. RENEWAL OF LICENSES.**

5 **33–1801. APPLICATION OF GENERAL PROVISIONS.**

6 **(A) WITHOUT EXCEPTION OR VARIATION.**

7 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL**
 8 **LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT**
 9 **EXCEPTION OR VARIATION:**

- 10 **(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
 11 **(2) § 4–403 (“RENEWAL APPLICATION”);**
 12 **(3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**
 13 **(4) § 4–406 (“PROTESTS”);**
 14 **(5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
 15 **(6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
 16 **(7) § 4–409 (“MULTIPLE LICENSES”); AND**
 17 **(8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

18 **(B) VARIATION.**

19 **SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION**
 20 **I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33–1802 OF THIS**
 21 **SUBTITLE.**

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
 23 general provisions relating to the renewal of local licenses.

24 Defined terms: “County” § 33–101
 25 “License” § 1–101

26 **33–1802. FILING PERIOD FOR RENEWAL APPLICATION — LATE FILING.**

1 **THE BOARD MAY ACCEPT LATE APPLICATIONS DURING APRIL AND FINE THE**
2 **LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR EACH DAY THE**
3 **APPLICATION IS LATE.**

4 REVISOR'S NOTE: This section is new language derived without substantive
5 change from former Art. 2B, § 10–301(t).

6 The reference authorizing the Board to “accept” late applications is
7 substituted for the former reference authorizing the Board to “receive” late
8 applications for clarity.

9 Defined terms: “Board” § 33–101

10 “License holder” § 1–101

11 **33–1803. RENEWAL OF CLASS A LICENSE.**

12 **THE BOARD MAY RENEW A CLASS A BEER LICENSE, BEER AND WINE LICENSE,**
13 **OR WINE LICENSE ISSUED BEFORE JANUARY 1, 2002.**

14 REVISOR'S NOTE: This section is new language derived without substantive
15 change from former Art. 2B, § 9–102(j)(7).

16 The former phrase “[n]otwithstanding any other provision of this section,” is
17 deleted as surplusage.

18 Defined terms: “Beer” § 1–101

19 “Board” § 33–101

20 “Wine” § 1–101

21 **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

22 **33–1901. APPLICATION OF GENERAL PROVISIONS.**

23 **(A) WITHOUT EXCEPTION OR VARIATION.**

24 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
25 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY**
26 **WITHOUT EXCEPTION OR VARIATION:**

27 **(1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

28 **(2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED**
29 **PREMISES”);**

30 **(3) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”); AND**

1 **(4) § 4-508 (“DISPLAY OF LICENSE”).**

2 **(B) VARIATIONS.**

3 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL**
 4 **LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

5 **(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT**
 6 **TO § 33-1902 OF THIS SUBTITLE;**

7 **(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §**
 8 **33-1903 OF THIS SUBTITLE; AND**

9 **(3) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”),**
 10 **SUBJECT TO § 33-1904 OF THIS SUBTITLE.**

11 REVISOR’S NOTE: This section is new language added to incorporate by reference
 12 general provisions relating to the conduct of local license holders.

13 Defined terms: “Alcoholic beverage” § 1-101

14 “County” § 33-101

15 “License” § 1-101

16 “License holder” § 1-101

17 **33-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

18 **(A) INDIVIDUALS UNDER THE AGE OF 18 YEARS.**

19 **A LICENSE HOLDER MAY NOT EMPLOY AN INDIVIDUAL UNDER THE AGE OF 18**
 20 **YEARS IN THE SALE OF ALCOHOLIC BEVERAGES, UNLESS A PERMIT IS OBTAINED**
 21 **FROM THE SHERIFF AND STATE’S ATTORNEY OF THE COUNTY.**

22 **(B) PENALTY.**

23 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 24 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
 25 **NOT EXCEEDING \$200 OR BOTH.**

26 REVISOR’S NOTE: This section is new language derived without substantive
 27 change from former Art. 2B, § 12-224(b) and (a)(1).

1 In subsection (a) of this section, the reference to an “individual” is substituted
2 for the former reference to a “person” because this subsection applies only to
3 human beings.

4 In subsection (b) of this section, the reference to “imprisonment” is substituted
5 for the former reference to “jail” to conform to the terminology used throughout
6 this article.

7 Defined terms: “Alcoholic beverage” § 1–101

8 “County” § 33–101

9 “License holder” § 1–101

10 “Person” § 1–101

11 **33–1903. ALCOHOL AWARENESS PROGRAM.**

12 **(A) SCOPE OF SECTION.**

13 **THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS C LICENSE.**

14 **(B) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED**
15 **PREMISES ALLOWED.**

16 **(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE**
17 **LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

18 **(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS**
19 **PROGRAM; AND**

20 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
21 **SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN**
22 **WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

23 **(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH**
24 **(1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A**
25 **PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR**
26 **NOT MORE THAN 2 HOURS.**

27 **(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A**
28 **LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY**
29 **ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE**
30 **ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

31 **(C) PENALTY.**

1 **A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

2 **(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

3 **(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500**
 4 **OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 13-101(d) and (c)(2)(iii) and (iv)4 and, as they
 7 relate to Worcester County, (ii), (i)7, and (iv)1.

8 In subsection (b) of this section, the references to an "individual" are
 9 substituted for the former references to a "person" because this section applies
 10 only to human beings.

11 In subsection (b)(1)(ii) of this section, the reference to being present "on the
 12 licensed premises" is added for clarity.

13 Also in subsection (b)(1)(ii) of this section, the defined term "alcoholic
 14 beverage[s]" is substituted for the former reference to "alcohol" to conform to
 15 the terminology used throughout this article.

16 In subsection (b)(2) of this section, the former reference to a "bona fide"
 17 personal or business reason is deleted as surplusage.

18 Defined terms: "Alcoholic beverage" § 1-101

19 "Board" § 33-101

20 "License holder" § 1-101

21 **33-1904. RETAIL DELIVERY.**

22 **(A) NO DELIVERY OUTSIDE LICENSED PREMISES.**

23 **EXCEPT FOR EVENTS CATERED BY A HOLDER OF A CATERER'S LICENSE, A**
 24 **HOLDER OF A RETAIL LICENSE ISSUED BY THE BOARD MAY NOT DELIVER**
 25 **ALCOHOLIC BEVERAGES OUTSIDE OF THE LICENSED PREMISES.**

26 **(B) PENALTY.**

27 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 28 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE**
 29 **NOT EXCEEDING \$200 OR BOTH.**

30 REVISOR'S NOTE: This section is new language derived without substantive
 31 change from former Art. 2B, § 12-224(a)(2) and (b).

1 In subsection (a) of this section, the reference to a “holder of a retail license
2 issued by the Board” is substituted for the former reference to “a retail
3 alcoholic beverages licensee in Worcester County” for clarity.

4 In subsection (b) of this section, the reference to “imprisonment” is substituted
5 for the former reference to “jail” to conform to the terminology used throughout
6 this article.

7 Defined terms: “Alcoholic beverage” § 1–101
8 “Board” § 33–101
9 “Person” § 1–101

10 **33–1905. PUBLIC RESTROOMS REQUIRED.**

11 **(A) FOR ON–SALE ESTABLISHMENTS.**

12 **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, TO QUALIFY FOR**
13 **AN “ON–SALE” CLASS B LICENSE, CLASS C LICENSE, OR CLASS D LICENSE, THE**
14 **LICENSED PREMISES SHALL BE EQUIPPED WITH PUBLIC RESTROOMS WITH:**

15 **(1) A MINIMUM OF ONE RESTROOM FOR EACH SEX; AND**

16 **(2) A CONNECTION TO A PUBLIC OR PRIVATE WATER AND WASTE**
17 **SYSTEM THAT IS APPROVED BY THE HEALTH DEPARTMENT.**

18 **(B) WAIVER.**

19 **IF THE BOARD FINDS THAT THE REQUIREMENTS OF THIS SECTION WILL**
20 **IMPOSE AN UNDUE HARDSHIP ON THE APPLICANT, THE BOARD MAY WAIVE THE**
21 **REQUIREMENTS.**

22 REVISOR’S NOTE: This section is new language derived without substantive
23 change from former Art. 2B, § 11–524(f).

24 In subsection (a) of this section, the former phrase “at least” is deleted as
25 redundant of the phrase “a minimum of”.

26 Defined term: “Board” § 33–101

27 **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

28 **33–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

29 **(A) IN GENERAL.**

1 **(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6**
2 **A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A**
3 **PREMISES LICENSED UNDER THIS TITLE.**

4 **(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES**
5 **LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION**
6 **PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

7 **(B) PENALTY.**

8 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
9 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

10 REVISOR'S NOTE: This section is new language derived without substantive
11 change from former Art. 2B, § 11-304(a)(1) and, as it related to Worcester
12 County, (2).

13 In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided in
14 this title" is added for clarity.

15 Also in subsection (a)(1) of this section, the reference to an "individual" is
16 substituted for the former reference to a "person" because the prohibition
17 against consumption applies only to human beings.

18 Also in subsection (a)(1) of this section, the reference to "a premises licensed
19 under this title" is substituted for the former reference to "any premises open
20 to the general public, any place of public entertainment, or any place at which
21 setups or other component parts of mixed alcoholic drinks are sold under any
22 license issued under the provisions of the Business Regulation Article" for
23 brevity.

24 In subsection (a)(2) of this section, the reference to "a premises licensed under
25 this title" is substituted for the former reference to "the premises" for
26 consistency with the terminology used in subsection (a)(1) of this section.

27 In subsection (b) of this section, the reference to a person who "violates this
28 section" is substituted for the former reference to a person who is "found
29 consuming any alcoholic beverage on any premises open to the general public,
30 and any owner, operator or manager of those premises or places who
31 knowingly permits consumption between the hours provided by this section"
32 for brevity.

33 Also in subsection (b) of this section, the former phrase "[e]xcept as provided
34 in this section" is deleted as unnecessary in light of the organization of this
35 revised article.

1 Also in subsection (b) of this section, the former reference to a fine “not less
2 than \$5” is deleted to conform to the statement of legislative policy in §
3 14–102 of the Criminal Law Article, which sets forth the general rule that,
4 notwithstanding a statutory minimum penalty, a court may impose a lesser
5 penalty of the same character.

6 Defined terms: “Alcoholic beverage” § 1–101
7 “Person” § 1–101

8 **33–2002. SALES OF ALCOHOLIC BEVERAGES.**

9 **(A) IN GENERAL.**

10 **A HOLDER OF A RETAIL ALCOHOLIC BEVERAGES LICENSE MAY SELL OR**
11 **PROVIDE ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE**
12 **CONSUMED ON THE LICENSED PREMISES ONLY IN ACCORDANCE WITH THIS**
13 **SUBTITLE.**

14 **(B) HOURS WHEN SALES ARE PROHIBITED.**

15 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ALCOHOLIC**
16 **BEVERAGES MAY NOT BE SOLD ON MONDAY THROUGH SUNDAY, FROM 2 A.M. TO 9**
17 **A.M.**

18 REVISOR’S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 11–524(a) and (b)(1).

20 In subsection (a) of this section, the reference to “provide” is substituted for
21 the former reference to “barter, deliver or give away, or otherwise dispose of”
22 to conform to the terminology used throughout this subtitle.

23 Also in subsection (a) of this section, the phrase “only in accordance with this
24 subtitle” is substituted for the former phrase “except as hereinafter provided”
25 to conform to the terminology used throughout this subtitle.

26 Also in subsection (a) of this section, the former phrase “notwithstanding any
27 other provisions of this subtitle” is deleted as unnecessary in light of the
28 organization of this revised article.

29 In subsection (b) of this section, the phrase “on Monday through Sunday” is
30 substituted for the former phrases “on Sunday”, “on Monday”, and “on the
31 remaining days of the week” for brevity.

32 Also in subsection (b) of this section, the former references to “prevailing time”
33 are deleted as surplusage.

1 Defined terms: "Alcoholic beverage" § 1-101
2 "License" § 1-101

3 **33-2003. BEER LICENSES.**

4 **(A) CLASS A BEER LICENSE.**

5 **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER UNDER:**

6 **(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6**
7 **A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

8 **(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M.**
9 **TO 2 A.M. THE FOLLOWING DAY.**

10 **(B) CLASS B BEER LICENSE.**

11 **(1) A HOLDER OF A 6-DAY CLASS B BEER LICENSE MAY SELL BEER**
12 **ON MONDAY THROUGH SATURDAY:**

13 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
14 **THE FOLLOWING DAY; AND**

15 **(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.**
16 **THE FOLLOWING DAY.**

17 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A**
18 **HOLDER OF A 7-DAY CLASS B BEER LICENSE MAY SELL BEER:**

19 **(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH**
20 **SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

21 **(II) FOR ON-PREMISES CONSUMPTION:**

22 **1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2**
23 **A.M. THE FOLLOWING DAY; AND**

24 **2. ON SUNDAY, FROM 12:30 P.M. TO 2 A.M. THE**
25 **FOLLOWING DAY.**

26 **(3) A HOLDER OF A 7-DAY CLASS B BEER LICENSE IN THE TENTH**
27 **ELECTION DISTRICT IN THE COUNTY MAY SELL BEER ON MONDAY THROUGH**
28 **SUNDAY:**

1 (I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.
2 THE FOLLOWING DAY; AND

3 (II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.
4 THE FOLLOWING DAY.

5 (C) CLASS C BEER LICENSE.

6 A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY
7 THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

8 (D) CLASS D BEER LICENSE.

9 (1) A HOLDER OF A 6-DAY CLASS D BEER LICENSE MAY SELL BEER
10 ON MONDAY THROUGH SATURDAY:

11 (I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.
12 THE FOLLOWING DAY; AND

13 (II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.
14 THE FOLLOWING DAY.

15 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
16 HOLDER OF A 7-DAY CLASS D BEER LICENSE MAY SELL BEER:

17 (I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH
18 SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

19 (II) FOR ON-PREMISES CONSUMPTION:

20 1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2
21 A.M. THE FOLLOWING DAY; AND

22 2. ON SUNDAY, FROM 12:30 P.M. TO 2 A.M. THE
23 FOLLOWING DAY.

24 (3) A HOLDER OF A 7-DAY CLASS D BEER LICENSE IN THE TENTH
25 ELECTION DISTRICT IN THE COUNTY MAY SELL BEER ON MONDAY THROUGH
26 SUNDAY:

27 (I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.
28 THE FOLLOWING DAY; AND

1 **(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.**
 2 **THE FOLLOWING DAY.**

3 REVISOR'S NOTE: This section is new language derived without substantive
 4 change from former Art. 2B, § 11-524(c)(1) through (4).

5 In each subsection of this section, the introductory language stating that the
 6 holder of a particular license "may sell beer" is substituted for the former
 7 introductory language stating that "[i]n the sections of this article set forth in
 8 this subsection, the hours for sale in Worcester County shall be" for clarity.

9 In subsection (a) of this section, the former reference to "Section 3-101" is
 10 deleted as obsolete and unnecessary in light of the organization of this revised
 11 article. Similarly, in subsections (b) and (c) of this section, former references
 12 to "Section 3-201" and "Section 3-301", respectively, are deleted.

13 In subsection (a)(1) of this section, the former reference that "there shall be no
 14 sales between 2:00 a.m. Sunday and 6:00 a.m. Monday" is deleted as
 15 unnecessary because the authority of a holder of a 6-day license to sell beer
 16 extends only from 6 a.m. Monday to 2 a.m. Sunday. Similarly, in subsection
 17 (b)(1) of this section, the former sentence "[t]here may be no sales between 2
 18 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively", and in
 19 subsection (c) of this section, the former clause "except that there be no sales
 20 on Sundays between 2:00 a.m. and 9:00 a.m. Monday mornings" are deleted.

21 In subsection (b) of this section, the phrase "[e]xcept as provided in paragraph
 22 (3) of this subsection" is substituted for the former phrase "[c]ountywide
 23 (exclusive of tenth election district)" in light of the organization of this revised
 24 section.

25 Defined terms: "Beer" § 1-101
 26 "County" § 33-101
 27 "License" § 1-101

28 **33-2004. BEER AND WINE LICENSES.**

29 **(A) CLASS A BEER AND WINE LICENSE.**

30 **A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE**
 31 **UNDER:**

32 **(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6**
 33 **A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

1 **(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M.**
2 **TO 2 A.M. THE FOLLOWING DAY.**

3 **(B) CLASS B BEER AND WINE LICENSE.**

4 **(1) A HOLDER OF A 6-DAY CLASS B BEER AND WINE LICENSE MAY**
5 **SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:**

6 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
7 **THE FOLLOWING DAY; AND**

8 **(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.**
9 **THE FOLLOWING DAY.**

10 **(2) A HOLDER OF A 7-DAY CLASS B BEER AND WINE LICENSE MAY**
11 **SELL BEER AND WINE ON MONDAY THROUGH SUNDAY:**

12 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
13 **THE FOLLOWING DAY; AND**

14 **(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.**
15 **THE FOLLOWING DAY.**

16 **(C) CLASS C BEER AND WINE LICENSE.**

17 **A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE**
18 **ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

19 **(D) CLASS D BEER AND WINE LICENSE.**

20 **(1) A HOLDER OF A 6-DAY CLASS D BEER AND WINE LICENSE MAY**
21 **SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:**

22 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
23 **THE FOLLOWING DAY; AND**

24 **(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.**
25 **THE FOLLOWING DAY.**

26 **(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY**
27 **SELL BEER AND WINE ON MONDAY THROUGH SUNDAY:**

1 **(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M.**
 2 **THE FOLLOWING DAY; AND**

3 **(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M.**
 4 **THE FOLLOWING DAY.**

5 REVISOR'S NOTE: This section is new language derived without substantive
 6 change from former Art. 2B, § 11-524(c)(5) through (8).

7 In this section, references to a "beer and wine license" are substituted for the
 8 former references to a "beer and light wine license" to avoid confusion.
 9 Traditionally, wines were divided according to their amount of alcoholic
 10 content into two groups: light wines (containing up to 15.5% alcohol by
 11 volume) and fortified wines (containing above 15.5%). However, in former Art.
 12 2B, § 4-101(y), "light wine" was defined in the County as a fermented beverage
 13 containing up to 22% of alcohol by volume – a maximum amount sufficient to
 14 include fortified wines, thus rendering meaningless the traditional division of
 15 wines into light wines and fortified wines.

16 In each subsection of this section, the introductory language stating that the
 17 holder of a particular license "may sell beer and wine" is substituted for the
 18 former introductory language stating that "[i]n the sections of this article set
 19 forth in this subsection, the hours for sale in Worcester County shall be" for
 20 clarity.

21 In subsection (a) of this section, the former reference to "Section 5-101" is
 22 deleted as obsolete and unnecessary in light of the organization of this revised
 23 article. Similarly, in subsections (b) and (c) of this section, former references
 24 to "Section 5-201" and "Section 5-301", respectively, are deleted.

25 In subsection (a)(1) of this section, the former reference that "there shall be no
 26 sales on Sundays between 2:00 a.m. and 6:00 a.m. Monday" is deleted as
 27 unnecessary because the authority of a holder of a 6-day license to sell beer
 28 and wine extends only from 6 a.m. Monday to 2 a.m. Sunday. Similarly, in
 29 subsection (b)(1) of this section, the former sentence "[t]here may be no sales
 30 between 2:00 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively",
 31 and in subsection (c)(1) of this section, the former clause "except that there be
 32 no sales on Sundays between 2:00 a.m. and 9:00 a.m. Monday mornings" are
 33 deleted.

34 Defined terms: "Beer" § 1-101

35 "County" § 33-101

36 "License" § 1-101

37 **33-2005. BEER, WINE, AND LIQUOR LICENSES.**

1 (A) CLASS A BEER, WINE, AND LIQUOR LICENSE.

2 RESERVED.

3 (B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

4 (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
5 HOLDER OF A 6-DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL:

6 (I) FOR OFF-PREMISES CONSUMPTION ON MONDAY THROUGH
7 SATURDAY:

8 1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE
9 FOLLOWING DAY; AND

10 2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;
11 AND

12 (II) FOR ON-PREMISES CONSUMPTION ON MONDAY THROUGH
13 SATURDAY, BEER, WINE, AND LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

14 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
15 HOLDER OF A 7-DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL:

16 (I) FOR OFF-PREMISES CONSUMPTION ON MONDAY THROUGH
17 SUNDAY:

18 1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE
19 FOLLOWING DAY; AND

20 2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;
21 AND

22 (II) FOR ON-PREMISES CONSUMPTION ON MONDAY THROUGH
23 SUNDAY, BEER, WINE, AND LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

24 (3) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY
25 SELL BEER, WINE, AND LIQUOR DURING THE HOURS THAT ARE SET OUT UNDER
26 PARAGRAPHS (1) OR (2) OF THIS SUBSECTION, UNLESS THE OCEAN CITY
27 CONVENTION HALL COMMISSION SPECIFIES A SHORTER TIME.

28 (C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

1 **A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
2 **WINE, AND LIQUOR UNDER:**

3 **(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 9**
4 **A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

5 **(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 9 A.M.**
6 **TO 2 A.M. THE FOLLOWING DAY.**

7 **(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

8 **(1) A HOLDER OF A 6-DAY CLASS D BEER, WINE, AND LIQUOR**
9 **LICENSE MAY SELL:**

10 **(I) FOR OFF-PREMISES CONSUMPTION:**

11 **1. BEER AND WINE, ON MONDAY THROUGH SATURDAY,**
12 **FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

13 **2. LIQUOR, ON MONDAY THROUGH SATURDAY, FROM 9**
14 **A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

15 **(II) FOR ON-PREMISES CONSUMPTION, BEER, WINE, AND**
16 **LIQUOR, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING**
17 **DAY.**

18 **(2) A HOLDER OF A 7-DAY CLASS D BEER, WINE, AND LIQUOR**
19 **LICENSE MAY SELL:**

20 **(I) FOR OFF-PREMISES CONSUMPTION:**

21 **1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE**
22 **FOLLOWING DAY; AND**

23 **2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;**
24 **AND**

25 **(II) FOR ON-PREMISES CONSUMPTION, BEER, WINE, AND**
26 **LIQUOR FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

27 **(E) CLASS I BEER, WINE, AND LIQUOR LICENSE.**

1 **A HOLDER OF A CLASS I BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER,**
2 **WINE, AND LIQUOR, FOR ON-PREMISES CONSUMPTION, UNDER:**

3 **(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 9**
4 **A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

5 **(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 9 A.M.**
6 **TO 2 A.M. THE FOLLOWING DAY.**

7 REVISOR'S NOTE: This section is new language derived without substantive
8 change from former Art. 2B, §§ 8-224(h) and 11-524(c)(9) through (11).

9 In subsections (b), (c), and (d) of this section, the introductory language stating
10 that the holder of a particular type of beer, wine, and liquor license "may sell"
11 beer, wine, and liquor is substituted for the former introductory language
12 stating that "[i]n the sections of this article set forth in this subsection, the
13 hours for sale in Worcester County shall be" for clarity.

14 In subsection (b) of this section, the former reference to "Section 6-201" is
15 deleted as obsolete. Similarly, in subsections (c) and (d) of this section, former
16 references to "Section 6-301" and "Section 6-401", respectively, are deleted.

17 In subsection (b)(1)(ii) of this section, the reference to "beer, wine, and liquor"
18 is added to clarify that the hours of sale for consumption on the premises
19 extend to all three types of alcoholic beverages.

20 In subsection (e) of this section, the reference to the specific hours and days of
21 sale are substituted for the former cross-reference to Art. 2B, § 11-524 in light
22 of the reorganization of this revised article.

23 Former Art. 2B, § 11-403(b)(2)(viii), which stated that in Worcester County a
24 prohibition against Sunday sales is not applicable to Class B beer, wine and
25 liquor licenses regulated by the provisions of former Art. 2B, § 11-524 of this
26 title, now this section, is deleted in light of the organization of this revised
27 article.

28 Defined term: "License" § 1-101

29 **33-2006. HOURS ON JANUARY 1.**

30 **THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL**
31 **STOP SELLING ALCOHOLIC BEVERAGES ON JANUARY 1, REGARDLESS OF THE DAY**
32 **OF THE WEEK ON WHICH JANUARY 1 FALLS.**

33 REVISOR'S NOTE: This section is new language derived without substantive
34 change from former Art. 2B, § 11-402(y)(2).

1 The former phrase “within [the Board’s] sole discretion” is deleted as
2 surplusage.

3 The former reference allowing the Board to determine the hour at which
4 establishments serving alcoholic beverages must cease sales on “December 31”
5 — a provision intended to allow establishments to extend their hours when
6 December 31 fell on a Sunday — is deleted as obsolete. The normal hours of
7 sale on Sunday in the County now extend to 2 a.m. the following day.

8 Former Art. 2B, § 11–402(y)(1), which stated that former Art. 2B, §
9 11–402(y) applied only in Worcester County, is deleted as unnecessary in light
10 of the organization of this revised article.

11 Former Art. 2B, § 11–524(e), which stated that in Worcester County Sunday
12 sales when December 31 or January 1 fall on a Sunday shall be governed by
13 former Art. 2B, § 11–402(y), is deleted as unnecessary in light of the
14 organization of this revised article.

15 Defined terms: “Alcoholic beverage” § 1–101
16 “Board” § 33–101
17 “License holder” § 1–101

18 **33–2007. CONSUMPTION PROHIBITED.**

19 **(A) PLACES WHERE CONSUMPTION IS PROHIBITED.**

20 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS**
21 **SUBSECTION, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN AN**
22 **UNLICENSED CLUB, DANCE STUDIO, DISCO, HOTEL, RESTAURANT, TAVERN, OR ANY**
23 **OTHER PLACE OF PUBLIC ENTERTAINMENT.**

24 **(2) AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES:**

25 **(I) IN THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL,**
26 **OR HOSPICE; OR**

27 **(II) ON THE PROPERTY OF A VOLUNTEER FIRE COMPANY.**

28 **(3) AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES ON THE**
29 **PREMISES OF:**

30 **(I) A FISHING CLUB THAT WAS ESTABLISHED BEFORE JANUARY**
31 **1, 1970; OR**

1 **(II) ANY OF THE FOLLOWING ESTABLISHMENTS IF IT HAS BEEN**
2 **IN EXISTENCE FOR AT LEAST 3 YEARS:**

- 3 **1. A CATERING ESTABLISHMENT;**
4 **2. A COMMUNITY OR CIVIC ASSOCIATION;**
5 **3. A SWIM CLUB;**
6 **4. A SOCIAL, CIVIC, NONPROFIT, CHARITABLE,**
7 **FRATERNAL, PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; OR**
8 **5. A RELIGIOUS INSTITUTION.**

9 **(B) HOURS WHEN CONSUMPTION IS PROHIBITED.**

10 **THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION APPLIES AT ALL**
11 **TIMES, UNLESS CONSUMPTION IS AUTHORIZED BY THIS SUBTITLE.**

12 **(C) REGULATIONS.**

13 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

14 **(D) PENALTY.**

15 **A PERSON SUBJECT TO THIS SECTION WHO KNOWINGLY VIOLATES THIS**
16 **SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE**
17 **NOT EXCEEDING \$10,000.**

18 REVISOR'S NOTE: This section is new language derived without substantive
19 change from former Art. 2B, § 11-304(y)(2) through (5).

20 In subsection (a)(1) of this section, the reference to "an unlicensed" club, dance
21 studio, disco, hotel, restaurant, tavern, or any other place of public
22 entertainment is added for clarity.

23 In subsection (a)(3)(ii)1, 4, and 5 of this section, the former references to a
24 "bona fide" organization are deleted as surplusage.

25 In subsection (b) of this section, the reference to "all times" is substituted for
26 the former reference to "any day of the week, including Saturday and Sunday"
27 for brevity and clarity.

28 In subsection (c) of this section, the former reference to "uniform" regulations
29 is deleted as implicit in the reference to "regulations".

1 In subsection (d) of this section, the reference to “[a] person subject to this
 2 section” is substituted for the former reference to “[a]ny owner, operator,
 3 manager, or employee of premises or places subject to the prohibitions of this
 4 subsection” for clarity.

5 Defined terms: “Alcoholic beverage” § 1–101
 6 “Club” § 1–101
 7 “Person” § 1–101

8 **33–2008. LIMIT ON CONSUMPTION.**

9 **IF SALES OF ALCOHOLIC BEVERAGES IN A LICENSED PREMISES MAY**
 10 **CONTINUE UNTIL 2 A.M., ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED LATER**
 11 **THAN 2:30 A.M., WHEN THE LICENSED PREMISES SHALL BE VACATED BY ALL**
 12 **CUSTOMERS.**

13 REVISOR’S NOTE: This section is new language derived without substantive
 14 change from former Art. 2B, § 11–524(b)(2).

15 The phrase “in a licensed premises” is added for clarity.

16 Defined terms: “Alcoholic beverage” § 1–101
 17 “License” § 1–101

18 **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

19 **33–2101. APPLICATION OF GENERAL PROVISIONS.**

20 **(A) WITHOUT EXCEPTION OR VARIATION.**

21 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
 22 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
 23 **COUNTY WITHOUT EXCEPTION OR VARIATION:**

24 **(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

25 **(2) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

26 **(3) § 4–606 (“EFFECTS OF REVOCATION”).**

27 **(B) VARIATIONS.**

1 **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND**
2 **SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
3 **COUNTY:**

4 **(1) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”),**
5 **SUBJECT TO § 33-2102 OF THIS SUBTITLE; AND**

6 **(2) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”),**
7 **SUBJECT TO § 33-2103 OF THIS SUBTITLE.**

8 REVISOR’S NOTE: This section is new language added to incorporate by reference
9 general provisions relating to the revocation and suspension of local licenses.

10 Former Art. 2B, § 10-405(a)(18), which stated that former Art. 2B,
11 § 10-405, which related to nudity and sexual displays, applied in Worcester
12 County, is deleted as unnecessary in light of the organization of this revised
13 article.

14 Defined terms: “County” § 33-101

15 “License” § 1-101

16 “Local licensing board” § 1-101

17 **33-2102. NOTICE OF COMPLAINT INITIATING LICENSE REVOCATION OR**
18 **SUSPENSION PROCEDURES.**

19 **(A) IN GENERAL.**

20 **IN ADDITION TO THE PROCEDURES UNDER § 4-603 OF THIS ARTICLE, THE**
21 **BOARD SHALL NOTIFY THE LICENSE HOLDER OF THE COMPLAINT BY:**

22 **(1) PERSONAL SERVICE ON THE LICENSE HOLDER OR ANY ADULT**
23 **EMPLOYEE OF THE LICENSE HOLDER; OR**

24 **(2) ANY OTHER METHOD OF SERVICE OF NOTICE THAT CONFORMS**
25 **WITH MARYLAND RULES 2-121 AND 2-122.**

26 **(B) NOTICE GIVEN TO EMPLOYEE.**

27 **IF NOTICE IS GIVEN TO AN ADULT EMPLOYEE OF THE LICENSE HOLDER UNDER**
28 **SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL MAIL A COPY OF THE NOTICE**
29 **OR A LETTER DESCRIBING THE CONTENTS OF THE NOTICE TO THE HOME OR**
30 **BUSINESS ADDRESS OF THE LICENSE HOLDER WITHIN 72 HOURS AFTER THE NOTICE**
31 **IS GIVEN TO THE ADULT EMPLOYEE.**

1 REVISOR'S NOTE: This section is new language derived without substantive
2 change from former Art. 2B, § 10-403(c)(2) and (3).

3 In the introductory language of subsection (a) and in subsection (b) of this
4 section, the references to "the Board" are added to clarify that the Board is
5 required to fulfill notification requirements.

6 Also in the introductory language of subsection (a) and in subsection (b) of this
7 section, the former references to the "service of" notice are deleted as
8 surplusage.

9 In the introductory language of subsection (a) of this section, the phrase "[i]n
10 addition to the procedures under § 4-603 of this article," is added for clarity.

11 Also in the introductory language of subsection (a) of this section, the former
12 reference to the "charges of" complaint is deleted as surplusage.

13 In subsection (b) of this section, the reference to within 72 hours "after the
14 notice is given" is substituted for the former reference to within 72 hours "of
15 the day service is given" for clarity.

16 Former Art. 2B, § 10-403(c)(1), as it related to applying former Art. 2B, §
17 10-403(c) to Worcester County, is deleted as unnecessary in light of the
18 organization of this revised article.

19 Defined terms: "Board" § 33-101
20 "License holder" § 1-101

21 **33-2103. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

22 **IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN §**
23 **4-604 OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A LICENSE IF THE**
24 **LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6 MONTHS FOLLOWING ITS**
25 **ISSUANCE OR TRANSFER.**

26 REVISOR'S NOTE: This section is new language derived without substantive
27 change from former Art. 2B, § 10-401(i).

28 The phrase "[i]n addition to the grounds for revocation or suspension under §
29 4-604 of this article," is added for clarity.

30 The reference to the "issuance or transfer" of a license is substituted for the
31 former reference to the "Board approv[al of]: (1) [t]he issuance of the license;
32 or (2) [t]he transfer of the license" for brevity.

33 Defined terms: "Board" § 33-101

1 "License" § 1-101

2 **SUBTITLE 22. EXPIRATION OF LICENSES.**

3 **33-2201. APPLICATION OF GENERAL PROVISIONS.**

4 **TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF**
5 **THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

6 REVISOR'S NOTE: This section is new language added to incorporate by reference
7 the general provisions relating to the expiration of local licenses.

8 Defined terms: "County" § 33-101
9 "License" § 1-101

10 **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

11 **33-2301. APPLICATION OF GENERAL PROVISIONS.**

12 **TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS**
13 **ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

14 REVISOR'S NOTE: This section is new language added to incorporate by reference
15 general provisions relating to the death of a local license holder.

16 Defined terms: "County" § 33-101
17 "License holder" § 1-101

18 **SUBTITLE 24. JUDICIAL REVIEW.**

19 **33-2401. APPLICATION OF GENERAL PROVISIONS.**

20 **TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE**
21 **APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

22 REVISOR'S NOTE: This section is new language added to incorporate by reference
23 general provisions relating to the appeal of the decisions of the Board.

24 Defined term: "County" § 33-101

25 **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

26 **33-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

1 **(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC**
 2 **BEVERAGES.**

3 **A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND**
 4 **ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR**
 5 **OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT**
 6 **ENTERTAINMENT THAT:**

7 **(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

8 **(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR**
 9 **ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

10 **(B) PROHIBITION AGAINST OPERATOR.**

11 **A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS**
 12 **NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO**
 13 **BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

14 **(C) PENALTY.**

15 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
 16 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE**
 17 **NOT EXCEEDING \$10,000 OR BOTH.**

18 REVISOR'S NOTE: This section is new language derived without substantive
 19 change from former Art. 2B, § 20-113(a), (c), and (d).

20 In the introductory language of subsection (a) of this section, the former
 21 references to "dispense" are deleted as included in the references to "serve".

22 In subsection (a) of this section, the reference to "adult" entertainment is
 23 substituted for the former references to "public" entertainment for clarity.

24 In subsection (a)(2) of this section, the reference to "location" is substituted for
 25 the former reference to "premises" to avoid the implication that the
 26 establishment is licensed.

27 Former Art. 2B, § 20-113(b), which provided that former Art. 2B, § 20-113
 28 applied only in Worcester County, is deleted as unnecessary in light of the
 29 organization of this revised article.

30 Defined terms: "Alcoholic beverage" § 1-101

31 "License" § 1-101

32 "Person" § 1-101

1 **33-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC**
2 **BEVERAGES IS PROHIBITED.**

3 (A) **PROHIBITION AGAINST INDIVIDUAL.**

4 **FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME**
5 **ALCOHOLIC BEVERAGES IN:**

6 (1) **AN ESTABLISHMENT OPEN TO THE PUBLIC;**

7 (2) **A PLACE OF PUBLIC ENTERTAINMENT; OR**

8 (3) **A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF**
9 **MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE**
10 **BUSINESS REGULATION ARTICLE.**

11 (B) **PROHIBITION AGAINST OWNER OR MANAGER.**

12 **AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN**
13 **SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**
14 **ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF**
15 **THIS SECTION.**

16 (C) **PENALTY.**

17 **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND**
18 **ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$4,000.**

19 **REVISOR'S NOTE:** This section is new language derived without substantive
20 change from former Art. 2B, § 11-304(a)(1) and (2)(ii).

21 In subsections (a) and (b) of this section, the references to an "establishment"
22 are substituted for the former references to "premises" to avoid the implication
23 that the establishment is licensed.

24 In subsection (a) of this section, the former reference to the "general" public is
25 deleted as surplusage.

26 In subsection (b) of this section, the former reference to an "operator" is deleted
27 as included in the reference to a "manager".

28 In subsection (c) of this section, the former minimum penalty of \$5 is deleted
29 to conform to the statement of legislative policy in § 14-102 of the Criminal
30 Law Article, which sets forth the general rule that, notwithstanding a

1 statutory minimum penalty, a court may impose a lesser penalty of the same
2 character.

3 Defined terms: "Alcoholic beverage" § 1-101
4 "Person" § 1-101

5 **33-2503. CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN A PLACE OF**
6 **PUBLIC ENTERTAINMENT.**

7 **(A) PLACES AFFECTED.**

8 **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION AND**
9 **ELSEWHERE IN THIS ARTICLE, A PERSON MAY NOT CONSUME ALCOHOLIC**
10 **BEVERAGES AT ANY TIME ON ANY DAY OF THE WEEK IN A RESTAURANT, TAVERN,**
11 **HOTEL, CLUB, DANCE STUDIO, DISCO, AND ANY OTHER PLACE OF PUBLIC**
12 **ENTERTAINMENT.**

13 **(B) PLACES EXEMPTED.**

14 **EXEMPT FROM SUBSECTION (A) OF THIS SECTION ARE:**

15 **(1) THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR**
16 **HOSPICE;**

17 **(2) THE PROPERTY OF A VOLUNTEER FIRE COMPANY;**

18 **(3) A FISHING CLUB ESTABLISHED BEFORE JANUARY 1, 1970; AND**

19 **(4) IF IT HAS BEEN IN EXISTENCE FOR AT LEAST 3 YEARS:**

20 **(I) A CATERING ESTABLISHMENT;**

21 **(II) A COMMUNITY OR CIVIC ASSOCIATION;**

22 **(III) A SWIM CLUB;**

23 **(IV) A SOCIAL, CIVIC, NONPROFIT, CHARITABLE, FRATERNAL,**
24 **PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; AND**

25 **(V) A RELIGIOUS INSTITUTION.**

26 **(C) REGULATIONS.**

27 **THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

1 **(D) PENALTY.**

2 **AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT OR A**
3 **PLACE SUBJECT TO THE PROHIBITIONS OF THIS SECTION WHO KNOWINGLY ALLOWS**
4 **CONSUMPTION IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND,**
5 **ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.**

6 REVISOR'S NOTE: This section is new language derived without substantive
7 change from former Art. 2B, § 11-304(y)(2) through (5).

8 In subsection (b)(4)(i), (iv), and (v) of this section, the former references to a
9 "bona fide" catering establishment, social, civic, nonprofit, charitable,
10 fraternal, patriotic, educational, public service organization, and religious
11 institution are deleted as vague.

12 In subsection (d) of this section, the reference to an "establishment" is
13 substituted for the former reference to "premises" to avoid the implication that
14 the establishment is licensed.

15 Also in subsection (d) of this section, the former reference to an "operator" is
16 deleted as included in the reference to a "manager".

17 Former Art. 2B, § 11-304(y)(1), which stated that former Art. 2B, §
18 11-304(y) applied only in Worcester County, is deleted as unnecessary in light
19 of the organization of this revised article.

20 Former Art. 2B, § 18-104, which prohibited alcoholic beverages in Worcester
21 County from being brought onto any premises and consumed or transferred
22 except in a manner specifically allowed or provided for in former Article 2B,
23 and provided a penalty and certain exceptions from the prohibition, is deleted
24 as duplicative of this section.

25 Defined terms: "Alcoholic beverage" § 1-101

26 "Board" § 33-101

27 "Person" § 1-101

28 **SUBTITLE 26. ENFORCEMENT.**

29 **33-2601. APPLICATION OF GENERAL PROVISIONS.**

30 **(A) WITHOUT EXCEPTION OR VARIATION.**

1 **THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF**
 2 **DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR**
 3 **VARIATION:**

4 **(1) § 6–202 (“INSPECTIONS”);**

5 **(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND**
 6 **QUALITY OF ALCOHOLIC BEVERAGES”);**

7 **(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

8 **(4) § 6–205 (“PEACE OFFICERS”);**

9 **(5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF**
 10 **ALCOHOLIC BEVERAGE”);**

11 **(6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE**
 12 **EVIDENCE OF SALE”);**

13 **(7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF**
 14 **ALCOHOL IN PUBLIC PLACES”);**

15 **(8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF**
 16 **CONSUMPTION”); AND**

17 **(9) § 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY**
 18 **INTOXICATION LAWS”).**

19 **(B) VARIATION.**

20 **SECTION 6–211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE**
 21 **APPLIES IN THE COUNTY, SUBJECT TO § 33–2603 OF THIS SUBTITLE.**

22 REVISOR’S NOTE: This section is new language added to incorporate by reference
 23 general provisions relating to enforcement.

24 Defined terms: “Alcoholic beverage” § 1–101

25 “County” § 33–101

26 “State” § 1–101

27 **33–2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

28 **(A) IN GENERAL.**

1 **THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED**
2 **ESTABLISHMENT.**

3 **(B) REFUSAL OF SUBPOENA.**

4 **(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS**
5 **REFUSES TO PRODUCE A SUBPOENAED RECORD.**

6 **(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE**
7 **WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A**
8 **CASE PENDING BEFORE THE COURT.**

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 16–410(c)(1)(xi), (2), and (3).

11 In subsections (a) and (b)(1) of this section, the former references to “papers”
12 are deleted as included in the references to “records” and “record”.

13 In subsection (b)(1) of this section, the phrase “may petition” is substituted for
14 the former phrase “shall report the fact to” for clarity.

15 Also in subsection (b)(1) of this section, the former phrase “for the county” is
16 deleted as surplusage.

17 In subsection (b)(2) of this section, the phrase “may proceed” is substituted for
18 the former phrase “shall proceed” for clarity.

19 Also in subsection (b)(2) of this section, the former phrase “in all respects” is
20 deleted as surplusage.

21 Defined term: “Board” § 33–101

22 **33–2603. DISTRIBUTION OF FINES.**

23 **ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED**
24 **AS PROVIDED UNDER § 7–507 OF THE COURTS ARTICLE.**

25 REVISOR'S NOTE: This section is new language derived without substantive
26 change from former Art. 2B, § 16–502(d).

27 Defined term: “County” § 33–101

28 **SUBTITLE 27. PROHIBITED ACTS.**

29 **33–2701. APPLICATION OF GENERAL PROVISIONS.**

1 (A) WITHOUT EXCEPTION OR VARIATION.

2 THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”)
3 OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR
4 VARIATION:

5 (1) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);

6 (2) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE
7 INDIVIDUAL”);

8 (3) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
9 INTOXICATED INDIVIDUAL”);

10 (4) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF
11 ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

12 (5) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR
13 POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21
14 YEARS”);

15 (6) § 6–310 (“PROVIDING FREE FOOD”);

16 (7) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL
17 DEALER”);

18 (8) § 6–312 (“BEVERAGE MISREPRESENTATION”);

19 (9) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE
20 CONTAINER”);

21 (10) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH
22 DETACHABLE METAL TAB”);

23 (11) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT
24 REGULAR LABEL PRESUMED ILLICIT”);

25 (12) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);

26 (13) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC
27 BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

1 (14) § 6-320 (“DISORDERLY INTOXICATION”);

2 (15) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN
3 PUBLIC”);

4 (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID
5 MACHINE”);

6 (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC
7 BEVERAGES”);

8 (18) § 6-327 (“TAX EVASION”);

9 (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

10 (20) § 6-329 (“PERJURY”).

11 (B) EXCEPTION.

12 SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS
13 ARTICLE DOES NOT APPLY IN THE COUNTY.

14 (C) VARIATION.

15 SECTION 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO
16 INDIVIDUAL UNDER THE AGE OF 21 YEARS”) OF DIVISION I OF THIS ARTICLE
17 APPLIES IN THE COUNTY, SUBJECT TO § 33-2702 OF THIS SUBTITLE.

18 REVISOR’S NOTE: This section is new language added to incorporate by reference
19 general provisions relating to prohibited acts.

20 Defined terms: “Alcoholic beverage” § 1-101

21 “County” § 33-101

22 “License holder” § 1-101

23 “Retail dealer” § 1-101

24 **33-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER**
25 **THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

26 (A) INSTITUTION OF CRIMINAL PROCEEDING.

27 A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS
28 CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE MAY BE PROCEEDED

1 AGAINST ON A CHARGING DOCUMENT ISSUED BY THE DISTRICT COURT FOR THE
2 COUNTY OR BY AN INDICTMENT RETURNED BY THE GRAND JURY OF THE COUNTY.

3 (B) DUE CAUTION STANDARD.

4 A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE
5 FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE
6 HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF
7 FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH
8 THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from the first and third sentences of former Art. 2B, § 12-108(b)(2).

11 In subsection (b) of this section, the reference to the "finder of fact" is
12 substituted for the former reference to the "jury or court sitting as a jury" for
13 brevity.

14 Also in subsection (b) of this section, the former phrase "in fact" is deleted as
15 surplusage.

16 The second sentence of former Art. 2B, § 12-108(b)(2), which stated that a
17 license holder who violates § 6-304 of this article is guilty of a misdemeanor
18 and on conviction is subject to "the penalties provided by § 16-503 of this
19 article", is deleted as unnecessary in light of § 33-2801 of this title.

20 The fourth sentence of former Art. 2B, § 12-108(b)(2), which stated that this
21 subsection "applies solely to Worcester County and stands in place and stead
22 of subsection (a)(1), (2), and (3)(i), (ii), and (iv) of this section as those
23 provisions apply generally to the counties of the State", is deleted as
24 unnecessary in light of the organization of this revised article.

25 Defined terms: "County" § 33-101
26 "License holder" § 1-101

27 **33-2703. ALLOWING LOITERING ON PREMISES.**

28 (A) PROHIBITED.

29 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE
30 HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS NOT A CONSUMER TO LOITER ON
31 THE PREMISES FOR WHICH THE LICENSE IS ISSUED.

32 (B) MEALS WITHOUT ALCOHOLIC BEVERAGES.

1 **33-2802. PENALTY IMPOSED BY BOARD.**

2 (A) IN GENERAL.

3 THE BOARD MAY SUSPEND A LICENSE OR IMPOSE A FINE NOT EXCEEDING
4 \$4,000 OR BOTH FOR A VIOLATION OF THE ALCOHOLIC BEVERAGE LAWS AFFECTING
5 THE COUNTY.

6 (B) DISPOSITION OF FINES.

7 FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL
8 FUND OF THE COUNTY.

9 REVISOR'S NOTE: This section is new language derived without substantive
10 change from former Art. 2B, § 16-507(y)(2) and (3).

11 In subsection (b) of this section, the reference to "[f]ines" is substituted for the
12 former reference to "[a]ll moneys" for clarity.

13 Former Art. 2B, § 16-507(y)(1), which stated that the provisions of former Art.
14 2B, § 16-507(y) applied only in Worcester County, is deleted as unnecessary
15 in light of the organization of this revised article.

16 Defined terms: "Board" § 33-101
17 "County" § 33-101
18 "License" § 1-101

19 GENERAL REVISOR'S NOTE TO DIVISION II

20 Throughout Division II of this article, former references to the requirement that a
21 holder of a wine festival license may only display and sell wine that is "[p]rice filed in
22 accordance with regulations adopted by the Comptroller" are deleted as obsolete. The price
23 filing requirement was needed for the Comptroller to maintain a post-and-hold system
24 that prescribed how and when liquor wholesalers may change their prices by requiring
25 wholesalers to file a schedule of prices with the Comptroller by a fixed date every month.
26 However, in 2009, the United States Court of Appeals for the Fourth Circuit in TFWS, Inc.
27 v. Franchot, 572 F. 3d 186 (4th Cir. 2009) held the post-and-hold system and its
28 accompanying volume-discount ban to be hybrid restraints on trade and per se violations
29 of the Sherman Act. Consequently, the Comptroller has abandoned both practices.

30 Former Art. 2B, § 11-202, which stated that the hours of sale specified in former Art.
31 2B, §§ 11-301 to 11-303 applied, except as modified by §§ 11-203, 11-304, 11-305, and
32 11-401 through 11-524, is deleted as unnecessary in light of the organization of this revised
33 article. Hours of sale in this article are attached to individual licenses or classes of licenses
34 and appear in Subtitles 6 through 10 and 20 of each title in Division II.

1 Former Art. 2B, § 11–302(e)(1), which stated that the hours of sale for Class H beer
2 and light wine licenses are from 9 a.m. to midnight, is deleted as obsolete. The few
3 jurisdictions that have Class H beer and light wine licenses – Anne Arundel, Caroline,
4 Charles, and Montgomery counties – have different hours of sale, which are specified in the
5 specific titles for those counties.

6 GENERAL REVISOR’S NOTE TO ARTICLE

7 The Department of Legislative Services is charged with revising the law in a clear,
8 concise, and organized manner, without changing the effect of the law. One precept of
9 revision has been that, once something is said, it should be said in the same way every time.
10 To that end, the Alcoholic Beverages Article Review Committee standardized the language
11 and organization of this article not only to achieve internal consistency but also, to the
12 extent possible, conform the language to that of previously enacted revised articles.

13 It is the manifest intent both of the General Assembly and the Alcoholic Beverages
14 Article Review Committee that this bulk revision of the substantive alcoholic beverages law
15 of the State render no substantive change. The guiding principle of the preparation of this
16 article is that stated in *Welch v. Humphrey*, 200 Md. 410, 417 (1952):

17 [T]he principal function of a Code is to reorganize the statutes and state them in
18 simpler form. Consequently, any changes made in them by a Code are presumed to
19 be for the purpose of clarity rather than change of meaning. Therefore, even a change
20 in the phraseology of a statute by a codification thereof will not ordinarily modify the
21 law, unless the change is so radical and material that the intention of the Legislature
22 to modify the law appears unmistakably from the language of the Code. (citations
23 omitted)

24 Accordingly, except to the extent that changes that are noted in Revisor’s Notes
25 clarify the former law, the enactment of this article in no way is intended to make any
26 change to the substantive law of Maryland.

27 Noted below are conventions observed for material revised in this article.

28 The defined term “license holder” is substituted for the word “licensee” to refer
29 to an individual who holds an alcoholic beverages license.

30 Phrases in former Article 2B provisions specifying the jurisdiction to which
31 the provision applies, such as “in Allegany County”, are deleted without comment as
32 unnecessary because the organization of the Alcoholic Beverages Article accords each
33 jurisdiction its own title. Freestanding subsections and paragraphs that specify applicable
34 jurisdictions are deleted with an explanatory Revisor’s Note.

35 The word “regulations” is substituted for former references to “rules and
36 regulations” to distinguish, to the extent possible, between regulations of executive units
37 and rules of judicial or legislative units and to establish consistency in the use of the words.
38 This substitution conforms to the practice of the Division of State Documents.

1 The phrase “per diem license” is used for a license labeled in former Article 2B
2 as a “one-day license” to underscore the fact that such a license may be issued on a
3 day-to-day basis and not necessarily for 1 day only.

4 The rule of statutory construction used in this article and found in § 1-202 of
5 this article follows the common rule in declaring that to the extent that a statement of a
6 general rule of law conflicts or is inconsistent with an exception or a qualification applicable
7 to a special area, particular person, or set of circumstances, the exception or qualification
8 prevails. Division I of this article contains provisions affecting multiple jurisdictions, while
9 Division II of this article contains provisions affecting individual jurisdictions.
10 Consequently, a provision in Division II of this article prevails over a conflicting or
11 inconsistent provision in Division I of this article or a provision in the Tax – General Article
12 relating to alcoholic beverages.

13 Under § 10-203 of this article, the Mayor and City Council of the City of
14 Annapolis have the extraordinary power to adopt regulations that, in their judgment, give
15 the City more effective control of each licensed establishment.

16 Under § 30-103 of this article, the County governing body for Talbot County,
17 unlike the governing body of any other jurisdiction in the State, regulates the retail sale of
18 alcoholic beverages within its territory. A law enacted by the Talbot County governing body
19 prevails over a provision in this article; but, unless the Talbot County governing body
20 enacts a conflicting or inconsistent law regulating the retail sale of alcoholic beverages, a
21 provision in this article remains in effect.

22 In some instances, the staff of the Department of Legislative Services may create
23 “Special Revisor’s Notes” to reflect the substantive effect of legislation enacted during the
24 2016 Session on some provisions of this article.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
26 as follows:

27 **Article – Alcoholic Beverages**

28 24-202.

29 (A) [The County Commissioners sit as the Board] **THE COUNTY**
30 **COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE BOARD.**

31 **(B) EACH MEMBER OF THE BOARD SHALL BE:**

32 **(1) A REGISTERED VOTER OF THE COUNTY DURING THE MEMBER’S**
33 **TERM OF OFFICE; AND**

1 **(2) AN INDIVIDUAL OF GOOD MORAL CHARACTER AND INTEGRITY**
2 **WHO REASONABLY REFLECTS THE CITIZENRY OF THE COUNTY.**

3 **(C) (1) IN THIS SUBSECTION, "DIRECT OR INDIRECT INTEREST" MEANS**
4 **AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN**
5 **OR IN ANY OTHER MANNER.**

6 **(2) A MEMBER OF THE BOARD MAY NOT:**

7 **(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A**
8 **PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

9 **(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS**
10 **WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC**
11 **BEVERAGES;**

12 **(III) OWN STOCK IN:**

13 **1. A CORPORATION THAT HAS A DIRECT OR INDIRECT**
14 **INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR**
15 **SOLD; OR**

16 **2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE**
17 **MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

18 **(IV) HOLD ANY OTHER PUBLIC OFFICE OR EMPLOYMENT; OR**

19 **(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A**
20 **COMMISSION, REMUNERATION, OR GIFT FROM:**

21 **1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE**
22 **OF ALCOHOLIC BEVERAGES; OR**

23 **2. A LICENSE HOLDER.**

24 **(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
25 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

26 **(D) (1) THE TERM OF A MEMBER IS 4 YEARS.**

27 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY**
28 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2016.**

1 **(E) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR**
 2 **THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
 3 **QUALIFIES.**

4 **(F) (1) THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR:**

5 **(I) INCOMPETENCE;**

6 **(II) MISCONDUCT;**

7 **(III) UNPROFESSIONAL CONDUCT;**

8 **(IV) DISHONORABLE CONDUCT; OR**

9 **(V) NEGLIGENCE OF A DUTY REQUIRED BY LAW.**

10 **(2) THE REMOVAL PROCEDURE IS AS PROVIDED IN THIS ARTICLE.**

11 **(G) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

12 **(H) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**
 13 **QUORUM.**

14 **[(b) (I) [Each member of the Board shall receive, in addition to a County**
 15 **Commissioner's salary, \$300 annually for services in acting as a member of the Board] THE**
 16 **CHAIR AND EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$300 ANNUALLY.**

17 24–203.

18 **(A) The Board may[:**

19 **(1)] employ:**

20 **[(i) (1) a secretary;**

21 **[(ii) (2) inspectors[, subject to § 24–204 of this subtitle]; and**

22 **[(iii) (3) WITH THE APPROVAL OF THE COUNTY**
 23 **COMMISSIONERS, clerical and other assistants as are necessary [; and] TO CARRY OUT**
 24 **THE DUTIES OF THE BOARD.**

25 **[(2) (B) (1) THE BOARD SHALL set the compensation of the**
 26 **[employees] SECRETARY AND INSPECTORS.**

1 **(2) THE COUNTY COMMISSIONERS SHALL SET THE SALARY OF THE**
2 **CLERICAL AND OTHER ASSISTANTS, AS PROVIDED IN THE COUNTY BUDGET.**

3 **(C) THE RESTRICTIONS AND PENALTY UNDER § 24-202(C) OF THIS**
4 **SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE**
5 **BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES APPLY TO ALL EMPLOYEES OF THE**
6 **BOARD.**

7 [24-205.

8 Sections 24-201 through 24-203 of this subtitle apply in the County until the Board
9 of County Commissioners passes the resolution for which provision is made by Chapter 236
10 of the Acts of the General Assembly of 1991.]

11 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act, which
12 provides for an alternative Board of License Commissioners in Kent County, does not take
13 effect until the Kent County Commissioners pass a resolution authorizing the change, as
14 provided by Chapter 236 of the Acts of the General Assembly of 1991.

15 SECTION 5. AND BE IT FURTHER ENACTED, That on the effective date of Section
16 3 of this Act, the Kent County Commissioners shall appoint three initial members to the
17 Board of License Commissioners who shall serve initial terms as follows:

18 (1) (i) one member shall serve a term of 4 years;

19 (ii) one member shall serve a term of 3 years; and

20 (iii) one member shall serve a term of 2 years.

21 (2) Thereafter, the terms are 4 years.

22 SECTION 6. AND BE IT FURTHER ENACTED, That it is the intention of the
23 General Assembly that, except as expressly provided in this Act, this Act shall be construed
24 as a nonsubstantive revision and may not otherwise be construed to render any substantive
25 change in the law of the State.

26 SECTION 7. AND BE IT FURTHER ENACTED, That the catchlines, captions,
27 Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act
28 are not law and may not be considered to have been enacted as part of this Act.

29 SECTION 8. AND BE IT FURTHER ENACTED, That nothing in this Act affects the
30 term of office of an appointed or elected member of any commission, board, office,
31 department, agency, or other unit. An individual who is a member of a unit on the effective
32 date of this Act shall remain a member for the balance of the term to which appointed or
33 elected, unless the member sooner dies, resigns, or is removed under provisions of law.

1 SECTION 9. AND BE IT FURTHER ENACTED, That, except as expressly provided
2 to the contrary in this Act, any transaction or employment status affected by or flowing
3 from any change of nomenclature or any statute amended, repealed, or transferred by this
4 Act remains valid after the effective date of this Act and may be terminated, completed,
5 consummated, or enforced as required or allowed by any statute amended, repealed, or
6 transferred by this Act as though the repeal, amendment, or transfer had not occurred. If
7 a change in nomenclature involves a change in name or designation of any State unit, the
8 successor unit shall be considered in all respects as having the powers and obligations
9 granted the former unit.

10 SECTION 10. AND BE IT FURTHER ENACTED, That the continuity of every
11 commission, board, office, department, agency, or other unit is retained. The personnel
12 records, files, furniture, fixtures, and other properties and all appropriations, credits,
13 assets, liabilities, and obligations of each retained unit are continued as the personnel,
14 records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and
15 obligations of the unit under the laws enacted by this Act.

16 SECTION 11. AND BE IT FURTHER ENACTED, That, except as expressly provided
17 in this Act, any person licensed, registered, certified, or issued a permit or certificate by
18 any commission, office, department, agency, or other unit established or continued by any
19 statute amended, repealed, or transferred by this Act is considered for all purposes to be
20 licensed, registered, certified, or issued a permit or certificate by the appropriate unit
21 continued under this Act or the duration of the term for which the license, registration,
22 certification, or permit was issued, and may renew that authorization in accordance with
23 the appropriate renewal provisions of this Act.

24 SECTION 12. AND BE IT FURTHER ENACTED, That this Act does not rescind,
25 supersede, change, or modify any rule adopted by the Court of Appeals that is or was in
26 effect on the effective date of this Act concerning the practice and procedure in and the
27 administration of the appellate courts and the other courts of the State.

28 SECTION 13. AND BE IT FURTHER ENACTED, That the publisher of the
29 Annotated Code of Maryland, in consultation with and subject to the approval of the
30 Department of Legislative Services, shall correct, with no further action required by the
31 General Assembly, cross-references and terminology rendered incorrect by this Act or by
32 any other Act of the General Assembly of 2016 that affects provisions enacted by this Act.
33 The publisher shall adequately describe such correction in an editor's note following the
34 section affected.

35 SECTION 14. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 2016.